



THE BOROUGH COUNCIL OF
NEWCASTLE-UNDER-LYME

CONSTITUTION

OF

THE COUNCIL

CONTENTS

1	Front Page	(Pages 7 - 8)
2	Contents	(Pages 9 - 10)
3	PART 1 - SUMMARY AND EXPLANATION	(Pages 11 - 14)
4	PART 2 - SECTIONS OF THE CONSTITUTION	(Pages 15 - 34)
	Section 1	The Constitution
	Section 2	Members of the Council
	Section 3	Citizens and the Council
	Section 4	The Full Council
	Section 5	Chairing the Council
	Section 6	Scrutiny Committees
	Section 7	The Executive (the Cabinet)
	Section 8	Regulatory and other Committees
	Section 9	The Standards Committee
	Section 10	Locality working
	Section 11	Joint Arrangements
	Section 12	Officers
	Section 13	Principles of Decision Making
	Section 14	Finance, Contracts and Legal Matters
	Section 15	Review and Revision of the Constitution
	Section 16	Suspension, Interpretation and Publication of the Constitution
5	PART 3 - RESPONSIBILITIES	(Pages 35 - 162)

APPENDIX 1	Responsibilities of the Council, its Committees and Sub-Committees ANNEX 1 - Council Functions ANNEX 2 - Terms of Reference
APPENDIX 2	Responsibilities of Cabinet and Members of the Cabinet
APPENDIX 3	Responsibilities of Scrutiny Committees (including Call-In procedure)
APPENDIX 4	Responsibility for functions (including Scheme of Delegations to Officers)
APPENDIX 5	Not used
APPENDIX 6	Not used

6 PART 4 -PROCEDURE RULES

(Pages 163 - 350)

APPENDIX 7	Procedure Rules for Council meetings ANNEX 1 - Rules to ensure Political Balance ANNEX 2 – Rules of debate and accompanying flowchart ANNEX 3 - Appointment and dismissal of senior officers
APPENDIX 8	Procedure Rules for Cabinet ANNEX 1 - Budget and Policy Framework procedure rules
APPENDIX 9	Procedure rules for Committees and Sub-Committees of Council ANNEX 1 - Employees’ Consultative Committee – constitution and function
APPENDIX 10	Procedure Rules for Scrutiny Committees ANNEX 1 - Call-in request form
APPENDIX 11	Access to Information Rules ANNEX 1 - Record of Executive decisions made by individuals
APPENDIX 12	Contract Regulations
APPENDIX 13	Financial Regulations
APPENDIX 14	Anti-fraud and Corruption
APPENDIX 15	ICT Strategy
APPENDIX 16	Not Used

APPENDIX 17	Role of Councillors	
APPENDIX 18	Members' Code of Conduct and Register of Interests ANNEX 1 – Seven principles of Public life ANNEX 2 – Social networking guidance notes Appendix A – blogging quick guide ANNEX 3 – DPI form ANNEX 4 – Dispensations process Appendix A – accompanying form	
APPENDIX 19	Employees Code of Conduct	
APPENDIX 20	Protocol on Member/Officer Relations	
APPENDIX 21	Planning Committee Members' Protocol	
APPENDIX 22	Public participation in planning	
APPENDIX 23	Protocol on gifts and hospitality offered to Members or officers	
APPENDIX 24	Whistleblowing policy	
APPENDIX 25	Councillor Call for Action Protocol	
APPENDIX 26	Media Protocol	
APPENDIX 27	Petition Scheme	
APPENDIX 28	Mayoralty Code of Practice.	
8	PART 6 - MEMBER'S ALLOWANCE SCHEME	(Pages 495 - 504)
9	PART 7 - THE COUNCIL'S MANAGEMENT STRUCTURE	(Pages 505 - 506)
		FIELD_TITLE

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Classification: NULBC UNCLASSIFIED

PART 1 SUMMARY AND EXPLANATION

PART 2 SECTIONS OF THE CONSTITUTION

Section 1	The Constitution
Section 2	Members of the Council
Section 3	Citizens and the Council
Section 4	The Full Council
Section 5	Chairing the Council
Section 6	Overview and Scrutiny Committees
Section 7	The Executive (the Cabinet)
Section 8	Regulatory and other Committees
Section 9	The Standards Committee
Section 10	Locality working
Section 11	Joint Arrangements
Section 12	Officers
Section 13	Principles of Decision Making
Section 14	Finance, Contracts and Legal Matters
Section 15	Review and Revision of the Constitution
Section 16	Suspension, Interpretation and Publication of the Constitution

PART 3 RESPONSIBILITIES

APPENDIX 1	Responsibilities of the Council, its Committees and Sub-Committees ANNEX 1 – Council functions ANNEX 2 – Terms of reference
APPENDIX 2	Responsibilities of Cabinet and Members of the Cabinet
APPENDIX 3	Responsibilities of Scrutiny Committees (including call in procedure)
APPENDIX 4	Responsibility for functions (including Scheme of Delegations to Officers)
APPENDIX 5	Not used
APPENDIX 6	Not used

PART 4 PROCEDURE RULES

APPENDIX 7	Procedure Rules for Council meetings ANNEX 1 – Rules to ensure political balance ANNEX 2 – Rules of debate and accompanying flowchart ANNEX 3 – Appointment and dismissal of senior officers
APPENDIX 8	Procedure Rules for Cabinet ANNEX 1 – Budget and policy framework procedure rules
APPENDIX 9	Procedure Rules for Committees and sub-committees of Council ANNEX 1 – Employees' Consultative Committee – constitution and function
APPENDIX 10	Procedure Rules for Scrutiny Committees ANNEX 1 – Call-in request form
APPENDIX 11	Access to Information Rules ANNEX 1 – Record of executive decisions made by individuals
APPENDIX 12	Contract Procedure Rules
APPENDIX 13	Financial Regulations
APPENDIX 14	Anti-fraud and Corruption
APPENDIX 15	Data Protection/IT Security
APPENDIX 16	Not used

PART 5 CODES AND PROTOCOLS

APPENDIX 17	Role of Councillors
APPENDIX 18	Members' Code of Conduct and register of interests ANNEX 1 – Seven principles of public life ANNEX 2 – Social networking guidance notes Appendix A – blogging quick guide ANNEX 3 – DPI form ANNEX 4 – Dispensations process Appendix A – accompanying form
APPENDIX 19	Employees Code of Conduct
APPENDIX 20	Protocol on Member/Officer Relations
APPENDIX 21	Planning Committee Members' Protocol
APPENDIX 22	Public participation in planning
APPENDIX 23	Protocol on gifts and hospitality offered to Members or officers
APPENDIX 24	Whistleblowing policy
APPENDIX 25	Councillor Call for Action Protocol
APPENDIX 26	Media Protocol
APPENDIX 27	Petition Scheme
APPENDIX 28	Mayoralty Code of Practice

PART 6 MEMBERS' ALLOWANCES SCHEME

PART 7 THE COUNCIL'S MANAGEMENT STRUCTURE

Classification: NULBC UNCLASSIFIED

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PART 1

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 decisions 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.

What's in the Constitution?

The Constitution is made up of 16 sections setting out basic rules and more detailed rules, procedures and protocols.

How the Council operates

The Council is composed of 60 Councillors (also known as elected Members) with a third elected three years in four. Councillors are democratically accountable to residents of their Ward electoral division. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties (**see Appendix 18**).

All Councillors meet together as the Council (also known as Full 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 appoints the Council Leader for a term of 4 years. The Leader appoints the Deputy Leader and up to 7 other Councillors who together form the Cabinet.

HOW DECISIONS ARE MADE

Cabinet Arrangements

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Council Leader and Deputy and up to 7 other Councillors. When major decisions are to be discussed or made, these are published in the Cabinet's Forward Plan (**see**) in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to Full Council to decide.

Scrutiny

There are four thematic scrutiny committees and a Health and Wellbeing Scrutiny Committee, on each of which non-Cabinet members of the Council are entitled to a seat, in accordance with the requirements of political balance.

The scrutiny committees support the work of the Cabinet and the Council as a whole. They carry out detailed investigations into matters of local concern - these lead to reports and recommendations which advise the Cabinet and the Council on its policies, budget and service delivery. The scrutiny process also monitors decisions of the Cabinet. Members can 'call-in' a decision which has been made by Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

The Council's Staff

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. A code of practice governs the relationships between officers and members of the Council (*see Appendix 20*).

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Section 3 of Part 2 of this Constitution. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

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 and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a Mayoral form of Cabinet;
- from the Cabinet's Forward Plan, know what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided; except where, for example, personal or confidential matters are being discussed when there can be lawful exclusion;
- see reports and background papers, and any record of decisions made by the Council and Cabinet; except where, for example, personal or confidential matters are contained when there can be lawful exclusion;
- complain to the Council about any matter which the Council has carried out in the previous 12 months and in respect of which there is no statutory right of appeal;
- complain to the Local Government Ombudsman (LGO) if they think the Council has not followed its procedures properly. However, the LGO will

normally only consider complaints when the Council's own complaints process has been exhausted;

- complain if they have evidence which they think shows that a councillor has not followed the Members' Code of Conduct (**see Appendix 18**); 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. For further information on citizen's rights, please contact the Head of Business Improvement, Central Services and Partnerships.

A statement of the rights of citizens to inspect agendas and reports and attend meetings is set out in Appendix 11 of this Constitution. A copy is available from the Head of Business Improvement, Central Services and Partnerships and from the Reception desk at the Civic Offices, the Guildhall Customer Service Centre and the Kidsgrove Customer Service Centre.

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PART 2

SECTIONS OF THE CONSTITUTION

SECTION 1 – The Constitution

1.1 The Constitution

Legislation requires the Council to prepare a document known as the Constitution which explains how the Council acts. This is the Constitution of the Borough Council of Newcastle-under-Lyme and the Council will act in accordance with the law and this Constitution.

1.2 Purpose of the Constitution

The Council has a Corporate Plan, which contains details of its aims, objectives and targets. The objective of this Constitution is to support the intentions of the Corporate Plan in the most efficient, effective, inclusive, open and accountable manner.

1.3 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 Section 15.

SECTION 2 – Members of the Council

Composition and eligibility

2.1 Composition

The Council will comprise 60 elected Members, otherwise called Councillors. Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

2.2 Eligibility

Only registered voters of the Borough or those living or working there will be eligible to stand for the office of Councillor.

Election and terms of Councillors

2.3 The ordinary election of a third of all Councillors is normally held on the first Thursday in May. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later. Where there is a by-election the term of office will be that of the Councillor replaced.

Roles and functions of all Councillors

2.4 Key roles

All Councillors will:

- (i) collectively set the Council's major plans, strategies and policies and the budget. They will take decisions together where required by law or where the Council considers collective decisions should be taken;
- (ii) individually contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) effectively represent the interests of their ward and of individual constituents;
- (iv) respond to constituents' enquiries and representations, fairly and impartially;
- (v) participate in the governance and management of the Council; and
- (vi) maintain the highest standards of conduct and ethics.

(b) Rights and duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law
- (ii) Councillors will not make public information which is confidential or exempt other than in accordance with the rules of the Council which require prior consultation with the Head of Business Improvement, Central Services and Partnerships, or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Appendix 11 of this Constitution
- (iii) The Borough Council has agreed role descriptions for Councillors and the various office holders in the Borough Council and will keep these under review (**see Appendix 5**).

Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Appendices 13 and 16 of this Constitution.

Allowances

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

Mayor and Deputy Mayor

- 2.5 At the Annual Council meeting in May of each year the Council elects a Councillor to serve as the Council's Mayor. It also appoints a Deputy Mayor.

Where either office becomes vacant the Council will appoint a successor at its next meeting.

A Member of the Cabinet cannot hold either office.

Where both the Mayor and Deputy Mayor are absent from a meeting of the Council, the Council will appoint one of its non-executive Members to preside.

The Deputy Mayor will normally succeed to the Mayoralty in the following year.

SECTION 3 – Citizens and the Council

Citizens' rights

3.1 Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Appendix 10 of this Constitution.

3.2 **Voting and petitions:** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an Elected Mayor form of Constitution.

3.3 Information

Citizens have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Cabinet when key decisions are being considered;
- (iii) find out from the Forward Plan what key decisions will be taken by the Cabinet and when;
- (iv) see reports and background papers, and any records of decisions made by the Council and the Cabinet;
- (v) see reports and background papers, and any records of decisions made by the Council and the Cabinet;
- (vi) inspect the Council's accounts and make their views known to the external auditor;
- (vii) submit petitions in accordance with the Council's petition scheme set out in Appendix 24 of this Constitution.

3.4 Complaints

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme
- (ii) the Local Government Ombudsman after the Council's corporate complaints scheme has been exhausted;

- (iii) the Council's Monitoring Officer about a perceived breach of the Members' Code of Conduct (*see Appendix 13*).

Citizens' responsibilities

- 3.5 Citizens must not be violent, abusive or threatening to Council Members or officers and must not wilfully harm property owned by the Council, Members or officers.

SECTION 4 – The Full Council

Meanings:

4.1 Policy Framework

The policy framework means the following plans and strategies:

- Sustainable Community Strategy
- Corporate Plan
- Licensing Policy
- Enforcement Strategy
- Food Law Enforcement Service Plan
- Gambling Statement of Principles
- Plans and strategies together comprising the Development Plan.

4.2 Budget

The budget includes the allocation of financial resources to various services and projects, proposed contingency funds, the Council Tax base, 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.

4.3 Housing Land Transfer

Under the Leasehold Reform, Housing and Urban Development Act 1993 or the Housing Act 1985.

4.4 Functions of the Full Council

Only the Council will exercise the following functions:

- (i) adopting and changing the Constitution except as has been delegated by the Council save for Executive functions, where the Cabinet may amend the Scheme of Delegation of Executive Powers and the Cabinet Procedure Rules;
- (ii) adopting and approving the policy framework and any of the policies in it and the budget;
- (iii) subject to the urgency procedure contained in the Access to Information Procedure Rules in Appendix 10 of this Constitution, making decisions about any matter in the discharge of a Cabinet 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;

- (iv) appointing the Leader and the Mayor and Deputy Mayor;
- (v) agreeing and/or amending the responsibilities of committees, deciding on their composition and making the initial appointment in each Council year to them in accordance with the statutory rules requiring political proportionality and compliance with the wishes of the political groups;
- (vi) appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (vii) adopting a Members' allowances scheme;
- (viii) changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough
- (ix) confirming the appointment of the Head of Paid Service, the Monitoring Officer and the Section 151 Officer and if appropriate, their dismissal;
- (x) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (xi) 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;
- (xii) adopting the Code of Conduct for Members;
- (xiii) all other matters which, by law, must be reserved to Council.

4.5 Council meetings

There are three types of Council meeting:

- (i) the annual meeting;
- (ii) ordinary meetings;
- (iii) extraordinary meetings

which will be conducted in accordance with the Council's Procedure Rules which are set out in Part 4 of this Constitution.

4.6 Responsibility for functions

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

SECTION 5 – Chairing the Council

Roles and functions of the Mayor

The Mayor and in his or her absence, the Deputy Mayor will have the following roles and functions:

(a) Ceremonial Role

The Mayor is the first citizen of the Borough and shall take precedence in the Borough. The Mayor will represent the Borough at civic functions both locally and nationally and will fulfil all the traditional ceremonial functions of the Mayor of this 'Loyal and Ancient Borough'.

(b) Chairing the Council Meeting

The Mayor and Deputy Mayor will be elected by the Council annually. The Mayor (and in his or her absence the Deputy Mayor) will have the following responsibilities:

- (i) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (ii) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Cabinet and do not hold committee chairs are able to hold the Cabinet and committee chairs to account;
- (iv) to promote public involvement in the Council's activities;
- (v) to attend such civic and ceremonial functions as the Council and he/she consider to be appropriate;
- (vi) to determine any matter referred to him/her requiring an urgent decision under the Urgency procedures set out in this Constitution
- (vii) to be consulted on any matter where consultation with the Mayor is required under this Constitution.

SECTION 6 –Scrutiny Committees

6.1 Terms of reference

The Council will appoint the scrutiny committees set out in Part 4 of this Constitution to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000.

These committees are collectively referred to in this Constitution as scrutiny committees.

The scrutiny committees will have the right to form such panels and sub-committees to carry out these functions as they consider appropriate.

6.2 **General role**

Within their terms of reference, the scrutiny committees will:

- (i) assist and advise on the development of new policy or reviewing current policy;
- (ii) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (iii) make reports and/or recommendations to the Full Council and/or the Cabinet and/or any policy, joint or area committee in connection with the discharge of any functions;
- (iv) consider any matter affecting the area or its inhabitants; and
- (v) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet and/or any policy or area committees.

6.3 **Specific Functions**

Within their terms of reference the scrutiny committees may:

- (i) Ensure that overview and scrutiny activity focuses on the Council's corporate priorities as set out in the Corporate Plan.
- (ii) Achieve an understanding of the relevant policy framework documents to enable them to become involved in policy development
- (iii) Conduct research, and consult with the community, on the analysis of policy issues and options available to the Council; consider and implement mechanisms to encourage and enhance community participation and a user focus in overview and scrutiny. They may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and may wish to invite such people to attend;
- (iv) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions within their terms of reference. This will include assessing the effectiveness of decisions and activities in these areas and scrutinising performance;
- (v) In accordance with agreed protocols and procedures, consult or question members of the Cabinet, the Chief Executive, Executive Directors and senior officers (accompanied by other officers as appropriate), and others with a 'duty to co-operate' about their views on specified issues and proposals affecting the area and 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;
- (vi) Make reports and/or recommendations to Full Council and/or the Cabinet in connection with the discharge of any Council functions;
- (vii) review and scrutinise the performance of other bodies in the area and invite reports from them by requesting them to address the scrutiny committees about their initiatives and performance, to ensure that the interests of local people are enhanced by collaborative working. Make reports and/or

recommendations to public service providers, including those with a duty to cooperate. Insofar as their actions relate to functions or service delivery connected with the Authority;

- (viii) question and gather relevant evidence from any person (with their consent) with knowledge of the topic under investigation, including appointing advisers and assessors to assist them in the overview and scrutiny process. They may pay any advisers, assessors and witnesses a reasonable fee;
- (ix) establish ad hoc scrutiny working parties to investigate specific topics on behalf of the Committee on a time limited basis;

6.4 Proceedings of scrutiny committees

The scrutiny committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

SECTION 7 – the Executive (the Cabinet)

7.1 Role

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

7.2 Form and composition

The Executive will be called the Cabinet and will consist of the Leader appointed by the Council together with at least 2, but not more than 9, Councillors as the Leader may determine. Within these limits, the exact size of the Cabinet will be decided by the Leader.

Only Borough Councillors may be appointed to the Executive and there may be no co-optees and no deputies or substitutes for Executive members.

7.3 Leader and Cabinet Members

- (1) The Leader will be a Councillor elected to the position of Leader by the Council, normally at its annual meeting. The Leader shall hold office for a period of 4 years starting on the day of his/her election and ending on the day of the post-election annual meeting.
- (2) The Leader shall appoint a Deputy Leader and such other members of the Cabinet as he/she thinks fit (subject to paragraph 7.2 above).
- (3) The Leader, Deputy Leader and Cabinet Members shall continue to hold office:
 - (a) (In the case of the Deputy Leader and Cabinet Members) at the discretion of the Leader
 - (b) (In the case of the Leader) unless he/she is removed by a resolution of full Council (and the Leader may not be removed from office except by such resolution):

- (c) Unless they resign from the office; or
- (d) Unless they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (e) Unless they are no longer a Councillor.

7.4 Deputy Leader

The Deputy Leader (or in his/her absence the remaining Cabinet Members) may act if the Leader is unable to act or if the post of the Leader is vacant.

7.5 Proceedings of the Cabinet

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

7.6 Responsibility for functions

All Cabinet decisions will be taken by the Cabinet acting collectively except:

- (a) when the Cabinet has made a decision in principle it may authorise the Leader or the Portfolio Holder with responsibility to finalise outstanding details in agreements with the appropriate Executive Director;
- (b) when a decision regarding a Cabinet function requires attention as a matter of such urgency that formal reporting to Cabinet is not possible, the Leader or the Chief Executive or the Section 151 Officer or the Monitoring Officer or the appropriate Executive Director may take that decision in consultation with a member of Cabinet (not being the Leader in the case of a Leader decision)
- (c) when the Leader has arranged for a Cabinet function to be discharged by a Cabinet committee consisting of Members of the Cabinet or a single Member or an officer or by way of joint or local arrangements. Advisory panels may have more Cabinet members but do not exercise Executive power.

The Leader will maintain a list in Part 3 of this Constitution (Scheme of Delegation) setting out which Cabinet committees, Cabinet members, officers or joint or local arrangements are responsible for the exercise of particular Cabinet functions.

SECTION 8 – Regulatory and other committees

The Council will appoint the committees set out in Part 3 of this Constitution to discharge the functions described in the table.

The Council will appoint such other committees as it considers are needed to exercise any of its functions and take those decisions which are not the responsibility of the Cabinet.

SECTION 9 – The Standards Committee

9.1 Composition

The Committee comprises 8 members, who may **not** be members of the Executive. The Independent Person(s) do not attend meetings of the Committee. If any business of the Committee relates to a Parish matter, then a representative from the relevant Parish Council will be invited to attend.

9.2 Role and Function

The Standards Committee will have the following roles and functions:

- promoting and maintaining high standards of conduct by Members
- monitoring the operation of the Members' Code of Conduct;
- advising the Council on the adoption or revision of the Members' Code of Conduct
- to oversee the effectiveness of the Council's procedures for investigating and responding to complaints of breaches of the Members' Code of Conduct
- to interview and make recommendations to Council on the appointment of Independent Person(s) in accordance with the requirements of the Localism Act 2011
- to deal with complaints of alleged breaches of the Code of Conduct which the Monitoring Officer, in consultation with the Independent Person(s), considers warrant detailed consideration and to make final recommendations thereon
- to advise, train or arrange to train Members and Independent Person(s) on matters relating to the Members' Code of Conduct;
- to consider requests from Members to grant dispensations from being precluded from participation in a meeting (**see form annexed to Appendix 13**)
- to oversee, review and make any recommendations on the effectiveness and operation of the Constitution and any of the provisions of it
- an overview of complaints handling and Local Government Ombudsman investigations.

SECTION 10 – Locality working

Newcastle Partnership and Locality Action Partnerships (LAPs)

Newcastle-under-Lyme Borough Council is committed to working in partnership with local communities and has agreed the establishment of the Newcastle Partnership and 11 Locality Action Partnerships. Newcastle-under-Lyme Borough Council is the accountable body for the Newcastle Partnership and Locality Action Partnerships.

Newcastle Partnership – Better Together

The Newcastle Partnership is the overarching strategic partnership for the Borough of Newcastle-under-Lyme in Staffordshire.

The Newcastle Partnership Strategic Board will act as the Responsible Authority as defined by the Crime and Disorder Act 1998.

Locality Action Partnerships

The Newcastle Partnership introduced LAPs to increase the involvement of local people and communities with their partners in issues that affect their local area and impact on their quality of life.

Working arrangements currently in draft include:

Newcastle Partnership (including LAPs) Constitution (and appendices)
Newcastle Partnership Strategic Board Responsibilities
Newcastle Partnership Structure Diagram
Newcastle Partnership Roles and Responsibilities
Locality Action Partnership Definition and Responsibilities

A number of additional working arrangements will be developed to ensure effective accountability and governance processes are in place.

SECTION 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 its area, may:

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

11.2 Joint arrangements

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.

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.

Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.

The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:

- (a) the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for an [electoral division] [ward] which is wholly or partly contained within the area;
- (b) in this case the political balance requirements do not apply to such an appointment.

Details of any joint arrangements including any delegations to joint committees will be found in Part 3 of this Constitution.

11.3 Access to information

The Access to Information Rules in Appendix 10 of this Constitution shall apply.

If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its Access to Information regime is the same as that applied to the Cabinet.

If the joint committee contains members who are not on the Cabinet of any participating authority then the Access to Information Rules in the Local Government Act 1972 will apply.

11.4 Delegation to and from other local authorities

The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, the Cabinet of another local authority.

The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

SECTION 12 - Officers

Management structure

12.1 **General**

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

12.2 **Chief Officers**

The Borough Council may engage such Chief Officers with departmental or service responsibilities as it considers necessary and may from time to time vary the number, designation and areas of responsibility of the posts of Chief Officer.

NOTE: The following officers are currently the Chief Officers of the Borough Council:

Chief Executive

Executive Director (Resources and Support Services)

Executive Director (Operational Services)

Executive Director (Regeneration and Development Services)

Head of Paid Service, Monitoring Officer and Chief Financial Officer - the Council designates these posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Audit Manager	Monitoring Officer
Executive Director (Resources and Support Services)	Chief Finance Officer

Such posts will have the functions described below.

12.3 **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.4 **Functions of the Head of Paid Service**

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.

Restrictions on functions

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

12.5 **Functions of the Monitoring Officer**

Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

Ensuring lawfulness and fairness of decision making

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

Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

Receiving Reports

The Monitoring Officer will receive and act on reports made by investigating officers and decisions on Standards matters.

Conducting investigations

The Monitoring Officer will conduct investigations into matters in accordance with the adopted Arrangements and make reports or recommendations in respect of them to the Standards Committee.

Proper Officer for access to information

The Monitoring Officer will 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.

Advising whether Cabinet decisions are within the budget and policy framework

The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

Providing advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

Restrictions on posts

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

The Monitoring Officer may appoint in writing deputies as he or she considers appropriate.

12.6 Functions of the Chief Finance Officer

Ensuring lawfulness and financial prudence of decision making

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

Administration of financial affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

Contributing to corporate management

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

Providing advice

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise Councillors and officers in their respective roles.

Give financial information

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

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

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

Conduct

Officers will comply with the Council's policies including the Protocol on Officer/Member Relations set out in this Constitution.

Employment

The recruitment, selection and dismissal of officers will comply with the Rules set out in the Recruitment and Selection Policy and the Disciplinary Procedure.

12.7 Returning Officer

The Chief Executive has been appointed by the Council as the Returning Officer for Council Elections. The Returning Officer has the power to appoint deputies who may act in his absence.

SECTION 13 - Principles of Decision Making

13.1 Principles of decision making

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

- (i) Having due regard to all relevant and material considerations and without regard to any irrelevant considerations;
- (ii) Where appropriate, the realistic evaluation of alternatives;
- (iii) Proportionality (i.e. the action must be proportionate to the desired outcome or any perceived harm)
- (iv) Due consultation and the taking of professional advice from officers;
- (v) Respect for human rights and equalities;
- (vi) A presumption in favour of openness;
- (vii) Clarity of aims and desired outcomes; and
- (viii) Reasons being given for the decision.

13.2 Types of decision

Decisions reserved to Full Council

Decisions relating to the functions listed in Section 4 of this Constitution as functions of the Full Council will be made by the Full Council and not delegated.

Key decisions

A key decision is a decision by or on behalf of the Cabinet which is likely:

- (a) To result in the Borough Council incurring expenditure or making savings of an amount which is significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) To be significant in terms of its effects on communities living or working in an area comprising two or more electoral wards in the Borough.

It is for the Authority to determine what is significant. For the Borough of Newcastle-under-Lyme the definition is that it will result in the Council incurring expenditure or making a saving to the value of £50,000 or more.

But a decision will not be a key decision if it is:

- (a) to give effect to a provision of the Council's Budget or Policy Framework and, where appropriate, for which financial provision has been made; or
- (b) to implement nationally or locally agreed pay awards for officers in accordance with the terms of such award; or
- (c) expenditure incurred by the Executive Director (Resources and Support Services) in the exercise of Treasury Management powers delegated to him; or

- (d) expenditure incurred by the Chief Executive in the exercise of powers delegated to him relating to an emergency or disaster to which Section 138 of the Local Government Act 1972 applies; or
- (e) The making of savings by way of the closure or discontinuance of a Council service or part of a service to meet a budgetary constraint.

The Cabinet or an officer acting under delegated powers may only make a key decision in accordance with the requirements of the Council Procedure Rules set out in Part 4 of this Constitution.

13.3 Decision making by the Full Council

The Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.4 Decision making by the Cabinet

The Cabinet will follow the Council Procedures Rules set out in Part 4 of this Constitution, which apply to the Cabinet when considering any matter.

13.5 Decision making by scrutiny committees

Scrutiny committees will follow the Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

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

Other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution which apply to them.

13.7 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.

SECTION 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

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

14.3 Legal proceedings

The Head of Business Improvement, Central Services and Partnerships is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests or to take other action where this is necessary to give effect to decisions of the Council or in any case where he/she considers that it is necessary to protect or further the Council's interests.

14.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive, the Executive Director (Resources and Support Services) or the Head of Business Improvement, Central Services and Partnerships or other person duly authorised by one of these, unless any enactment otherwise authorises or requires, or the Council has given sole requisite authority to some other person.

Any contract with a value exceeding £50,000 entered into on behalf of the local authority in the course of the discharge of its functions shall be made in writing. Such contracts must either be signed by the Chief Executive, the Executive Director (Resources and Support Services) or the Head of Business Improvement, Central Services and Partnerships (the authorised officers) or made under the Common Seal of the Council attested by (a) the Mayor or another elected Councillor and (b) one of the authorised officers.

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Business Improvement, Central Services and Partnerships. A decision of the Council, a Committee, the Cabinet, or an officer acting under delegated powers, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Business Improvement, Central Services and Partnerships should be sealed. The affixing of the Common Seal will be attested by the Mayor or another elected Councillor and the Head of Business Improvement, Central Services and Partnerships or some other person authorised by him/her.

SECTION 15 - Review and Revision of the Constitution

15.1 Duty to monitor and review the Constitution

The Chief Executive and the Monitoring Officer will monitor and report to the Council from time to time on the Constitution adopted by the Council and will make recommendations of ways in which it could be amended in order better to achieve the purposes set out in Section 1.

In undertaking this task the Monitoring Officer may:

- (i) observe meetings of different parts of the member and officer structure;
- (ii) undertake an audit trail of a sample of decisions;
- (iii) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
- (iv) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

Before making any recommendations or suggesting amendments to the Constitution, the Monitoring Officer will consult the appropriate scrutiny committee and the Executive.

15.2 Changes to the Constitution

Approval

Changes to the Constitution will only be approved by the Full Council after consideration of the proposal by the Monitoring Officer, save that the Monitoring Officer may make consequential changes to the Constitution to reflect resolutions of the Council or Cabinet or decisions properly made under delegated powers and changes of fact and law subject to regular notification of Members to such changes.

Change from a Leader and Cabinet form of Executive to another form of governance

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

Changes to the Appendices

Changes to the appendices to this Constitution and to any of their provisions may be made as provided for in the Appendices or at any time by the Full Council.

SECTION 16 – Suspension, Interpretation and Publication of the Constitution

16.1 Suspension of the Constitution

Limit to suspension

The Sections of this Constitution may not be suspended. Any provision of the Appendices may be suspended to the extent permitted therein and by the law.

Procedure to suspend

The suspension of any provision of the Appendices shall be effected as set out therein. 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 Section 1.

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 Section 1. Any reference to words denoting the masculine or feminine gender shall be deemed also to include reference to the feminine.

Publication

The Head of Business Improvement, Central Services and Partnerships will make a copy of this Constitution available to each Member of the authority upon delivery to him/her of that individual's Declaration of Acceptance of Office on the Member first being elected to the Council.

The Head of Business Improvement, Central Services and Partnerships will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

The Head of Business Improvement, Central Services and Partnerships will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

Updated November 2014

APPENDIX 1

RESPONSIBILITIES OF THE COUNCIL

By law there are functions which only the Council can deal with. They largely relate to the budget, to overarching policy and regulatory matters. The Cabinet is not allowed to decide in those areas, although it may give its views on the budget and policy framework. The Council may delegate the decision making in most (but not all) matters to a committee or officer (but not an individual Member) on such terms as it wishes, including terms as to onward delegation.

	FUNCTION	EXERCISED BY
(1)	All matters of any nature whatsoever which are not Executive Functions	Full Council except as set out in the Scheme of Delegation to committees and officers

Matters which have not or cannot be delegated and are therefore the responsibility of Full Council:

1. Electoral

- (a) Appointing a Returning Officer for local government elections
- (b) Dividing the constituency into polling districts
- (c) Exercising powers in respect of holding elections
- (d) Appointing an Electoral Registration Officer
- (e) Making decisions concerning district boundaries, electoral divisions, wards or polling districts.

2. Constitutional

- (a) Adopting and clarifying the Constitution (except for consequential changes to be made by the Monitoring Officer as set out at Section 15.2 of the Constitution)
- (b) Appointing and removing the Leader of the Council
- (c) Appointing and removing the Mayor, Deputy Mayor and Chairs and Vice Chairs of committees
- (d) Agreeing and/or amending the terms of reference of committees, deciding on their composition and making appointments to them subject to the Local Government (Committees and Political Groups) Regulations 1990. In the event of changes to political balance, the Chief Executive shall have the authority to amend the appointments to comply with the rules of political balance in accordance with the wishes of the Group Leaders

- (e) Adopting the Council's Code of Conduct
- (f) To agree and amend the Council's policy framework set out at Section 4 of the Constitution:
 - Sustainable Community Strategy
 - Corporate Plan
 - Licensing Policy Statement
 - Enforcement Strategy
 - Food Law Enforcement Service Plan
 - Gambling Statement of Principles

and to make decisions about any matter in the discharge of an Executive function where the decision maker is minded to make it in a manner which would be contrary to or not wholly in accordance with the policy framework

- (g) Appointing representatives to outside bodies unless the appointment is an Executive function
- (h) Adopting a Members' Allowances Scheme following advice from an independent remuneration panel
- (i) Changing the name of the area
- (j) To confer the title of Honorary Alderman or Freedom of the Borough
- (k) Making, amending, revoking or enacting or adopting by-laws and promoting or opposing the making of local legislation or personal bills in Parliament.

3. Financial Provision

- (a) The adoption, approval or amendment of a budget, any supplementary estimates and any plan or strategy for the control of the Council's borrowing or expenditure
- (b) Setting of Council Tax
- (c) The making of decisions about any matter in the discharge of an Executive function where the decision maker is minded to make it in a manner which would be contrary to or not wholly in accordance with the budget.

4. Service Provision

- (a) Authorising applications to the Secretary of State for the transfer of housing land
- (b) Considering matters referred to it by Cabinet, committee or in some other manner (but matters which are by law Cabinet functions cannot be determined).

5. Reporting

- (a) Considering the Head of Paid Service's report in accordance with Section 4 of the Local Government and Housing Act 1989
- (b) Considering the Monitoring Officer's report in accordance with Section 5 of the Local Government and Housing Act 1989 and/or in respect of a finding of the Local Government Ombudsman
- (c) Approving any draft plans and strategies which require Ministerial approval
- (d) Considering the Chief Financial Officer's report in accordance with Section 115 of the Local Government and Finance Act 1988
- (e) Considering the external auditor's public interest report.

6. Staffing

- (a) Confirming the appointment of and dismissal of the Head of the Paid Service, Chief Financial Officer and Monitoring Officer and other officers as set out in Annex 3 of Appendix 6
- (b) To designate the posts of Head of the Paid Service, Chief Financial Officer and Monitoring Officer.

7. All other matters which by law must be reserved to the Council.

The above sets out those functions which have not or cannot be delegated by Council to its committees or officers.

Annex 1 sets out the statutory list of functions which are non-Executive.

Updated November 2014

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APPENDIX 1 (ANNEX 1)

These are Council functions by law (see Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) (Regulations) 2001). The functions listed are not all district council functions. However, if the Council acts as agent for the County Council in respect of a County function the Regulations apply in the same way as for other functions. Many of these Council functions will have been delegated to a committee or an officer and those delegations are specified below.

A. FUNCTIONS RELATING TO TOWN AND COUNTRY PLANNING AND DEVELOPMENT CONTROL

	FUNCTION	LEGISLATION
1	Power to determine applications for planning permission	Sections 70(1)(a) and (b) and 72, Town and Country Planning Act (T&CPA)1990
2	Power to determine applications to develop land without compliance with conditions previously attached	Section 73, T&CPA 1990
3	Power to grant planning permission for development already carried out	Section 73A, T&CPA 1990
4	Power to decline to determine application for planning permission	Section 70A, T&CPA 1990
5	Duties relating to the making of determinations of planning applications	Sections 69, 76 and 92 T&CPA 1990 and Articles 8, 10-13, 15-22, 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 and Directions made thereunder
6	Power to determine application for planning permission made by a local authority, alone or jointly with another person/body	Section 316, T&CPA 1990 and the Town and Country Planning General Regulations 1992
7	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6,7,11,17,19,29,21-24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995
8	Power to enter into agreement regulating development or use of land	Section 106, T&CPA 1990
9	Power to issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) T&CPA 1990
10	Power to serve a completion notice	Section 94(2), T&CPA 1990
11	Power to grant consent for the display of advertisements	Section 220, T&CPA 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
12	Power to authorise entry on to land	Section 196A, T&CPA 1990
13	Power to require the discontinuance of a use of land	Section 102, T&CPA 1990

14	Power to serve a planning contravention notice, breach of condition notice or stop notice	Section 171C, 187A and 183(1), T&CPA 1990
15	Power to issue a temporary stop notice	Section 171E, T&CPA 1990
16	Power to issue an enforcement notice	Section 172, T&CPA 1990
17	Power to apply for an injunction restraining a breach of planning control	Section 187B, T&CPA 1990
18	Power to determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
19	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6)(a) of Schedule 12 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act
20	Power to require proper maintenance of land	Section 215(1), Town and Country Planning Act 1990
21	Power to determine application for listed building consent, and related powers	Sections 16(1) & (2), 17, 27(2) and 33(1), Planning (Listed Buildings and Buildings in Conservation Areas) (LB&BCA) Act 1990
22	Power to determine applications for conservation area consent	Section 16(1), Planning (LB&BCA) Act 1990, as applied by Section 74(3) of that Act
23	Duties relating to applications for listed building consent and Conservation Area consent	Sections 13(1) and 14(1), Planning (LB&BCA) Act 1990 and Regulations 3-6 and 13, Town and Country Planning (LB&BCA) Regulations 1990 and paragraphs 8,15 and 22 of Department of the Environment Circular 14/97
24	Power to serve a building preservation notice, and related powers	Sections 3(1) and 4(1), Planning (LB&BCA) Act 1990
25	Power to issue enforcement notice in relation to demolition of unlisted building in a Conservation Area	Section 38, Planning (LB&BCA) Act 1990
26	Power to acquire a listed building in need of repair and power to serve a repairs notice	Sections 47 and 48, Planning (LB&BCA) Act 1990
27	Power to apply for an injunction in relation to a listed building	Section 44A, Planning (LB&BCA) Act 1990 (b)
28	Power to execute urgent works	Section 54, Planning (LB&BCA) Act 1990

B. LICENSING AND REGISTRATION FUNCTIONS
(INSOFAR AS NOT COVERED BY ANY OTHER PARAGRAPH)

	FUNCTION	LEGISLATION
1	Power to issue licences authorising the use of land as a caravan site ('site licences')	Section 3(3), Caravan Sites and Control of Development Act 1960
2	Power to licence the use of moveable dwellings and campsites	Section 269(1), Public Health Act 1936
3	Power to licence hackney carriages	Town Police Clauses Act 1847, as extended by Section 171 of the Public Health Act 1875, and Section 15 of the Transport Act 1985, and Sections 47,57,58,60 & 79 of the Local Government (Miscellaneous Provisions) Act 1976
4	Power to licence private hire vehicles	Sections 47,57,58,60 & 79 of the Local Government (Miscellaneous Provisions) Act 1976
5	Power to licence drivers of hackney carriages and private hire vehicles	Sections 47,57,58,60 & 79 of the Local Government (Miscellaneous Provisions) Act 1976
6	Power to licence operators of hackney carriages and private hire vehicles	Sections 55-58, 62 & 79 of the Local Government (Miscellaneous Provisions) Act 1976
7	Power to register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (as saved for certain purposes by the Gambling Act Order)
8	Power to grant track betting licences	Schedule 3 to the Betting, Gaming and Lotteries Act 1963[as saved for certain purposes by the Gambling Act Order]
9	Power to licence inter-track betting schemes	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by the Gambling Act Order]
10	Power to grant permits in respect of premises with amusement machines	Schedule 9 of the Gaming Act 1968 [as saved for certain purposes by the Gambling Act Order]
11	Power to register societies promoting lotteries	Schedule 1 of the Lotteries and Amusements Act 1976 (c.32) (as saved for certain purposes by the Gambling Act Order)

12	Power to grant permits in respect of premises where amusements with prizes are provided	Schedule 3 of the Lotteries and Amusements Act 1976 (c) [as saved for certain purposes by the Gambling Act Order].
13	Functions relating to licensing	Sections 5 to 8 of the Licensing Act 2003
14	Duty to comply with requirement to provide information to the Gambling Commission	Section 29 of the 2005 Act
15	Functions relating to the exchange of information	Section 39 of the 2005 Act
16	Functions relating to occasional use notices	Section 39 of the 2005 Act
17	Power to resolve not to issue casino licences	Section 166 of the 2005 Act
18	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the 2005 Act
19	Power to make order disapplying Sections 279 or 282(1) of the 2005 Act in relation to specified premises	Section 284 of the 2005 Act
20	Power to institute criminal proceedings	Section 346 of the 2005 Act
21	Power to exchange information	Section 350 of the 2005 Act
22	Functions relating to the determination of fees for premises licences	The Gambling (Premises Licence fees) (England and Wales) Regulations 2007 (SI 2007/479)
23	Functions relating to the registration of small society lotteries	Part 5 of Schedule 11 to the 2005 Act
24	Power to licence Sex Shops and Sex Cinemas	The Local Government (Miscellaneous Provisions) Act 1982, Section 2 and Schedule 3
25	Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis. cosmetic piercing and skin colouring	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982. Section 120, Local Government Act 2003
26	Power to licence pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
27	Power to licence market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 and Section 6 of the London Local Authorities Act 1994.
28	Duty to keep list of persons entitled to sell non-medicinal poisons	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972
29	Power to licence dealers in game and the killing and selling of game	Sections 5, 6, 17, 18 and 21-23 of the Game Act 1831; Sections 2-16 of the Game Licensing Act 1860, Section 4 of the Customs and Inland Revenue Act 1883, Sections 12(3) and 27 of the Local Government Act 1874, and Section 213 of the Local Government Act 1972

30	Power to register and licence premises for the preparation of food	Section 19 of the Food Safety Act 1990
31	Power to licence scrap yards	Section 1, Scrap Metal Dealers Act 1964
32	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sport Grounds Act 1975
33	Power to licence premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
34	Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 195; Section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964 and 1970; Section 1 of the Breeding of Dogs Act 1973, and Sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
35	Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
36	Power to licence zoos	Section 1 of the Zoo Licensing Act 1981
37	Power to licence dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
38	Power to licence knackers' yards	Section 4 of the Slaughterhouses Act 1974 and the Animal By-products Order 1999
39	Power to licence the employment of children	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963
40	Power to approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995
41	Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) of, or para. 6(4) of Schedule 3 to, the Acquisition of Land Act 1981; or (b) an order under Section 147 of the Inclosure Act 1845.	Regulation 6 of the Commons Registration (New Land) Regulations 1969.
42	Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966
43	Power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993

44	Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
45	Power to licence agencies for the supply of nurses	Section 2 of the Nurses Agencies Act 1957
46	Power to issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995
47	Power to licence the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
48	Power to licence collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
49	Power to issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998
50	Power to grant permission for provision etc. of services, amenities, recreation and refreshment facilities on highway and related powers	Sections 115E, 115F and 115K of the Highways Act 1980
51	Power to permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
52	Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980
53	Power to licence planting, retention and maintenance of trees etc. in part of highway	Section 142 of the Highways Act 1980
54	Power to authorise erection of stiles etc. on footpaths or bridleways	Section 147 of the Highways Act 1980
55	Power to licence works in relation to buildings etc. which obstruct the highway	Section 169 of the Highways Act 1980
56	Power to consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
57	Power to dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
58	Power to restrict the placing of rails, beams etc. over highways	Section 178 of the Highways Act 1980
59	Power to consent to construction of cellars etc. under street	Section 179 of the Highways Act 1980
60	Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators	Section 180 of the Highways Act 1980
61	Power to sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
62	Power to approve meat product premises	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994
63	Power to approve premises for the production of minced meat or meat preparations	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995
64	Power to approve dairy establishments	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995
65	Power to approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993
66	Power to issue licences to retail butchers' shops carrying out commercial operations in	Schedule 1A to the Food Safety (General Food

	relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods	Hygiene) Regulations 1995
67	Power to approve fish products premises	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
68	Power to approve dispatch or purification centre	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
69	Power to register fishing vessels on board which shrimps or molluscs are cooked	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
70	Power to approve factory vessels and fishery product establishments	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
71	Power to register auction and wholesale markets	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
72	Duty to keep register of food business premises	Regulation 5 of the Food Premises (Registration) Regulations 1991
73	Power to register food business premises	Regulation 9 of the Food Premises (Registration) Regulations 1991
74	Power to register premises or stalls for the sale of goods by way of competitive bidding	
75	Power to licence persons to collect for charitable and other causes	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and Section 2 of the House to House Collections Act 1939
76	Power to register Motor Salvage Operators	Vehicles (Crime) Act 2001 and Motor Salvage Operators Regulations 2002
77	Power to grant licences	Scrap Metal Dealers Act

C. FUNCTIONS RELATING TO HEALTH AND SAFETY AT WORK

	FUNCTION	LEGISLATION
1	Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974

D. FUNCTIONS RELATING TO ELECTIONS

	FUNCTION	LEGISLATION
1	Duty to appoint an electoral registration officer	Section 8(2) of the Representation of the People Act 1983
2	Power to assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983
3	Functions in relation to the parishes and parish councils	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part
4	Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972
5	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
6	Duty to appoint returning officer for local government elections	Section 35 of the Representation of the People Act 1983
7	Duty to provide assistance at European Parliamentary elections	Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978
8	Duty to divide constituency into polling districts	Section 18 of the Representation of the People Act 1983
9	Power to divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983
10	Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983
11	Power to pay expenses properly incurred by electoral registration officers	Section 54 of the Representation of the People Act 1983
12	Power to fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1983
13	Duty to declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972
14	Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972
15	Power to make temporary appointments to parish councils	Section 91 of the Local Government Act 1972
16	Power to submit proposals to the Secretary of State for an order under Section 10 (Pilot Schemes for Local Elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000
17	Duty to consult on a change of scheme for elections	Sections 33920, 38(2) and 40(2) of the 2007 Act

18	Duties relating to publicity	Sections 35, 41 & 42 of the 2007 Act
19	Duties relating to notice to Electoral Commission	Sections 36 and 42 of the 2007 Act
20	Power to alter years of ordinary elections of parish councillors	Section 53 of the 2007 Act

E. FUNCTIONS RELATING TO NAME AND STATUS OF AREAS AND INDIVIDUALS

	FUNCTION	LEGISLATION
1	Power to change the name of a county, district or London borough	Section 74 of the Local Government Act 1972
2	Power to change the name of a parish	Section 75 of the Local Government Act 1972
3	Power to confer title of honorary alderman or to admit to be an honorary freeman	Section 249 of the Local Government Act 1972
4	Power to petition for a charter to confer borough status	Section 245b of the Local Government Act 1972

E(A) FUNCTIONS RELATING TO CHANGING GOVERNANCE ARRANGEMENTS

	FUNCTION	LEGISLATION
1	Duty to draw up proposals	Section 33E(2) of the 2000 Act
2	Duty to consult prior to drawing up proposals	Section 33E(6) of the 2000 Act
3	Duty to implement new governance arrangements	Sections 33G and 33H of the 2000 Act
4	Duty to comply with direction given by the Secretary of State	Section 33I of the 2000 Act
5	Duty to hold referendum	Section 33K(2) of the 2000 Act
6	Duty to publish notice if proposals not approved in referendum	Section 33K(6) of the 2000 Act
7	Duty to obtain written consent of elected mayor	Section 33N of the 2000 Act

E(B) FUNCTIONS RELATING TO COMMUNITY GOVERNANCE

	FUNCTION	LEGISLATION
1	Duties relating to community governance reviews	Section 79 of the 2007 Act
2	Functions relating to community governance petitions	Sections 80, 83 to 85 of the 2007 Act
3	Functions relating to terms of reference of review	Sections 81(4) to (6)
4	Power to undertake a community governance review	Section 82 of the 2007 Act
5	Functions relating to making of recommendations	Sections 87 to 92 of the 2007 Act
6	Duties when undertaking review	Section 93 to 95 of the 2007 Act
7	Duty to publicise outcome of review	Section 96 of the 2007 Act
8	Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the 2007 Act
9	Power to make agreements about incidental matters	Section 99 of the 2007 Act

F. POWER TO MAKE, AMEND, REVOKE, RE-ENACT OR ENFORCE BYELAWS

	FUNCTION	LEGISLATION
1	Any provision of any enactment (including a local Act), whenever passed, and Section 14 of the Interpretation	

F(A) FUNCTIONS RELATING TO SMOKE FREE PREMISES

	FUNCTION	LEGISLATION
1	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the 2006 Act
2	Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the 2006 Act
3	Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the 2006 Act Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)
4	Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)

G. POWER TO PROMOTE OR OPPOSE LOCAL OR PERSONAL BILLS

	FUNCTION	LEGISLATION
1		Section 239 of the Local Government Act 1972

H. FUNCTIONS RELATING TO PENSIONS ETC.

	FUNCTION	LEGISLATION
1	Functions relating to local government pensions, etc	Regulations under Sections 7, 12 or 24 of the Superannuation Act 1972.

H. FUNCTIONS RELATING TO PENSIONS ETC.

	FUNCTION	LEGISLATION
1	Functions relating to local government pensions, etc	Regulations under Sections 7, 12 or 24 of the Superannuation Act 1972.

I. MISCELLANEOUS FUNCTIONS**PART 1 – Relating to public rights of way**

	FUNCTION	LEGISLATION
1	Power to create footpath or bridleway by agreement	Section 25 of the Highways Act 1980 (c.66)
2	Power to create footpaths and bridleways	Section 26 of the Highways Act 1980
3	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
4	Power to stop up footpaths and bridleways	Section 118 of the Highways Act 1980
5	Power to determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980
6	Power to make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
7	Power to make a special extinguishment order	Section 118B of the Highways Act 1980
8	Power to divert footpaths and bridleways	Section 119 of the Highways Act 1980
9	Power to make a public path diversion order	Sections 119ZA and 119C(4) of the Highways Act 1980
10	Power to make a rail crossing diversion order	Section 119A of the Highways Act 1980
11	Power to make a special diversion order	Section 119B of the Highways Act 1980
12	Power to require application for order to enter into agreement	Section 119C(3) of the Highways Act 1980
13	Power to make an SSSI diversion order	Section 119D of the Highways Act 1980
14	Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
15	Power to decline to determine certain applications	Section 121C of the Highways Act 1980 Act 2000
16	Duty to assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
17	Duty to serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980
18	Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980
19	Power to authorise temporary disturbance of surface of footpath or bridleway	Section 135 of the Highways Act 1980
20	Power to temporarily divert footpath or bridleway	Section 135A of the Highways Act 1980
21	Functions relating to the making good of damage and the removal of obstructions	Section 135B of the Highways Act 1980
22	Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 19 of the Highways Act 1980
23	Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981 (c.67)
24	Duty to keep a definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981 (c.69)

25	Power to include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
26	Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
27	Duty to reclassify roads used as public paths	Section 54 of the Wildlife and Countryside Act 1981
28	Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
29	Power to designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984 (c.38)
30	Power to extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981 (c.68)
31	Power to authorise stopping up or diversion of a highway	Section 247 / 257 of the Town and Country Planning Act 1990
32	Power to extinguish public rights of way over land for planning purposes	Section 258 of the Town and Country Planning Act 1990
33	Power to enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000 (c.37)
34	Power to provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000

PART 2 – Other Miscellaneous Functions

	FUNCTION	LEGISLATION
1	Functions relating to sea fisheries	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38)
2	Power to make standing orders	Section 106, and paragraph 42 of Schedule 12 of the Local Government Act 1972 (c.70)
3	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Section 112 of the Local Government Act 1972
4	Power to make standing orders as to contracts	Section 135 of the Local Government Act 1972
5	Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972
6	Power to appoint officers for particular purposes (appointment of 'proper officers')	Section 270(3) of the Local Government Act 1972
7	Power to make limestone payment order	Section 34(2) of the Wildlife and Countryside Act 1981 (c.39)
8	Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30)
9	Duty to designate officer as the head of the authority's paid service and to provide staff	Section 4(1) of the Local Government and Housing Act 1989

10	Duty to designate officer as the monitoring officer, and to provide staff etc. including to person nominated by monitoring officer	
11	Powers relating to overview and scrutiny committees(voting rights of co-opted members)	Section 5(1) of the Local Government and Housing Act 1989, Sections 82A(4) and (5) of the Local Government Act 2000 and Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000
12	Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 2003 (S.I. 2003/533)
13	Powers relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (S.I. 1997/1160)
14	Powers relating to the preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1982)
15	Powers relating to complaints about high hedges	Part 8 of the Anti Social Behaviour Act 2003
16	Power to make payments or provide other benefits in cases of maladministration etc	Section 22 of the Local Government Act 2000
17	Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption	Section 13(2) of the Criminal Justice and Police Act 2001

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APPENDIX 1 (ANNEX 2)

TERMS OF REFERENCE OF THE COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES OF COUNCIL

COMMITTEE OF FULL COUNCIL

To determine any matter referred to it by the Mayor, the Council, Cabinet or any Committee of the Council and not otherwise reserved to Full Council. The Committee of Full Council is chaired by the Leader of the Council.

AUDIT AND RISK COMMITTEE

Audit Activity

- (1) To receive, review and approve, but not direct the annual Internal Audit plan, annual strategy, terms of reference and audit protocol
- (2) To review quarterly Internal Audit progress reports and the main issues arising and to seek assurance that action has been taken where necessary
- (3) To consider reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale and to monitor the Council's response to ensure that this is acceptable
- (4) To ensure that there are effective relationships between external and Internal Audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted
- (5) To consider the Audit Manager's annual report and opinion, and the level of assurance Internal Audit can give over the Council's corporate governance arrangements
- (6) To consider any reports dealing with the management or arrangements for the provision of the Internal Audit service.
- (7) To ensure the Internal Audit section is adequately resourced and has appropriate standing within the Council
- (8) To receive, review and approve but not direct the annual external audit plan.
- (9) To consider the external auditor's annual audit and inspection letter, relevant reports to those charged with governance, delegating the consideration of such reports and any investigations to other committees as necessary
- (10) To consider specific reports as agreed with the external auditor
- (11) To monitor the Council's response to the external auditor's findings and the implementation of external audit recommendations.

Regulatory Framework

- (1) To consider the internal control environment and the level of assurance that may be given as to its effectiveness, to include the review of the Annual Governance Statement and the recommendation to the Council of its adoption
- (2) To satisfy itself that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it
- (3) To monitor the effectiveness of the Council's risk management arrangements, including the actions taken to manage risks and to receive regular reports on risk management
- (4) To review the effectiveness of corporate governance arrangements to ensure that the Council complies with best practice
- (5) To monitor the effectiveness of the Council's policies and arrangements for anti-fraud, anti-corruption, bribery and anti-money laundering
- (6) To review any issue referred to it by the Chief Executive, Section 151 Officer, Monitoring Officer, Executive Director or any Council body
- (7) To maintain an overview of the Council's Constitution in respect of Procedure Rules in relation to Contracts and Financial Regulations and make recommendations to Council in consultation with the Monitoring Officer and Section 151 Officer for any amendments
- (8) To receive annual reports on exceptions and exemptions to the Council's Financial Regulations and Procedure Rules in Relation to Contracts.

Accounts

- (1) To approve the Council's Statement of Accounts
- (2) To consider the external auditors report to those charged with governance on issues arising from the audit of the accounts.

Other Areas

- (1) To consider reports from external inspectors (for example Office of the Surveillance Commissioner, Health & Safety Executive)
- (2) To receive reports from the Corporate Health and Safety Officer
- (3) To receive reports in respect of the Council's Treasury Management arrangements.

PLANNING COMMITTEE

- (1) To exercise all the Council's powers and duties as the district planning authority for its area in accordance with the Town and Country Planning Acts, and other planning legislation. This includes amongst other things the following:

The control of development including:

- a) determining applications for planning permission, consent or approval
- b) determining whether or not planning permission is required
- c) control of advertisements
- d) determining applications for certificates of lawfulness
- e) issuing certificates of appropriate alternative development
- f) authorising or otherwise in accordance with the Town and Country Planning General Regulations, the carrying out of development by the Council or by others on the Council's land.
- g) determining proposals in relation to the Development Plan Documents

The enforcement of planning control:

Landscape and building conservation and enhancement including:

- a) the designation and enhancement of conservation areas
 - b) listed building control and enforcement
 - c) the offering of grants towards the repair and maintenance of listed buildings
 - d) tree preservation
 - e) derelict land reclamation.
- (2) To exercise the Council's powers and duties under the Building Regulations including:
- (i) the passing and rejection of plans;
 - (ii) determining applications to relax the Regulations;
 - (iii) regularising and enforcing compliance with the Regulations.
- (3) To consider and comment on issues of Planning policy to the Council.

PUBLIC PROTECTION COMMITTEE

To exercise the powers and duties of the Council in relation to licensing and registration functions.

To exercise and perform the powers and duties of the Council in relation to the following matters:

(1) Food Safety and Control

To ensure that all food prepared, manufactured, processed and sold within the Borough is produced in safe and hygienic conditions.

(2) Occupational Health and Safety

To ensure that persons working in premises which fall within the area of responsibility of the Borough Council, do so in a safe and healthy environment.

(3) Infectious Disease Control

To control and prevent the spread of specified infectious diseases.

(4) Water Supply

To ensure that all residents in the Borough are provided with a constant supply of wholesome and potable water.

(5) Swimming Baths

To monitor and control the quality of bathing water.

(6) Health Education and Promotion

To promote awareness of health matters to residents of the Borough.

(7) Home Safety

To ensure that homes within the Borough can be occupied with minimum risk to the health and safety of the occupants.

(8) Animal Welfare

To ensure that, where animals are bred, boarded, sold or used in any other way, they are cared for in an humane manner.

(9) Pest Control

To control infestations within the Borough by rats and mice, to remedy the existence of verminous premises, persons or articles, and to control insect pests of public health significance in premises.

(10) Sunday trading

To implement the Sunday Trading Act 1994.

(11) Atmospheric Pollution Control

To protect and improve local air quality; to control statutory nuisances and regulate Part B processes.

(12) Nuisance

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To protect the local environment by the control of public and statutory nuisances including noise sources and the promotion of awareness of the need not to create or allow Nuisance including excessive noise.

(13) Control of Dogs

To promote responsible dog ownership within the Borough.

(14) Asbestos Removal

To eliminate environmental hazards associated with asbestos.

(15) Contaminated and Derelict Land
(Including Landfill Sites)

To ensure that materials identified as being present on land in the Borough do not cause a hazard to health or nuisance to neighbouring properties and that any development provides a safe and healthy environment for occupation and use; and to promote the reclamation of derelict land

(16) Pollution Monitoring

To identify the presence of pollutants within the environment both generally and in relation to specific sources.

(17) Environmental Impact Assessments

To assess potential environmental impacts from new developments in the Borough.

(20) Cleansing Enforcement

To prevent the unauthorised and improper disposal of waste within the Borough.

(23) Housing

To review housing conditions throughout the Borough and initiate action in relation to nuisance disrepair, improvement, clearance and demolition; and to administer renovation grants.

(24) Camping and Caravan Site

To control camp and caravan sites.

(25) Licensing and Registration

To exercise powers and duties in relation to all licensing and registration excluding those matters which relate to the Licensing Act 2003 and the Gambling Act 2005 delegated to the Licensing Committee.

STANDARDS COMMITTEE

The Standards Committee will have the following roles and functions:

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- (1) Promoting and maintaining high standards of conduct by Members
- (2) Monitoring the operation of the Members' Code of Conduct;
- (3) Advising the Council on the adoption or revision of the Members' Code of Conduct
- (4) To oversee the effectiveness of the Council's procedures for investigating and responding to complaints of breaches of the Members' Code of Conduct
- (5) To interview and make recommendations to Council on the appointment of Independent Person(s) in accordance with the requirements of the Localism Act 2011
- (6) To deal with complaints of alleged breaches of the Code of Conduct which the Monitoring Officer, in consultation with the Independent Person(s), considers warrant detailed consideration and to make final recommendations thereon
- (7) To advise, train or arrange to train Members and Independent Person(s) on matters relating to the Members' Code of Conduct;
- (8) To consider requests from Members to grant dispensations from being precluded from participation in a meeting
- (9) To oversee, review and make any recommendations on the effectiveness and operation of the Constitution and any of the provisions of it
- (10) An overview of complaints handling and Local Government Ombudsman investigations.

CONSERVATION ADVISORY WORKING PARTY

- (1) To provide a view to the Authority on proposals which may affect the historic environment and in particular on applications for planning permission, listed building consent, conservation area consent and advertisement consent which would, in the Authority's opinion, affect either the character and appearance of a Heritage Asset or its setting, whether designated or not (meaning a part of the historic environment that is seen to have significance because of its historic, archaeological, architectural or artistic interest as defined in Planning Policy Statement 5).
- (2) To provide a view to the Authority on conservation policy, the preparation of schemes of enhancement and the production of design guides for Conservation Areas.
- (3) To provide a view to the Authority on applications for historic buildings grants.

EMPLOYEES' CONSULTATIVE COMMITTEE

To act as a consultative body on matters affecting the working practices etc. of all employees of the Council.

CHIEF OFFICER APPOINTMENTS, DISMISSAL, REVIEW AND

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APPEALS COMMITTEE

In accordance with the statutory rules and in particular Annex 2 of the Council's Rules of Procedure (Appendix 6), to oversee the process of the appointment of the Chief Executive, Executive Directors and Proper Officers, the review of their terms and conditions of employment, dismissal and appeals which are not dealt with by officers.

JOINT PARKING COMMITTEE

- (1) Making recommendations to the district council in respect of policy for off-street parking management.
- (2) Setting deployment strategies for all on-street enforcement activity
- (3) Using available guidance policies and local knowledge, designating the areas for consideration for residents' parking schemes and the priority order for their implementation and dealing with the initial process to enable proposals to be made
- (4) Considering initial representations against the making of residents' parking schemes
- (5) Setting on-street charges (if applicable) and designating controlled parking zones in accordance with the agreed policy
- (6) Making recommendations to the Parking Board to amend policies
- (7) Identifying and nominating to the County Council the introduction of new, revised or amended Traffic Regulation Orders (TRO) that seek to address local congestion issues. These will be pursued by the County Council in accordance with its own formal TRO procedures and in accordance with best practice, taking account of the consultation process and other legal constraints
- (8) Responding as consultee to any proposed parking related TRO or any amendment to any existing TRO, receiving formal notification of the progress in implementing any proposed TRO or in making any amendment to any existing TRO, and receiving formal justification in the event that any existing TRO is proposed to be terminated
- (9) Monitoring and reporting to the Parking Board decriminalised parking enforcement (DPE) performance against agreed local performance indicators
- (10) Identifying schemes and generating programmes of work for the lawful use of surplus income from the DPE appropriation account to be used in the district of origin as permitted by Section 55 of the Road Traffic Regulation Act 1984 and reporting the details of such to the Parking Board.

LICENSING COMMITTEE

To deal with all matters under the Licensing Act 2003 and the Gambling Act 2005 delegated from Full Council including:

- (1) With the exception of the Council's Licensing Policy Statements under the Licensing Act 2003 and the Gambling Act 2005 (upon which it will advise), the Licensing Committee shall from time to time determine its policy relating to

licensing matters after it has consulted with such parties as the law may require and/or whom it considers to be appropriate and it shall cause that policy to be published

- (2) The Licensing Committee may, from time to time, establish conditions to the extent permitted by the law governing the administration of licensing matters, the conduct and behaviour of licence holders and for technical requirements and specifications, licensed premises and vehicles
- (3) The Committee shall have delegated powers to consider and determine all applications for licences and permissions issued by or on behalf of the Council, including attaching conditions thereto, to consider and determine all applications for review, continuation, transfer, variation, renewal, suspension, closure orders, forfeiture or revocation of all licences and permissions issued by or on behalf of the Council, including attaching conditions thereto and to consider appeals against terminations of tenancy at will
- (4) The Committee shall, from time to time, receive reports on the cultural, economic and tourism impact of its work and it shall, from time to time, as required by law or as it considers appropriate, make reports of its activity to Cabinet, overview and scrutiny committees and the Planning Committee
- (5) The Committee may from time to time and to the extent permitted by law, delegate any of its functions in paragraph 4 above to a body comprising not less than three elected Members drawn from members of the Committee, to be known as a licensing panel, a quorum for such panel being three Members. The Committee may establish more than one panel and membership of the panel(s) may be rotated as necessary amongst members of the Committee
- (6) The Committee may from time to time and to the extent permitted by law, delegate any of its functions in paragraph 4 above to be discharged by an Executive Director. The Executive Director may delegate such powers, duties, responsibilities and functions as he considers appropriate, and to the extent permitted by law, to officers of the Council.

STAFFING COMMITTEE

To be responsible for the Council's functions as an employer including the Local Government Pension Scheme which are not delegated to officers or referred to Full Council or constrained by the law. For the avoidance of doubt the following functions are included:

- (1) The adoption and amendment of all employment policies including the following as they relate to staffing matters:
 - Adoption leave policy
 - Agency staff procedure
 - Alcohol, drugs, substance misuse policy
 - Attendance management policy
 - Bullying and harassment policy
 - Capability procedure
 - Officers' Code of Conduct
 - Compensatory leave policy
 - Computer, telephone and clear desk policy
 - Equal opportunities and diversity in employment

Disciplinary procedure
Discretionary powers
Driving at work
Early retirement
Email
Employee recognition policy
Employees' handbook
Flexible retirement
Flexible working hours
Grievance procedure
Health and safety
Home working
Information policies – internet, email
Job evaluation
Job sharing
Local Government Pension Scheme
Maternity and paternity
National agreement on pay and conditions of service
Smoking
Recruitment
Redundancy
Restructuring
Remote working
Staff communications and consultation
Stress at work
Time off for trade union duties
Working time.

- (2) To make arrangements for members of the Committee to determine appeals of employees in accordance with the appropriate policies.

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APPENDIX 2

RESPONSIBILITIES OF THE CABINET

Executive Functions

By law there are functions known as Executive functions which only the Cabinet can deal with. Similar to Council functions, these can be delegated by Cabinet to officers but unlike the Council these functions can be delegated to a single Member or to a Cabinet committee and there are no functions which by law cannot be so delegated.

Local Choice Functions

There are also functions which can be dealt with by the Cabinet or by the Council or its committees known as Local Choice functions. At Newcastle-under-Lyme all such functions have been delegated to the Cabinet. These can be delegated as above.

Cabinet:

FUNCTION	EXERCISED BY
To determine all matters other than those which are reserved by statute and statutory instrument as a matter which is not an Executive function	Cabinet Delegated as set out in the Scheme of Delegation below

Matters which are therefore the responsibility of Cabinet include:

Leisure, Culture and Localism

Locality Action Partnerships
 Neighbourhood and Locality Working: Localism
 Community Cohesion
 Community Centre Management
 Community Recreation
 Museum and Art Gallery
 Britain in Bloom
 Leisure Facilities
 Cultural Development
 Sports Development
 Cultural Development
 Sports Development
 Arts Development
 Town and Parish Council Development

Policy, People and Partnerships

Council structure and democracy
 Central Services
 Newcastle Partnerships Representative
 Partnership Development

District Deal
Economic Development Strategy
Human Resources
Health and Safety Champion
Workforce Development
Performance management
Risk champion
Corporate Strategy
Local Enterprise Partnership
Staffordshire Strategic Partnership

Environment and Recycling

Buses and concessionary travel and taxis
Environmental enforcement
Environmental health
Flooding and drainage
Recycling and waste management
Streetscene
Litter Control
Grounds Maintenance
Parks and Gardens
Cemeteries and Crematorium
Climate change, sustainability and energy efficiency

Town Centres, Business and Assets

Business

Town Centre Partnerships
Business Growth and Support
Markets
Public Realm
Jobs and Apprenticeships
Tourism

Assets

Including Operational property
Commercial property
Car Park Management
Asset Management Strategy
Economic Development - Assets

Finance IT and Customer

Accountancy
Budget
Capital and revenue expenditure
Capital Programme
Efficiency savings
Financial monitoring
Audit
Fighting Fraud Champion
Procurement Champion
Treasury management

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Revenues and Benefits
Welfare Reform Agenda
External Funding
Member Development and Support
IT
Customer Services – Excellence
Communications and Website

Safer Communities

Anti-social Behaviour Orders
Civil contingencies
CCTV
Community Safety
Community Safety and Section 17
Emergency planning
Safer Communities Strategy
Safer and Stronger Board (Crime and Disorder Reduction Partnership)
Police and Crime Panel
Domestic Violence Reduction
Business Crime Reduction
Homelessness
Health and Wellbeing Board
Health and Wellbeing Strategy

Planning and Housing

Local Plan
Planning Peer Review
Planning Policy and Development Control
Building Control
Land Charges
Design and Heritage Champion
Housing Strategy and Development
Highways and Transport (Operational)
Economic Development – Planning
Strategic Transport

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APPENDIX 3

RESPONSIBILITIES OF SCRUTINY

Section 6 contained in Part 2 of the Constitution sets out the terms of reference, general role and specific functions of scrutiny committees.

SCRUTINY COMMITTEES

Composition

The Council will appoint four thematic scrutiny committees and a Health and Wellbeing Scrutiny Committee including a Chair and Vice Chair of each committee

The members of each committee will be drawn from non-Executive Councillors

The composition of the committees will be on a political balance basis from across the Council.

Role and Function

Within their terms of reference the scrutiny committees should:

- (i) Ensure that scrutiny activity focuses on the Council's corporate priorities as set out in the Corporate Plan;
- (ii) Achieve an understanding of the relevant policy framework documents to enable them to become involved in policy development;
- (iii) Conduct research, and consult with the community on the analysis of policy issues and options available to the Council; consider and implement mechanisms to encourage and enhance community participation and a user focus in overview and scrutiny. They may, for example, wish to hear from residents, stakeholders, and Members and officers in other parts of the public sector and may invite such people to attend;
- (iv) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions within their terms of reference. This will include assessing the outcomes of decisions and activities in these areas and scrutinising performance;
- (v) In accordance with agreed protocols and procedures, consult or question members of the Cabinet, the Chief Executive, Executive Directors and senior officers (accompanied by other officers as appropriate) and others with a 'duty to co-operate' about their views on specified issues and proposals affecting the area and 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;
- (vi) Make reports and/or recommendations to Full Council and/or the Cabinet in connection with the discharge of any Council functions or policy matters;

- (vii) Review and scrutinise the performance of external bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committees about their initiatives and performance, to ensure that the interests of local people are enhanced by collaborative working. Make reports and/or recommendations to public service providers, including those with a duty to co-operate, insofar as their actions relate to functions or service delivery connected with the Authority;
- (viii) Question and gather relevant evidence from any person (with their consent) with knowledge of the topic under investigation, including appointing advisers and assessors to assist them in the scrutiny process;
- (ix) Establish ad-hoc scrutiny working parties to investigate specific topics on behalf of the Committee on a time-limited basis, the membership of which need not necessarily come from a single committee

NOTE: See Appendix 9, Procedure Rules for Scrutiny Committees, Annex 1;

- (x) Exercise responsibility for any finances made available to them.

The appropriate scrutiny committee is responsible for Councillor Calls for Action in accordance with procedures set out at Appendix 9.

Updated November 2014

APPENDIX 4

GENERAL INSTRUCTIONS

All delegations to committees, Cabinet members and officers are subject to general instructions which contain the framework within which such delegations must be exercised, as follows:

1. All powers and duties of the Leader, Cabinet, non-Executive committees and sub-committees, and authorisations to officers shall be exercised and performed on behalf of and in the name of the Council
2. All delegated powers and duties and authorisations shall be:
 - (i) exercised in accordance with the policies of the Council and the Cabinet or non-Executive committees/sub-committees
 - (ii) subject to the terms of delegation and directions of the Council and of the Cabinet or non-Executive committees/sub-committees as appropriate
 - (iii) subject to the powers and duties reserved by statute; and
 - (iv) exercised within the limits of the approved budget.
3. All delegated powers, duties and authorisations may be further delegated subject to the terms of the delegation and the law.
4. The specific delegation of any power or duty to any Cabinet Member, non-Executive committee or sub-committee or any authorisation to an officer shall override any general grant of power or duty contained herein, provided that an officer may refer any matter within an authorisation to him/her to the Council, Cabinet or non-Executive committee or sub-committee as appropriate. In any such case, the matter so referred shall be within the delegated powers and duties of the Cabinet, the non-Executive committee or sub-committee to which it is referred.
5. A reference to an Act of Parliament in this Scheme includes a reference to any amendment of that Act.
6. The Chief Executive may, after consultation with the Leader and Deputy Leader of the Council, refer a matter direct to the Overview and Scrutiny Co-ordinating Committee for its consideration and advice before reporting the matter to the Cabinet.
7. The Monitoring Officer shall determine:
 - (i) Any conflict between the decisions of any two or more officers acting under any authorisations; and
 - (ii) Whether any matters involve a question of overall or major policy.
8. The Monitoring Officer shall, in any case of uncertainty, determine whether any matter falls within the powers and duties delegated to the Cabinet, a non-Executive committee or sub-committee or within an authorisation to an officer.

9. Nothing in this Scheme shall derogate from any statutory powers or duties conferred or imposed directly on an officer of the Council.

DELEGATION TO OFFICERS

- 1) The Scheme of Delegation to Officers sets out the decisions that can be made by officers without reference to the Council, the Cabinet or to a committee
- 2) Non-Executive decisions are delegated to officers by the Council (or its committees and sub-committees unless their terms of reference prohibit onward delegation) under Section 101 of the Local Government Act 1972
- 3) Executive decisions are delegated to officers by the Leader or unless he objects by the Cabinet or a committee of Cabinet or a member of the Cabinet under Section 14 of the Local Government Act 2000
- 4) The General Instructions on Delegation apply both to the Scheme of Delegation and to specific delegations.

DELEGATION OF DAY TO DAY MANAGEMENT AND ADMINISTRATION

- 1.1 The Chief Executive, an Executive Director or in matters of urgency the Monitoring Officer, shall where specifically referred to without reference to the Cabinet or the Council (or an appropriate committee) except as set out herein, have power to carry into effect matters of day to day management and administration and in particular the functions and powers below in relation to the services they manage
- 1.2 The officer may if he/she wishes refer the matter to the Council and appropriate committee or Cabinet and the Member body shall have the power to act

2. Powers and Functions

Finance

- 2.1 **Revenue Expenditure**
To incur revenue expenditure within estimates subject to compliance with Contract and Financial Regulations including virement
- 2.2 **Capital Expenditure**
To incur capital expenditure provided that the Contract and Financial Regulations have been complied with
- 3.3 The transfer of estimates within and between specified budget headings subject to compliance with Contract and Financial Regulations.

Contracts and Tenders

1. The acceptance of a tender or quotation, the placing of an order or the signing of a contract for the supply of goods, services (including consultancy services) or materials or the execution of any work relating to the services for which they are responsible

PROVIDED THAT THE CONTRACT PROCEDURE RULES AND FINANCIAL REGULATIONS OF THE COUNCIL HAVE BEEN COMPLIED WITH.

2. To dispose of property (including obsolete vehicles and plant, stores, old material and scrap) other than land in accordance with the requirements of the Contract Procedure Rules and Financial Regulations
3. To approve price variations under contracts containing fluctuation clauses and to approve contract variations subject to the Contract Procedure Rules and Financial Regulations
4. To approve lawful payments to contractors.

Bidding for Work on behalf of Third Parties

The giving of expressions of interest and the preparation and submission for the supply of goods and services and the carrying out of works for third parties.

General Management

1. To deal with lost or uncollected property
2. To manage and administer all the Council's approved policies in accordance with those policies
3. To engage in strategic partnerships to promote the social, environmental and economic wellbeing of the Borough and the objectives of the Council
4. To respond to consultation documents submitted to the Council
5. To make compensation payments arising from service complaints up to £1,000.

Staffing

1. To appoint employees unless the appointment is reserved to the Council and its committees (statutory officers under the Local Government and Housing Act 1989) in accordance with the policies and procedures of the Council and Financial Regulations
2. To appoint employees or contractors on a temporary basis to provide cover for absences of employees or to cater for peaks in workload in accordance with the policies and procedures of the Council and Financial Regulations

3. To deploy existing employees within the overall structure of the Department
4. To authorise officers as long as they hold the appropriate qualifications
5. To approve removal expenses
6. To grant special leave for urgent, personal or domestic reasons
7. To manage and administer all of the Council's approved employment policies including performance management, appraisal, disciplinary and grievance procedures in accordance with the Council's approved policies
8. To approve claims for damages to employees' personal effects, clothing and motor vehicles up to a maximum of £250.00
9. To ensure the proper implementation of the Council's responsibilities relating to equal opportunities and the public sector equality duty
10. To authorise out-of-Borough visits by Officers
12. To approve ex-gratia payments, honoraria, non-contractual overtime payments, loans and allowances in accordance with Council policy.

Health and Safety

1. To ensure the maintenance of satisfactory health and safety policies and arrangements concerning the Council as an employer, landowner, service provider or otherwise
2. To carry out the Council's functions under the Civil Contingencies Act and any other emergency planning powers.

Miscellaneous

To authorise action pursuant to the Regulation of Investigatory Powers Act 2000 in accordance with that Act.

Matters of Urgency

1. In the event of a matter which is not delegated by this Officer Scheme of Delegation requiring action when there is no scheduled meeting where the matter would be considered by the appropriate Cabinet or committee (and where the matter does not make or change policy), the Chief Executive or an Executive Director or the Monitoring Officer having consulted with the Leader or a Cabinet portfolio holder or the Chair of the appropriate committee (or in their absence the Vice Chair) shall have delegated authority to take such action
2. In the case of 1 above, the actions taken shall be reported to the next available meeting of the Council or committee as appropriate.

THE CHIEF EXECUTIVE

1. The Chief Executive is authorised to discharge any non-Executive function of the Council not otherwise delegated to a committee or officer with the exception of those matters reserved to the Council

Staffing

2. To determine the establishment of the Council's departments within the department budgets set by the Cabinet and to determine the terms and conditions of new posts. No new post shall be created nor any person employed in addition to a department's approved establishment unless the financial arrangements have been agreed by Cabinet
3. To take all steps he considers necessary (under Section 138 of the Local Government Act 1972 and/or the Civil Contingencies Act 2004 and/or otherwise) including incurring expenditure where an emergency or disaster affecting the Borough or any part of it occurs or in connection with civil defence. Such action shall be reported to a subsequent meeting of Cabinet
4. To execute a power delegated to any officer when that officer is unable or unwilling to act (subject to any qualification required for that action)
5. To grant leave for trade union purposes for service as a Member of another local or joint authority, service as a Justice of the Peace and service on Whitley Councils or other joint negotiating bodies.

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SPECIFIC FUNCTIONS**ENVIRONMENTAL HEALTH FUNCTIONS**

		FUNCTION		NEW
1.	<u>Animal Boarding Establishments Act 1963</u>	To appoint and authorise named staff under Sec 2(1) of the 1963 Act	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
2.		Grant, renewal or refusal of licence and service of notices of contravention	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
3.		Power to enter premises to inspect	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
4.	<u>Animal Welfare Act 2006</u>	To appoint named inspectors for the purpose of the 2006 Act (Sec 51)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
5.		Service of Improvement Notices (Sec.10)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and named inspectors	
6.		Powers in relation to Animals in Distress (Sec.18)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and named inspectors	
7.		Power of entry, by reasonable force if necessary, and to obtain Warrant if appropriate	All Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff, dog wardens and any veterinary surgeon retained or employed for the time being	
8.		Application to Court for disposal of animal taken into possession under sect 18 (Sec.20)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
9.		Power to require production of Licence records (Sec.25)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
10.		Inspection in respect of Licensing (Sec.26)	All Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff, dog wardens and any veterinary surgeon retained or employed for the time being	
11.		Inspection in respect of Registration (Sec.27)	All Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff, dog wardens and any veterinary surgeon retained or employed for the time being	

		FUNCTION		NEW
12.		Power of Local Authority to prosecute offenders (Sec.30)	Public Protection Committee	
13.	<u>The Animal By-products (Enforcement) (England) Regulations 2011</u>	Authorised persons and powers of entry and additional powers Reg 22 & 23	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
14.		Service of notices under Regs 25 & 26	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
15.	<u>Anti-Social Behaviour Act 2003</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
16.		Investigation of noise at night complaints (Sect.42(3)(1))	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
17.	<u>Anti-Social Behaviour Crime & Policing Act 2014</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
		<u>Part 1 Injunctions</u>		
18.		Application for Injunction / Interim injunction / Variation of Injunction / Discharge if injunction (Part 1 sections 5, 6, 7, 8)	Head of Business Improvement and Partnerships or Head of Environmental Health	
19.		Arrest warrant and prosecution of injunction Application for arrest warrant and authority to prosecute (Part 1, section 10)	Head of Business Improvement and Partnerships or Head of Environmental Health	
20.		Consultation on injunction Requirements to consult etc. (Part 1, section 14)	Head of Business Improvement and Partnerships or Head of Environmental Health	

		FUNCTION		NEW
		<u>Part 2 Criminal Behaviour Orders</u>		
21.		<p>Application for CBO, Interim order, variation, discharge</p> <p>Application for criminal behaviour order / interim order / Variation of order / Discharge of criminal behaviour order (Part 2 sections 23, 26, 27</p> <p>Consultation with YOT prior to application for CBO on under 18's</p> <p>Requirement to consult with YOT if offender is under 18 (Part 2 section 29)</p> <p>Review of CBO's imposed on under 18's</p> <p>Duty to cooperate with chief officer of police in review of orders imposed on under 18's (Part 2 sections 28/29)</p>	Head of Business Improvement and Partnerships or Head of Environmental Health	
		<u>Part 4 – Chapter 1 Community Protection Notices</u>		
22.		<p>Power to issue community protection notices (sect. 43) to persons over 16 or a body (Part 4 Chapter 1 section 53)</p> <p>Obligation to inform anybody or individual that the serving officer sees fit prior to issuing a community protection notice (Part 4 Chapter 1 section 43(6))</p>	<p>Head of Business Improvement and Partnerships and Head of Environmental Health and All Environmental Health Officers and appropriately qualified Technical Staff</p> <p>officer initiating CPN</p>	
23.		<p>Power of entry into unoccupied premises, or where proper name and address of occupier cannot be established, to post notice on the premises (sect 45)</p>	Head of Business Improvement and Partnerships and Head of Environmental Health and All Environmental Health Officers and appropriately qualified Technical Staff	

		FUNCTION		NEW
24.		Authority to undertake remedial action for failure to comply with a community protection notice section (Part 4 Chapter 1 section 47)	Head of Business Improvement and Partnerships or Head of Environmental Health	
25.		Power of entry to undertake remedial action work under (Part 4 Chapter 1 section 47)	All Environmental Health Officers and appropriately qualified Technical Staff. And agents acting on behalf of the authority expressly authorised by the relevant Head of Service	
26.		Issue of notice of costs to defaulter for remedial action (Part 4 Chapter 1 section 47)	Head of Service whose officers initiated remedial action	
27.		Authorisation of proceedings for failing to comply with a community protection notice (Part 4 Chapter 1 section 48)	Public Protection Committee	
28.		Application to court for a remedial order (Part 4 Chapter 1 section 49)	Head of Business Improvement and Partnerships or Head of Environmental Health	
29.		Seizure of items used in the commission of suspected offence under section 48 (Part 4 Chapter 1 section 51)	Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing	
30.		Service of fixed penalty notice for offence of failing to comply with a Community Protection Notice which is an offence under section 48 (Part 4 Chapter 1 section 52)	Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing	
31.		Power to make Public Spaces Protection Orders (Part 4 Chapter 2 section 59)	Public Protection Committee	
32.		Publishing of Public Spaces Protection Order in accordance with regulations made by Secretary of State (Part 4 Chapter 2 section 59(8))	Head of Business Improvement and Partnerships or Head of Environmental Health	

		FUNCTION		NEW
33.		Extension of Public Spaces Protection Orders beyond 3 years (Part 4 Chapter 2 section 60)	Public Protection Committee	
34.		Publishing of extension to Public Spaces Protection Order in accordance with regulations made by Secretary of State (section 60(3))	Head of Business Improvement and Partnerships or Head of Environmental Health	
35.		Variation and discharge of current Public Spaces Protection Orders (Part 4 Chapter 2 section 61)	Public Protection Committee	
36.		Publishing of variation to or discharge of Public Spaces Protection Order in accordance with regulations made by Secretary of State (Part 4 Chapter 2 section 61(5) /section 61(6))	Head of Business Improvement and Partnerships or Head of Environmental Health	
37.		Power to require a person not to consume alcohol or to require surrender of alcohol or containers for alcohol contrary to requirements of public spaces protection order(Part 4 Chapter 2 section 63(2))	Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing	
38.		Authorisation of prosecution proceedings for failure to comply with a requirement to not to consume alcohol or to require surrender of alcohol or containers for alcohol Part 4 Chapter 2 section 63(6))	Public Protection Committee	
39.		Authorisation of prosecution proceedings for failure to comply with anything either prohibited or required by a public spaces protection order (Part 4 Chapter 2 section 67)	Public Protection Committee	
40.		Power to issue a fixed penalty notice for offences of not complying with a public	Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing	

		FUNCTION		NEW
		spaces protection order under section 63 (Consumption of alcohol in breach of an order) or section 67 (failing to comply with an order) (Part 4 Chapter 2 section 68)		
41.		Duty to have regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights before making, extending, varying or discharging a public spaces protection order Duty to carry out consultation, publicity and notification before making, extending, varying or discharging a public spaces protection order	Head of Business Improvement and Partnerships or Head of Environmental Health	
42.		Power to issue closure notices for up to 24 hours where use of particular premises has resulted , or is likely to soon result in nuisance to members of the public or there has been or is likely soon to be disorder associated with the use of premises (Part 4 Chapter 3 section 76)	Chief Executive or person designated by them Head of Business Improvement and Partnerships or Head of Environmental Health	
43.		Duty to consult anybody or individual prior to service of closure notice (Part 4 Chapter 2 section 76(7))	Chief Executive or person designated by him or her Head of Business Improvement and Partnerships Head of Environmental Health	
44.		Power to extend closure notice beyond 24 hours to 48 hours (Part 4 Chapter 2 section 76/77)	Chief Executive or person designated by him or her	
45.		Power to vary or cancel a closure notice (Part 4 Chapter 3 section 78)	Officer who originally signed notice or in their absence the Chief Executive or person designated by him or her	

		FUNCTION		NEW
46.		Application to a magistrates' court for a closure order within 48 hours of service of closure notice (unless closure notice has been cancelled (Part 4 Chapter 3 section 80)	Head of Business Improvement and Partnerships or Head of Environmental Health	
47.		Fixing closure orders in at least one prominent place on premises, to each normal means of access and outbuildings which appear to be associated with premises. (with entry if required S79(4)) (Part 4 Chapter 3 section 79(2))	All Environmental Health Officers and appropriately qualified Technical Staff. And agents acting on behalf of the authority expressly authorised by the relevant Head of Service	
48.		Application to the court for an extension of period of a closure order or further extension (Part 4 Chapter 3 section 82)	Head of Business Improvement and Partnerships or Head of Environmental Health	
49.		Application to the court to discharge a closure order. (Part 4 Chapter 3 section 83)	Head of Business Improvement and Partnerships or Head of Environmental Health	
50.		Access to a premises etc. to enforce closure order, to secure premises against entry and carrying out essential maintenance or repairs. (Part 4 Chapter 3 section 85)	Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing	
51.		Application to court for prosecution for breach of closure order (Part 4 Chapter 3 section 86)	Public protection committee	
52.	<u>Breeding and Sale of Dogs (Welfare) Act 1999</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) or Head of Environmental Health Services	

		FUNCTION		NEW
53.		Power to inspect Sect. 1(2) (a)&(b)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
54.		Power to grant licence	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
55.	<u>Breeding of Dogs Act 1973</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
56.		Grant, renewal or refusal of licence and service of notices of contravention	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
57.		Power to enter premises to inspect	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
58.		To appoint and authorise appropriate named staff members under Sec. 2(1) of the 1973 Act	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
59.		Power to inspect unlicensed premises	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
60.	<u>Building Act 1984</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
61.		Powers in respect of Drainage (Sect.59 – 63)	Executive Director (Regeneration and Development) or Head of Environmental Health Services or Head of Housing and all Environmental health Officers and appropriately qualified technical staff	
62.		Provision of Sanitary Conveniences (Sect.64-68)	Executive Director (Regeneration and Development) or Head of Environmental Health Services or Head of Housing and all Environmental health Officers and appropriately qualified technical staff	
63.		Defective Premises & Demolition etc. (Sect. 76 – 79)	Executive Director (Regeneration and Development) or Head of Housing	
64.		Power to serve notice about demolition (Sections 81 and 82)	Executive Director (Regeneration and Development) or Head of Housing	

		FUNCTION		NEW
65.		Power to serve notice in respect of paving / drainage of yards and passages (Sections 84 and 85) Drainage of yards and passages (Sections 84 and 85)	Executive Director (Regeneration and Development) or Head of Environmental Health Services or Head of Housing and all Environmental Health Officers and appropriately qualified technical staff	
66.		Power to enter premises to inspect (Sect. 95 & 96) (inc. warrant)	Executive Director (Regeneration and Development) or Head of Environmental Health Services or Head of Housing and all Environmental Health Officers and appropriately qualified technical staff	
67.		To prosecute offences under the Act (Sect. 113),	Public Protection Committee	
68.	<u>Caravan Sites Act 1968</u>	To exercise the Council's powers under the Caravan Sites Act 1968	Public Protection Committee	
69.	<u>Caravan Sites and Control of Development Act 1960</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) or Head of Housing	
70.		Issue of site licence and conditions (Sections 3-5)	Executive Director (Regeneration and Development) or Head of Housing and all Environmental Health Officers and appropriately qualified technical staff	
71.		Power to inspect land etc.	Executive Director (Regeneration and Development) or Head of Housing and all Environmental Health Officers and appropriately qualified technical staff	
72.	<u>Clean Air Act 1968</u>	Approval or refusal of chimney heights (Sect.6)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
73.	<u>Clean Air Act 1993</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
74.		Powers in relation to offences involving Dark Smoke, Grit and Dust (Sect.1,2,4 &5)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
75.		Approval of furnaces and grit and dust arrestment plants (Sections 3,6 & 7)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
76.		Requests for information (Sect.8)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	

		FUNCTION		NEW
77.		Powers in relation to the measuring (S10,11&12) (inc. requiring work in default)	Public Protection Committee	
78.		Approval or refusal of chimney height (S14,15&16)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
79.		Declaration of Smoke Control Areas by Order (Sect.18)	Public Protection Committee	
80.		Instigate proceedings for offence of emission of smoke in a controlled area (S 20 & 23)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
81.		Require adaptation of fireplaces in private dwellings (Sect. 24)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
82.		Issue grants for adaptations (Sect. 26)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
83.		Powers to investigate in relation to sampling and analysis of the sulphur content of oil fuel (Sect. 31 & 32)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
84.		Power to investigate in relation to Cable Burning offences (Sect. 33)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
85.		Power to commence proceedings (Sect. 33) (cable burning)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
86.		Power to require information in respect of emissions and associated powers of entry (Sect. 35, 36 & 58)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
87.		Duty of Local Authority to advise occupiers of offences (Sect. 51)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
88.		Power to instigate proceedings to prosecute (Sect.55)	Public Protection Committee	

		FUNCTION		NEW
89.		Power of entry and inspection (Sect. 56)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
90.	<u>Clean Neighbourhoods & Environment Act 2005</u>	To appoint and authorise appropriate named staff members	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
		<u>Part 2 Vehicles</u>		
91.		Authority to prosecute offences under Sect.3 or 4 of the Act	Public Protection Committee	
92.		Power to issue a fixed penalty notice in respect of nuisance parking offences under Sect.3 or 4 of the Act (Sect.6)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
93.		Power to require name and address for the service of a fixed penalty notice under S.6 of the Act (S.7)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
94.		Authority to prosecute offences relating to the provision of false details (Sect. 7.2)	Public Protection Committee	
95.		Actions in respect of Abandoned Vehicles (Sect. 10-14)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
		<u>Part 3 Litter & Refuse</u>		
96.		Actions in respect of dropping litter and free distribution of printed material (Sect. 18-27) (excluding Sect 20(2), 21, &22 – repealed)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
		<u>Part 4 Graffiti and other defacement</u>		
97.		Action in respect of graffiti, flyposting and advertisements (Sect. 28-34) (excluding Sect 31 – repealed)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
		<u>Part 5 Waste</u>		

		FUNCTION		NEW
98.		Action in respect of unlawful depositing of waste, powers of seizure and search, Local Authority waste collection and disposal, and supplementary enforcement powers (S 40-53)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
99.		<u>Part 6 Dogs</u>		
100.		Issuing of FPN (Sect.59) [Retained by ABCP Act 2014 Sect 75]	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
101.		Power to require Name and address (Sect.61) [Retained by ABCP Act 2014 Sect 75]	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
		<u>Part 7 Noise</u>		
102.		Power to designate an Alarm Notification Area, and to withdraw notification area designation (Sec 69 & 70 respectively)	Public Protection Committee	
103.		To apply for Warrant to enter premises using reasonable force to silence an intruder alarm (Sect 78)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
104.		Power of Entry in respect of Intruder Alarms (Sect. 77 & 79)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
		<u>Part 9 Miscellaneous</u>		
105.		Powers and duties in respect of: Shopping / Luggage Trolleys (Sect.99); Insects (Sect.101); Lighting (Sect. 102)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
106.	<u>Control of Pollution (Amendment) Act 1989</u>	Authority to prosecute for offence of transporting controlled waste without registering as a waste carrier	Public Protection Committee	

		FUNCTION		NEW
107.		To appoint and authorise appropriate named staff members to carry out functions under the Act (Sect.5 and 5A)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
108.		To carry out functions under the Act (Sect.5 and 5A) Transport of controlled waste - stop and search	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
109.		Power to issue a fixed penalty notice for failure to produce authority to transport waste (Sect.5B)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
110.		Power to obtain a warrant to seize a vehicle and its contents where the vehicle is believed to have been used in the commission of a relevant waste offence	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
111.	<u>Control of Pollution Act 1974</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
112.		Prosecution Powers (Sect. 6,7,8,10 & 12)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
113.		Notices to control noise on construction sites (Sect.60)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
114.		Prior consent for works on construction sites (Sect.61)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
115.		Action in respect of Loudspeakers in the street (S 62)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
116.		Prosecution Powers (Sect. 62)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
117.		Register of noise levels (Sect.64)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	

		FUNCTION		NEW
118.		Register of noise levels (Sect.64). Taking and recording of measurements	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
119.		Notices re noise exceeding registered level (Sect.65)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
120.		Notices re reduction of noise levels (Sect.66)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
121.		Measurement and recording of emissions (Power of Entry) (Sect.79) information and returns (Sect.80)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
122.		All powers of entry (inc. S 91)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
123.	<u>Dangerous Dogs Act 1991 (as amended)</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
124.		Collection of evidence in respect of Sect.1 dogs, and Sect.3 dogs not kept under proper control.	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
125.		Seizure of dangerous dogs (Sect.5) (as amended by S.106 ASBCP Act 2014)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
126.		Approval to commence proceeding by application to Magistrates Court	Public Protection Committee	
127.	<u>Dangerous Wild Animals Act 1976</u>	To appoint and authorise appropriate named staff members to perform the duties of Inspectors (Sect. 3(1))	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
128.		Grant, renewal or refusal of licence (Sect.1)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
129.		Instigate action in respect of contravention	Executive Director (Regeneration and Development) or Head of Environmental	

		FUNCTION		NEW
		(Sect. 2(6))	Health Services	
130.		Power to enter premises to inspect (Sect. 3(1))	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff and any veterinary surgeon retained or employed for the time being	
131.		Power to Seize animals (Sect. 5)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
132.	<u>Deer Act 1991 (as amended 2007)</u>	Power to inspect etc. Control of culling etc.	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
133.	<u>Environment Act 1995</u>	To appoint and authorise appropriate named staff members as inspecting officers (Sect. 108)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
134.		The exercise of powers of persons authorised by an enforcing authority under section 108(4)(a) to(m) and any subsequent amendments & schedule 18 supplemental provisions relating to powers of entry	Executive Director (Regeneration and Development) or Head of Environmental Health Services, all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
135.		To undertake air quality monitoring	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
136.		All proceedings (Air Quality to inc. designation of AQMAs)	Public Protection Committee	
		<u>Part IV – Air Quality</u>		
137.		Designation of an Air Quality Management Area by Order, Variation of an Air Quality Management Area Order and Revocation of an Air Quality Management Area Order (Sect.83)	Cabinet and Public Protection Committee	

		FUNCTION		NEW
138.	<u>Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Reg.. 2006</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
139.		Exercising powers in respect of Clean Neighbourhood & Env Act, Noise Act 1996, and Env Protection Act 1990	Executive Director (Regeneration and Development) or Head of Environmental Health Services, all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
140.	<u>Environmental Permitting (England and Wales) Regulations 2010 (as amended)</u>	Grant of an Environmental Permit (Reg. 13), Variation of an Environmental Permit (Reg. 20), Transfer of an Environmental Permit (Reg. 21), Revocation of an Environmental Permit (Reg. 22)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
141.		To undertake appropriate periodic inspections of regulated facilities	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
142.		Service of Enforcement Notice (Reg.36(1)), Withdrawal of Enforcement Notice (Reg.36(4))	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
143.		Service of Suspension Notice (Reg. 37(1)), Withdrawal of Suspension Notice (Reg. 37(8))	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
144.		Authority to prosecute for offences (Reg. 38)	Public Protection Committee	
145.		Enforcement in the High Court (Reg. 42)	Public Protection Committee	

		FUNCTION		NEW
146.		Duty to maintain a public register (Reg. 46). Exclusion from a public register of information on grounds of national security (Reg. 47). Exclusion of confidential information from public register (Reg. 48). Procedure if the regulator considers that information may be confidential (Reg. 49). Duty to determine confidentiality (Reg. 50). Determination of confidentiality (Reg. 51). Procedure following a determination (Reg. 52). Appeals in relation to confidentiality (Reg. 53).	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
147.		Power of the regulator to prevent or remedy pollution (Reg. 57)	Executive Director (Regeneration and Development) or Head of Environmental Health Services in consultation with the Chair of Public Protection Committee	
148.		Power to require the provision of information (Reg. 60)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
149.		Issue Notice for further information, in connection with Environmental Permit Application, and to deem application withdrawn if information not provided. Sched 5, Part 1, Sect 4,	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
150.	<u>Environmental Protection Act 1990</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties. (except Part III)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
		<u>Part II Waste On Land</u>		
151.		Power to prohibit unauthorised / harmful treatment / disposal of waste. (Sect. 33)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
152.		Investigation of duty of care (Sect.34)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	

		FUNCTION		NEW
153.		Instigation of proceedings for failure to comply with Duty of Care (Sect. 34(6))	Public Protection Committee	
154.		Power to serve a fixed penalty notice for failure to furnish documentation (waste carrier's licence) (Sect.34A(2))	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
155.		Collection, disposal or treatment of controlled waste (Sect.45-50)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
156.		Power to require removal of unlawful waste deposits (Sect.59)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
157.		<u>Part III Nuisances</u>		
158.		To appoint and authorise appropriate named staff members	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
159.		Duty to serve notice in respect of statutory nuisances (Sect.80)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
160.		Instigate proceedings for contravention of abatement notice (S, 80 (4))	Public Protection Committee	
161.		Power to serve notice in respect of statutory nuisance outside local authority area (Sect.81(2))	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
162.		Power to authorise work in default (Sect.81(3))	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
163.		Power of entry etc. (Sect.81(7) and Sch.3)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
		<u>Part IV Litter</u>		

		FUNCTION		NEW
164.		Authority to prosecute for failure to provide proper receptacles for household, commercial and industrial waste (Sections 46 & 47)	Public Protection Committee	
165.		Power to serve a fixed penalty notice in relation to waste receptacles (Sect.47ZA (2))	Executive Director (Regeneration and Development) or Head of Environmental Health Services or Head of Recycling and Fleet Services and all Environmental Health Officers and appropriately qualified technical staff	
166.		Prosecute for offence of leaving litter (Sect 87) Litter control areas (Sect.90)	Public Protection Committee	
167.		Power to serve a fixed penalty notice for littering (Sect.88(1))	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
168.		Powers in relation to Abandoned Shopping and Luggage trolleys (Sect. 99) (Schedule 4)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
		<u>Part VIII Miscellaneous</u>		
		<u>Control of Dogs</u>		
169.		To appoint and authorise appropriate named staff members to discharge stray dog functions (Sect.149)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
170.		Seizure of Stray Dogs (Sect. 149)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
171.		Arrangements to facilitate Stray Dogs (Sect. 150)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
172.		Enforcement of Orders in respect of Collars and Tags (Sect. 151)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
173.		Identification of contaminated land and the giving of notice (Sect.78B)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	

		FUNCTION		NEW
174.		Identification and designation of special sites (Sect.78C)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
175.		Research, inspections and analysis to enable identification and designation of contaminated land	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
176.		Referral of special site decisions to the Secretary of State (Sect.78D)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
177.		Duty of enforcing authority to require remediation of contaminated land (Sect.78E)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
178.		Prosecution for failing to comply with a remediation notice (Sect.78M)	Public Protection Committee	
179.		Powers of enforcing authority to carry out remediation (Sect.78N)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
180.		Recovery of and security for the cost of remediation by the enforcing authority (Sect.78P)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
181.		Duty to maintain a register of prescribed particulars etc. (Sect.78R)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
182.		Exclusion from registers of information affecting national security – notification to Secretary of State of excluded information (Sect.78S)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
183.		Exclusion from registers of certain confidential information (Sect.78T). Determination of confidential/potentially confidential information	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
184.		Power to issue a fixed penalty notice for the unauthorised distribution of literature on designated land (Schedule 3A, para. 7(2))	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	

		FUNCTION		NEW
185.	<u>European Communities Acts</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
186.		To carry out all functions under the European Communities Act 1972 as amended, the European Communities (Amendment) Acts of 1986, 1998 and 2002 and any Regulations made under tNEWe Acts including authorisation of officers to exercise all powers and duties under tNEWe Acts and Regulations made there under	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
187.	<u>Food and Environment Protection Act 1985</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
188.		Inspection and enforcement powers (Part III)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
	<u>Food Safety and Hygiene (England) Regulations 2013</u>	Including Regulation (EC) 852/2004, (EC) No. 853/2004, Regulation (EC) No. 854/2004 of the European Parliament and Food Safety and Hygiene (England) Regulations 2013		
189.		To appoint and authorise appropriate named staff members to serve appropriate notices and act in matters under the Food Safety and Hygiene (England) Regulations 2013, Food Safety Act 1990 (as amended), and (a) any Orders or Regulations made there under or relating to the foregoing or having effect by virtue of the European Communities Act 1972; and (b) any modification or re enactment of the	Executive Director (Regeneration and Development)	

		FUNCTION		NEW
		foregoing		
190.		Enforcement of Hygiene Regulations (Reg. 5)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
191.		Service of Hygiene Improvement Notices (Reg. 6)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
192.		Hygiene Emergency Prohibition Notices (Reg. 8)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
193.		Remedial action notices and detention notices (Reg. 9 & 10)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
194.		Sampling & Analysis (Reg. 14 & 15)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
195.		Powers of Entry (Reg. 16)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
196.		Initiation of Proceedings for offences (Reg. 19)	Public Protection Committee	
197.		Certification of Food (Reg. 29)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	

		FUNCTION		NEW
198.	<u>Food Safety Act 1990</u>	To appoint and authorise appropriate named staff members to act in relevant provisions of Parts II and III of the Act, any Food Safety Regulations, Orders or Codes of Practice made under the Act and existing Regulations as specified in Schedule 4 of the Act (Sect.5(6)) including service of appropriate notices	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
199.		To carry out the relevant provisions of Parts II and III of the Act, any Food Safety Regulations, Orders or Codes of Practice made under the Act and existing Regulations as specified in Schedule 4 of the Act (Sect.5(6))	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
200.		Inspection and seizure of suspected food (Sect.9)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
201.		Power to maintain statutory registers in respect of the Food Premises (Registration) Regulations 1991	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
202.	<u>Gambling Act 2005</u>	To exercise the functions of the licensing authority under the Gambling Act 2005 other than the adoption of the Statement of Gambling Policy	Licensing Committee	
203.		To issue a Statement of Gambling Policy	Full Council	
204.		Power of inspection for compliance Sect.305	Chief Executive/ Executive Director (Regeneration and Development) or Head of Housing and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing	
205.		Power of inspection for gambling Sect.307	Chief Executive/ Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement	

		FUNCTION		NEW
			Officers authorised in writing	
206.		Power of inspection of family entertainment centres Sect.309	Chief Executive/ Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing	
207.		Power of inspection of alcohol licensed premises providing gaming Sect.310	Chief Executive/ Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing	
208.		Power of inspection of premises with a prize gaming permit	Chief Executive/ Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing	
209.		Power of inspection of a licensed premises for the purposes of applications and reviews Sect.313	Chief Executive/ Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing	
210.		Powers of inspection of lotteries: registered societies Sect.314	Chief Executive/ Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing	
211.		Power of inspection of premises with a temporary use notice Sect.315	Chief Executive/ Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing	
212.		General power of inspection Sect.317	Chief Executive/ Executive Director (Regeneration and Development) or Head of Environmental Health Services and all 'authorised officers' exercising inspection powers	
213.	<u>Guard Dogs Act 1975</u>	Refusal, revocation and variations of licences (Not currently enacted)	Public Protection Committee	
214.		Grant or renewal of licences (Not currently enacted)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	

		FUNCTION		NEW
215.		To undertake appropriate inspections and investigate offences: Sect.1 Control of Guard Dogs	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
216.	<u>Health Act 2006</u>	To appoint and authorise appropriate named staff members under Sect.10(5) to discharge appropriate duties of Part 1, Chapter 1	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
217.		To enforce Part 1, Chapter 1 as 'authorised officers' and to exercise power of entry in accordance with Schedule2	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
218.		Power to issue fixed penalty notices (Sect.9) in respect of smoking	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
219.		Power to authorise proceedings in respect of offences under Part 1 of the Health Act 2006	Public Protection Committee	
220.	<u>Health and Safety (Enforcing Authority) Regulations 1989</u>	Transfer of enforcement responsibility (Reg. 5 and 6)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
221.	<u>Health and Safety at Work etc. Act 1974</u>	To appoint and authorise appropriate named staff members as Inspectors (Sect. 19)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
222.		Powers and duties placed upon local authority inspectors under Sections 20 (2) a-m, 21, 22 and 25 of the Act, any Health and Safety Regulations made under the Act and the provisions of the Acts specified in Schedule 1 of the Act, inc. powers of entry [Enforcement ENEW]	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	

		FUNCTION		NEW
223.		Powers and duties placed upon local authority inspectors under Sections 20 (2) a, b, c, d, f, g, k, & l of the Act, any Health and Safety Regulations made under the Act and the provisions of the Acts specified in Schedule 1 of the Act, inc. powers of entry [Other teams and TAs]	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	NEW
224.		Power to revoke notice (Sect.23)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
225.		Institution of proceedings (Sect.38 & 39)	Public Protection Committee	
226.	<u>Housing Act 1985</u>	To periodically review the housing needs of its area in relation to housing conditions and the needs of the district (Housing Act 1985, Sect.8)	Executive Director (Regeneration and Development) / Head of Housing / appropriately qualified housing staff	
227.		To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) and Head of Housing	
228.		Power to make demolition order (Sect.265)	Public Protection Committee	
229.		Service of notice of order (Sect.268)	Executive Director (Regeneration and Development) or Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
230.		Recovery of possession of building to be demolished (Sect.270)	Executive Director (Regeneration and Development) or Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
231.		Cleansing before demolition (Sect.273)	Executive Director (Regeneration and Development) or Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
232.		Power to permit reconstruction of condemned house	Public Protection Committee	

		FUNCTION		NEW
		(Sect.274)		
233.		Substitution of closing order to permit use otherwise than for human habitation (Sect.275)	Executive Director (Regeneration and Development) or Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
234.		Demolition of Obstructive Buildings	Public Protection Committee	
235.		<u>Clearance Areas</u>		
236.		Clearance areas etc. (Sect..289)	Public Protection Committee	
237.		Power of entry (Sect.319)	Executive Director (Regeneration and Development) or Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
		<u>Part X</u> <u>OVERCROWDING</u>		
		<u>Overcrowding</u>		
238.		Power to issue or revoke licence authorising persons in excess of permitted number to sleep in a dwelling Sect.330	Executive Director (Regeneration and Development) or Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
239.		Power to require information about persons sleeping in a dwelling Sect.335	Executive Director (Regeneration and Development) or Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
240.		Power to require production of rent book Sect.336	Executive Director (Regeneration and Development) or Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
241.		Power of entry to determine permitted number of persons Sect.337 and for the purpose of a survey or examination [Also Powers of entry as in Sect. 340]	Executive Director (Regeneration and Development) or Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
242.		Notice to abate overcrowding Sect.338	Executive Director (Regeneration and Development) or Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	

		FUNCTION		NEW
243.		Power to Prosecute (sections 324 & 344): (Sect. 339)	Public Protection Committee	
		<u>Part XI HOUSES IN MULTIPLE OCCUPATION</u>		
		<u>Houses in Multiple Occupation</u>		
		<u>Part XII</u>		
		<u>Common Lodging Houses</u>		
		<u>Part XV GRANTS FOR WORKS OF IMPROVEMENT, REPAIR AND CONVERSION</u>		
		<u>Grants</u>		
244.		Assistance for provision of separate service water pipe (Sect.523)	Executive Director (Regeneration and Development) and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
		<u>Assistance for Owners of Defective Housing</u>		
245.		Determination of eligibility for assistance Sect.536	Executive Director (Regeneration and Development) and Head of Housing Services	
246.		Determination of form of assistance Sect.537	Executive Director (Regeneration and Development) and Head of Housing Services	
247.		Notice of determination as to form of assistance Sect.540	Executive Director (Regeneration and Development) and Head of Housing Services	
248.		Provision of assistance by way of reinstatement grant for qualifying work Sect.541	Executive Director (Regeneration and Development) and Head of Housing Services	
249.		Power to extend period for completing works Sect.542	Executive Director (Regeneration and Development) and Head of Housing Services	
250.		Amount of reinstatement grant Sect.543	Executive Director (Regeneration and Development) and Head of Housing Services	
251.		Approval of grants at 90%	Executive Director (Regeneration and Development) and Head of Housing Services	
252.		Approval of grants at 100% in cases of financial hardship satisfying criteria	Executive Director (Regeneration and Development) and Head of Housing Services	

		FUNCTION		NEW
		adopted by Committee		
253.		Refusal of grant in all other cases	Executive Director (Regeneration and Development) and Head of Housing Services	
254.		Notice of readjustment of amount of grant Sect.544	Executive Director (Regeneration and Development) and Head of Housing Services	
255.		Payment of grant Sect.545	Executive Director (Regeneration and Development) and Head of Housing Services	
256.		Power to require repayment of grant Sect.546	Executive Director (Regeneration and Development) and Head of Housing Services	
		<u>Part XVII COMPULSORY PURCHASE AND LAND COMPENSATION</u>		
		<u>Compulsory Purchase and Land Registration</u>		
257.		Powers of entry Sect.600	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
	<u>Housing Act 2004</u>	<u>PART 1 – HOUSING CONDITIONS Enforcement of Housing Standards: General</u>		
258.		Duty to review housing conditions in the area	Executive Director (Regeneration and Development) or Head of Housing Services	
259.		Inspections to see whether Category 1 or 2 hazards exist: Category 1 hazards – duty to take enforcement action; Category 1 hazards – powers to take enforcement action; Category 2 hazards – powers to take enforcement action	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
260.		Category 1 hazards – duty to serve improvement notices (s11)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	

		FUNCTION		NEW
261.		Category 2 hazards – power to serve improvement notices (s12)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
262.		Suspension of improvement notices (s14)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
263.		Revocation and variation of improvement notices (s16)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
264.		Review of suspended improvement notices (s17)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
265.		Duty of authority to make prohibition orders in relation to Category 1 hazards (s20)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
266.		Power of authority to make prohibition orders in relation to Category 2 hazards (s21)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
267.		Suspension of prohibition orders (s23)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
268.		Revocation and variation of prohibition orders (s25)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
269.		Review of prohibition orders (s26)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
270.		Power of authority to serve hazard awareness notices in relation to Category 2 hazards (s29)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	

		FUNCTION		NEW
271.		Power of authority to take enforcement action which provides for receiving of related expenses (s31)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
		<u>Emergency Measures</u>		
272.		Power of authority to take emergency remedial action (s40)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
273.		Notice of emergency remedial action (s41)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
274.		Emergency prohibition orders (s43)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
		<u>Demolition Orders and Slum Clearance</u>		
		<u>Declarations</u>		
275.		Power to make demolition orders (s46)	Executive Director (Regeneration and Development)	
276.		Power to make clearance areas (s47)	Executive Director (Regeneration and Development)	
		<u>General and Miscellaneous Provisions relating to Enforcement Action</u>		
277.		Power to charge for enforcement action (s49)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
		<u>Part 2 – LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMO)</u>		
278.		Licensing of HMOs to which Part 2 applies (s55)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
279.		Power to designate areas subject to additional licensing (s56)	Executive Director (Regeneration and Development) and Head of Housing Services	

		FUNCTION		NEW
280.		Power to serve temporary exemption notices from licensing requirements (s62)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
281.		Power to grant licence (s64)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
282.		Power to refuse licence (s64)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
283.		Power to impose licence conditions (s67)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
284.		Power to vary licence (s69)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
285.		Revocation of licence (s70)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
286.		Power to implement rent payment orders (s73, s74)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
		<u>Part 3 – SELECTIVE LICENSING OF OTHER RESIDENTIAL ACCOMMODATION</u>		
287.		Designation of selective licensing areas (s80)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
288.		Duration, review and revocation of designations (s84)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
289.		Temporary exemption from licensing requirements (s86)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and	

		FUNCTION		NEW
			appropriately qualified technical staff	
290.		Grant of licence (s88)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
291.		Refusal of licence (s88)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
292.		Licence conditions (s90)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
293.		Variation of licence (s92)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
294.		Revocation of licence (s93)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
295.		Power to implement rent repayment orders (s96, s97)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
		<u>Part 4 – ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION</u>		
		<u>Interim and Final Management Orders</u>		
296.		Duty/power to make interim management orders (s102)	Executive Director (Regeneration and Development) or Head of Housing Services	
297.		Power to make special interim management orders (s103)	Executive Director (Regeneration and Development) or Head of Housing Services	
298.		Variation of interim management orders (s111)	Executive Director (Regeneration and Development) or Head of Housing Services	

		FUNCTION		NEW
299.		Revocation of interim management orders (s112)	Executive Director (Regeneration and Development) or Head of Housing Services	
300.		Making of final management orders (s113)	Executive Director (Regeneration and Development) or Head of Housing Services	
301.		Operation of management schemes (s114)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
302.		Variation of final management orders (s121)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
303.		Revocation of final management orders (s122)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
304.		Management orders – power to supply furniture (s127)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
305.		Compensation liable to third parties (s128)	Executive Director (Regeneration and Development) or Head of Housing Services	
306.		Termination of management orders (s129, s130)	Executive Director (Regeneration and Development) or Head of Housing Services	
307.		Management orders – power of entry (s131)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
		<u>Interim and Final Empty Dwelling Management Orders</u>		
308.		Power to make empty dwelling management orders (s133)	Executive Director (Regeneration and Development) or Head of Housing Services	
309.		Power to make interim empty dwelling management orders (s133)	Executive Director (Regeneration and Development) or Head of Housing Services	
310.		Power to make final empty dwelling management orders (s136)	Executive Director (Regeneration and Development) or Head of Housing Services	

		FUNCTION		NEW
311.		Power to make compensation payments to third parties (s138)	Executive Director (Regeneration and Development) or Head of Housing Services	
		<u>Overcrowding Notices</u>		
312.		Power to make overcrowding notices (s139)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
313.		Revocation and variation of overcrowding notices (s144)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
		<u>Part 7 – SUPPLEMENTARY AND FINAL PROVISIONS</u>		
314.		Register of licences and management orders (s232)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
315.		Power to require documents to be produced (s235)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
316.		Powers of entry (s239)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
317.		Authorisation for enforcement purposes etc.	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
318.		HMO declarations (s255)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
319.		Revocation of HMO declaration (s256)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
320.	<u>Housing Grants, Construction and Regeneration Act 1996</u>	Approval, Refusal and Certification of Completion of Renovation and Disabled Facilities Grants etc.	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	

		FUNCTION		NEW
321.		Power to not demand repayment following breach of condition as to availability for letting	Executive Director (Regeneration and Development) or Head of Housing Services	
322.		Power to not demand repayment of the grant and where the circumstances fall within the Housing Grants, Construction and Regeneration Act 1996 (Grant Repayment(General Consent 2000, the amount repayable will be on a sliding scale over the 5 year condition period.	Executive Director (Regeneration and Development) or Head of Housing Services	
323.	<u>Land Compensation Act 1973</u>	Home loss payments and advance payments	Executive Director (Resources and Support Services) or Head of Housing Services	
324.		Discretionary home loss payments	Executive Director (Resources and Support Services) or Head of Housing Services	
325.	<u>Landlord and Tenant Act 1985</u>	Power of local housing authority to institute legal proceedings Sect.34	Executive Director (Resources and Support Services) or Head of Housing Services	
326.	<u>Licencing Act 2003</u>	To authorise officers to exercise the rights of an 'authorised person' (as Sect 13(2))	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
327.		Require production of Premises Licence Sect. 56(2) and 57	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
328.		Inspection before grant of licence Sect. 59	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
329.		Require production of certificates Sect 94	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
330.		Inspection before grant of certificate Sect. 96	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	

		FUNCTION		NEW
331.		Other Powers of entry and search Sect . 97	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
332.		Rights of entry - Temporary event notice Sect 108	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
333.		Require production of Temporary Event Notice Sect. 109	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
334.		Require production of Personal Licence Sect. 134 & 135	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
335.		Investigation of licensable activities & offences Sect. 179 & 180	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
336.	<u>Local Government (Miscellaneous Provisions) Act 1976</u>	Requisition regarding ownership of land Sect.16	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
337.		Notice requiring provision of sanitary facilities at places of entertainment etc. Sect.20	Executive Director (Regeneration and Development), Head of Environmental Health Services or Head of Housing Services	
338.		Power to assist tenants to restore and continue supply of gas, water or electricity because landlord has not paid bills Sect.33	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
339.		To authorise the service of notices on all persons using a private sewer when that sewer is blocked and to apportion the cost of remedial work amongst them Sect.35	Executive Director (Regeneration and Development) or Head of Housing Services	
340.		Provision of information and production of documents Hackney Carnages and private hire vehicles Sect. 50, 53	Chief Executive/ Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement	NEW

		FUNCTION		NEW
		& 56	Officers authorised in writing	
341.		Return of identification plate or disc on revocation or expiry of licence etc., Sect.58. Suspension and revocation of vehicle / drivers licences Sect 60&61 Suspension and revocation of operators' licences Sect 62.	Chief Executive/ Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing	NEW
342.		Inspection and Testing of Hackney Carnages and private hire vehicles for fitness. Sect. 68	Chief Executive/ Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing	NEW
343.		Action in respect of obstruction of authorised officers Sect. 73	Public Protection Committee	NEW
344.	<u>Local Government (Miscellaneous Provisions) Act 1982</u>	Registration of persons and premises for acupuncture, tattooing, ear piercing & electrolysis (Sect.13 –17)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
345.		To undertake appropriate inspections associated with for acupuncture, tattooing, ear piercing & electrolysis (Sect.13 –17)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
346.		Securing of buildings against unauthorised access where permanently unoccupied or occupier temporarily absent (Sec.29 -32)	Executive Director (Regeneration and Development) or Head of Environmental Health Services or Head of Housing Services	NEW
347.		To undertake site inspections, and search records to perform duties associated with Sect.29-32, securing of buildings	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
348.		Execution of work in default to secure compliance with notices under Sections 29-32	Executive Director (Regeneration and Development) or Head of Environmental Health Services or Head of Housing Services	

		FUNCTION		NEW
349.		To place appropriate order with suitable contractor to perform duties associated with Sect.29-32, securing of buildings	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
350.	<u>Local Government and Housing Act 1989</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development)	
		<u>Urban Renewal</u>		
351.		Power to declare, extend or terminate, etc. Renewal Areas (Sec.89) - et sequence	Public Protection Committee	
352.		Power of Entry (Sec.97) - Renewal areas	Executive Director (Regeneration and Development) or Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
		<u>Miscellaneous</u>		
353.		Power to institute proceedings in respect of contraventions of the above mentioned Acts, Regulations or Regulations made there under as amended or substitute and to recover costs/expenses where appropriate	Public Protection Committee, Executive Director (Regeneration and Development) or Head of Housing Services	
354.		Power to designate a particular technical officer as being appropriate	Executive Director (Regeneration and Development) or Head of Housing Services	
355.	<u>National Assistance Act 1948</u>	Removal of persons suffering from grave chronic disease and not receiving proper care Sect.47	Designated Proper Officer	
356.		Making of proper arrangements for assisted burials and the recovery of costs (Sect. 50)	Executive Director (Regeneration and Development)	
357.	<u>Noise Act 1996</u>	Adoption of provisions (Sect. 1)	Public Protection Committee	

		FUNCTION		NEW
358.		To appoint & authorise appropriate groups of officers by designation to perform associated duties and claim indemnity afforded by the act	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
359.		Authority to serve Warning Notice (Sect. 3)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
360.		Authority to require a person to give their name and address (Sect. 8)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
361.		Powers of entry and Authority to Seize Noise Producing Equipment (Sect. 10(7))	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
362.		Authority for retention, application for forfeiture, return or disposal of seized equipment (Sect. 10(9) and Schedule)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
363.	<u>Noise and Statutory Nuisance Act 1993</u>	Power to grant consent for the operation of a loudspeaker, in contravention of the Control of pollution act 1974 section 62(1)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
364.	<u>Offices, Shops and Railway Premises Act 1963</u>	Recording of persons employed Sect.49	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
365.	<u>Party Wall Act 1996</u>	To periodically review the housing needs of its area in relation to housing conditions and the needs of the district (Housing Act 1985, Sect.8)	Executive Director (Regeneration and Development) / Head of Housing / appropriately qualified housing staff	
366.	<u>Pet Animals Acts 1951/1983</u>	To appoint and authorise appropriate named staff members under Sect 4(1) of the 1951 Act , as amended	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
367.		Grant, renewal or refusal of licence and service of notices of contravention	Executive Director (Regeneration and Development) or Head of Environmental Health Services	

		FUNCTION		NEW
		(Sect. 1)		
368.		Power to enter premises to inspect (Sect. 4)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
369.		Instigate proceedings for Sect. 5 Offences (Sect. 6)	Public Protection Committee	
370.	<u>Pollution Prevention and Control (England & Wales) Regulations 2000</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
371.		Powers and duties in respect of: Sect. 6-12, 15-26, 28, 29, 31, and 33 plus schedules 3,4,7,8,&10	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
372.	<u>Pollution Prevention and Control Act 1999 (as amended by Order)</u>	To appoint and authorise appropriate named staff members to carry out the functions and to exercise all powers and duties under that Act and Regulations made there under –	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
373.		Permit A2 & B installations (schedule 1); grant permits; issue revocations; vary permits & conditions; payment issues; transfer of permits; obtaining information; suspension & enforcement	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
374.		Also: Powers of Entry (paragraph 14)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
375.		Authority to prosecute for offences (paragraph 17)	Public Protection Committee	
376.	<u>Prevention of Damage by Pests Act 1949</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) or Head of Environmental Health Services	

		FUNCTION		NEW
377.		Notices in respect of rodent infestation (Sections 4-7 and 9) and work in default in respect of rodent infestation	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
378.		Authority to Enter Premises (Sect 22)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
379.		Authority to prosecute offences (Sect 26)	Public Protection Committee	
380.	<u>Public Health (Control of Disease) Act 1984</u> <u>Health Protection (Local Authority Powers) Regulations 2010</u> <u>Health Protection (Part 2A Orders) Regulations 2010</u> <u>and Health Protection Regulations 2010</u>	To appoint and authorise appropriate named staff members to carry out the functions and exercise all powers and duties under the above Acts and Regulations thereunder	Executive Director (Regeneration & Development) or Head of Environmental Health Services	
381.		To authorise the nominate proper officer for the Control of Notifiable Disease and Food Poisoning under the 1984 Act, with powers to act as Proper Officer, including the signing of documents	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
382.		Disinfection of Premises Sect.31	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
383.		Disposal of dead bodies Sect.46	Chief Executive	
384.		Removal of Dead Bodies Sect.48	Designated Proper Officer	
385.		Power to enter premises Sect.61 & 62	Executive Director (Regeneration & Development) or Head of Environmental Health Service, all Environmental Health Officers, Designated Proper Officer or nominees	
386.	<u>Health Protection (Local Authority Powers) Regulations 2010</u>	Disinfection and Decontamination of items on request Regs 4 &5	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	NEW

		FUNCTION		NEW
387.		Disinfection and Decontamination of premises on request Regs 6 &7	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	NEW
388.		Restriction of contact with, access to, or relocation of, dead bodies	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	NEW
389.	<u>Health Protection (Part 2A Orders) Regulations 2010</u>	Application to JP for a Part 2A Order	Executive Director (Regeneration and Development) or Head of Environmental Health Services	NEW
390.	<u>Public Health Act 1936</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties under Section 343(1)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	NEW
391.		Repair of defective closets Sect.45	Executive Director (Regeneration and Development) or Head of Environmental Health Services or Head of Housing Services	
392.		Power to examine and test drains Sect.48	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
393.		Notice to remedy overflowing and leaking cesspools Sect.50	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
394.		Notice requiring care of closets Sect.51	Executive Director (Regeneration and Development)	
395.		Power to serve notice in respect of Noxious Matter (Sect. 79) (with associated works)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
396.		Notices to remedy filthy or verminous premises, articles, persons and their clothing (Sections 83, 84 and 85) (with associated works)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
397.		Authority to issue tent site licences Sect.269	Executive Director (Regeneration and Development) or Head of Housing Services	

		FUNCTION		NEW
398.		Power to enter premises to inspect & Warrant provisions Sect.287	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
399.		Authority to institute proceedings (Sect. 296)	Public Protection Committee	
400.	<u>Public Health Act 1961</u>	Power to remedy stopped drains and repair defective drains Sect.17	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
401.		Notices in respect of accumulation of rubbish and filthy and verminous premises (Sections 34-37)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
402.	<u>Refuse Disposal (Amenity) Act 1978</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Operational Services)	
403.		Removal and disposal of abandoned vehicles (Sect, 3-5) and other refuse (Sect. 6)	Executive Director (Regeneration and Development) / Executive Director (Operational Services), all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
404.		Power to enter premises to inspect Sect. 8	Executive Director (Regeneration and Development) / Executive Director (Operational Services), all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
405.	<u>Riding Establishments Acts 1964 and 1970</u>	To appoint and authorise appropriate named staff members to perform duties (section 2 & 5 of the 1964 Act and subsequent legislation)	Executive Director (Regeneration and Development)	
406.		Grant, renewal or refusal of licence and service of notice of contravention	Executive Director (Regeneration and Development)	
407.		Power to enter premises to inspect	Executive Director (Regeneration and Development), all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
408.	<u>Scrap Metal Dealers Act 2013</u>	Issue of Licence	Democratic Services Manager or Head of Environmental Health Services or Principal Solicitor, or Monitoring Officer	
409.		Revocation of Licence and imposition of conditions Sect. 4	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers	NEW

		FUNCTION		NEW
			and appropriately qualified technical staff	
410.		Closure of Unlicensed Sites - Schedule 2 (sect. 9)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	NEW
411.		Inspection of Premises and checking of records Sect. 10-16	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	NEW
412.		Commence proceedings in respect of offences	Public Protection	NEW
413.	<u>Staffordshire Act 1983</u>	Registration of hairdressers and barbers and of their premises (Sec.11)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
414.		Notices to control dust, etc. from building operations (Sec.12)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
415.		Complaint to Magistrates Court requesting Order to alter chimney (Sec.14)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
416.		Power to control rats and mice on land and recharge owner (Sec.15)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
417.		Powers of entry for the Prevention of Damage by Pests Act 1949 (Sec.16)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
418.		Powers in respect of oil burning equipment (Sect. 27)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
419.	<u>Sunbeds (Regulation) Act 2010</u>	To appoint and authorise appropriate named staff members to carry out the functions and to exercise all powers and duties under the above Act and Regulations made there under	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
420.		Powers of entry (Sect.7)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	

		FUNCTION		NEW
421.	<u>Sunday Trading Act 1994</u>	To appoint and authorise appropriate named staff members to perform duties (Part 2 Schedule 2)	Executive Director (Regeneration and Development)	
422.		Power of inspection	Executive Director (Regeneration and Development), all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
423.	<u>The Environmental Damage (Prevention and Remediation) Regulations 2009 (as amended)</u>	Authorise the exercise of powers of authorised persons under the Regulations to Environmental Health Officers and appropriately qualified technical staff	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
424.		Power to serve a notice on a responsible operator to prevent further environmental damage (Part 2)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
425.		Power to serve a remediation notice on the responsible operator where environmental damage had occurred (Part 3)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
426.		Power to undertake works in default where a remediation notice served in respect of environmental damage under Part 3 has not been complied with (Regulation 19)	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
427.		Power to recover costs associated with any works in default from the appropriate duty holder (Regulations 17 and 24)	Public Protection Committee	
428.		Power to require the provision of information to the enforcing authority (Regulation 23)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
429.		Power to instigate legal proceedings (Regulation 25)	Public Protection Committee	

		FUNCTION		NEW
430.	<u>The General Food Regulations 2004</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties to comply with Regulation (EC) No. 178/2002	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
431.		Inspection to in accordance with Regulation (EC) No. 178/2002	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
432.	<u>The Official Controls (Animals, Feed and Food) (England) Regulations 2006</u>	Powers of enforcement Officers (Reg 16)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
433.		To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
434.		Power of entry (Reg.18)	Executive Director (Regeneration and Development), all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
435.		Notice to detain, destruct, special treat, re-despatch (Reg.31)	Executive Director (Regeneration and Development) and appropriately qualified Environmental Health Officers and technical staff	
436.		Procurement of samples (Reg.37)	Executive Director (Regeneration and Development) and appropriately qualified Environmental Health Officers and technical staff	
437.		Analysis of samples (Reg.38)	Executive Director (Regeneration and Development) and appropriately qualified Environmental Health Officers and technical staff	
438.	<u>The Private Water Supplies Regulations 2009</u>	To appoint and authorise appropriate named staff members to carry out the functions and to exercise all powers and duties under the above Acts and Regulations made there under	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
439.		To perform duties in respect of Part 2 - Monitoring, and Part 3 - Action in the event of failures	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW

		FUNCTION		NEW
440.		Part 4 - Service of Notices, (Reg. 18)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
441.	<u>The Trade in Animals and Related Products Regulations 2011</u>	Powers of Entry (Reg 33)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
442.		Powers of Authorised Officers (Reg 34)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
443.	<u>The Transmissible Spongiform Encephalopathies (No. 2) Regulations 2006</u>	To appoint & authorise appropriate groups of officers by designation to perform associated duties.	Executive Director (Regeneration and Development) or Head of Environmental Health Services	
444.		Power of entry (Reg.17)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
445.		Inspection, sampling, detain and seizure (Reg.17)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
446.		Power to serve notice (Reg.19)	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	
447.	<u>Town and Country Planning Act 1990</u>	To serve notices under Sect.215 of the Act requiring proper maintenance of land	Executive Director (Regeneration and Development) and appropriately qualified Environmental Health Officers and technical staff	
448.	<u>Town Police Clauses Act 1847</u>	Provisions in respect of Hackney carriages. Sections 37, 38 & 40-66	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
449.	<u>Water Industry Act 1991</u>	To appoint and authorise appropriate named staff members as Inspectors Sect. 84(2)	Executive Director (Regeneration and Development)	
450.		Local Authority Functions etc. – water supplies (Sections 77 - 85) including service of	Executive Director (Regeneration and Development) or Head of Environmental Health Services	

		FUNCTION		NEW
		Notices under S. 80		
451.		Power to enter premises to inspect (Sect.84 & Sect.85)	Executive Director (Regeneration and Development), all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	
452.	<u>Wildlife and Countryside Act 1981</u>	Duty of Local Authority to promote the act (S 25(1))	Executive Director (Regeneration and Development)	
453.		Identification of offences and collection of evidence	Executive Director (Regeneration and Development) or Head of Environmental Health Services and all Environmental Health Officers and appropriately qualified technical staff	NEW
454.		Enforcement of Act and associated Orders (Sect. 25(2))	Public Protection Committee	
455.	<u>Zoo Licensing Act 1981</u>	To appoint and authorise appropriate named staff members to perform duties	Executive Director (Regeneration and Development)	
456.		Grant, refusal or renewal of licence	Public Protection Committee	
457.		Service of notices of contravention	Executive Director (Regeneration and Development)	
458.		Power to enter premises to inspect	Executive Director (Regeneration and Development), all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff	

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SPECIFIC FUNCTIONS

LEISURE/AMENITY FUNCTIONS

	FUNCTION	EXERCISED BY
(1)	Approval of lettings in respect of property held for recreational purposes, with the exception of major annual private bookings and leases of recreational facilities	Executive Director (Operational Services)
(2)	Making of byelaws and regulations for leisure centres, parks, open spaces, cemeteries, crematoria and allotments Enforcement of same	Public Protection Cttee Executive Director (Operational Services)
(3)	Allotment lettings	Executive Director (Operational Services)
(4)	To exercise the Council's powers under the Staffordshire Act 1983 (former Silverdale Trust Land)	Public Protection Cttee
(5)	Cemeteries – memorial plans	Executive Director (Operational Services)
(6)	Cemeteries – issue of grave space grants	Executive Director (Resources and Support Services)
(7)	To exercise the Council's powers in respect of dangerous trees on private land	Executive Director (Operational Services)
(8)	Maintenance of trees and/or felling of dangerous trees	Head of Business Improvement, Central Services and Partnerships Executive Director (Operational Services)
(9)	Provision of parking places in parks etc. Staffordshire Act 1983	Public Protection Cttee
(10)	Protection of ornamental or mown land	Public Protection Cttee
(11)	Power to institute proceedings in respect of contraventions of Acts, byelaws and regulations appertaining to leisure/amenity functions	Public Protection Cttee
(12)	Appointment of medical referees to certify cremation documentation	Executive Director (Operational Services) after consultation with a Cabinet Member

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SPECIFIC FUNCTIONS**BUILDING CONTROL FUNCTIONS**

	FUNCTION	EXERCISED BY
(39)	To determine the passing or rejection of plans under the Building Regulations (Building Act 1984, S.16)	Executive Director (Regeneration and Development)
(40)	To pass plans under the Building Regulations subject to conditions (Building Act 1984, S.16)	Executive Director (Regeneration and Development)
(41)	To determine regularisation applications	Executive Director (Regeneration and Development)
(42)	To authorise the service of information requisitions (Local Government (Miscellaneous Provisions) Act 1976, Section 16)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff
(43)	To determine applications to relax the Building Regulations	Planning Committee
(44)	To exercise the Council's powers to enforce compliance with the Building Regulations and the Building Act 1984 as amended	Executive Director (Regeneration and Development)
(45)	To authorise the service of notices under the Building Act 1984, S.36	Executive Director (Regeneration and Development)
(46)	To authorise legal action under the Building Act 1984, S.35	Planning Committee
(47)	Power to enter premises to inspect (Building Act 1984, S.95)	Executive Director (Regeneration and Development) and Head of Housing Services and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff
(48)	To reject an application to build a dwelling where there is no wholesome water supply (Building Act 1984, S.25)	Executive Director (Regeneration and Development)
(49)	Raising chimneys (Building Act 1984, S.73)	Executive Director (Regeneration and Development)
(50)	To declare that deposited plans have lapsed after a period of 3 years from the date of deposit (Building Act 1984, S.32)	Executive Director (Regeneration and Development)

(51)	Means of escape from fire. Power to serve notice (Building Act 1984, S.72)	Executive Director (Regeneration and Development)
(52)	To seek an injunction under S.36 of the Building Act 1984	Planning Committee
(53)	The provision of water supply to dwellings	Executive Director (Regeneration and Development)
(54)	To appoint a surveyor under Sections 10(8) and 20 of the Party Wall etc. Act 1996	Executive Director (Regeneration and Development)
(55)	To consult the Fire Authority	Executive Director (Regeneration and Development)
(54)	To exercise the Council's powers under the following sections of the Staffordshire Act 1983: S.25 safety requirements for parking places S.26 adequate means of access for Fire Brigade S.27 oil burning equipment S.28 fire safety aspects of temporary structures S.48 foundations of buildings liable to subsidence	Planning Committee and/or Executive Director (Regeneration and Development)

SPECIFIC FUNCTIONS

HIGHWAYS FUNCTIONS

	FUNCTION	EXERCISED BY
(1)	Issue of permits to enable vehicles to enter the pedestrianised area of the town centre	Cabinet/ Executive Director (Regeneration and Development)
(2)	Temporary access permits – The Guildhall	Cabinet/ Executive Director (Regeneration and Development)
(3)	Granting of consent with conditions for the staging of exhibitions etc. in Newcastle town centre	Cabinet/ Executive Director (Regeneration and Development)
(4)	Granting of consent to use land held for market purposes for public meetings etc. (Staffordshire Act 1983)	Cabinet/ Executive Director (Regeneration and Development)
(5)	Provision of amenities etc. in pedestrianised areas (Highways Act 1980)	Cabinet/ Executive Director (Regeneration and Development)
(6)	To exercise the Council's powers in relation to pedal cycles in pedestrianised areas (Staffordshire Act 1983)	Cabinet
(7)	To exercise the Council's powers in relation to the Cycle Tracks Act 1984	Cabinet/ Executive Director (Regeneration and Development)
(8)	Granting of consent with conditions for the erection of banners in streets	Executive Director (Regeneration and Development)
(9)	To issue consents for the erection of flagpoles etc. and other displays in the highway (Local Government (Miscellaneous Provisions) Act 1976)	Executive Director (Regeneration and Development)
(10)	Numbering and re-numbering of properties (Staffordshire Act 1983, Section 4)	Executive Director (Regeneration and Development)
(11)	Street trading matters (Sch.4, Local Government (Miscellaneous Provisions) Act 1982)	Public Protection Cttee
	Issue of consents or licences under the above	Executive Director (Regeneration and Development)
(12)	Sales from roadside stalls or vehicles on laybys etc. (Local Government (Miscellaneous Provisions) Act 1982, Section 23)	Executive Director (Regeneration and Development)

(13)	Temporary closure of streets to traffic for special occasions and Orders as necessary relating to sites not forming part of the highway (Christmas celebrations etc.) (Town Police Clauses Act 1847, Section 21)	Executive Director (Regeneration and Development)
(14)	Temporary stopping-up of streets under Road Traffic Acts legislation	Executive Director (Regeneration and Development)
(15)	Affixing of traffic signs to walls (Staffordshire Act 1983, Section 5)	Executive Director (Regeneration and Development)
(16)	To provide protection to the public from dangerous excavations on private land to which the public has access (Local Government (Miscellaneous Provisions) Act 1976, Sections 25 and 26)	Executive Director (Regeneration and Development) after consultation with a Cabinet member
(17)	Approvals (including conditions), but not refusals to erect buildings over sewers	Executive Director (Regeneration and Development)
(18)	Service of notices for the construction of sewers in or on private land	Executive Director (Regeneration and Development)
(19)	Service of sewer adoption notices	Executive Director (Regeneration and Development)
(20)	Dangerous or defective buildings/structures, demolition etc. under Sections 76-79 of the Building Act 1984	Executive Director (Regeneration and Development) / Head of Housing and all Environmental Health Officers, Enforcement Officers and appropriately qualified technical staff
(21)	Applications for deemed planning permission for development	Executive Director (Regeneration and Development)
(22)	Employment of mining consultants to report on any particular site or project	Executive Director (Regeneration and Development)
(23)	Matters relating to bus services and bus fares	Cabinet
(24)	Acts, Byelaws and Regulations appertaining to highways functions	Public Protection Cttee
(25)	Naming and alteration of names of streets (Public Health Act 1925, Sections 17 and 18)	Executive Director (Regeneration and Development)
(26)	Statutory duty to serve notice of intended works on adjoining owners under the Party Wall etc. Act 1996	Executive Director (Regeneration and Development)
(27)	To exercise all powers and duties in connection with decriminalised parking enforcement	Joint Parking Committee and Executive Director (Regeneration and Development)

SPECIFIC FUNCTIONS

HOUSING FUNCTIONS

	FUNCTION	EXERCISED BY
(1)	To have an allocation scheme, publish a summary of it and allocate housing accommodation in accordance with the scheme (Housing Act 1996, S.167, S.168)	Cabinet / Executive Director (Regeneration and Development) / Head of Housing / appropriately qualified housing staff
(2)	Ensure that advice and information is available free of charge to persons in their district about the right to make an application for an allocation of accommodation (Housing Act 1996, S.166)	Cabinet / Executive Director (Regeneration and Development) / Head of Housing / appropriately qualified housing staff
(3)	To supervise the nominations for the allocation of housing by Newcastle Housing Advice to persons on the housing waiting list in accordance with the relevant housing allocations policy	Executive Director (Regeneration and Development) / Head of Housing / appropriately qualified housing staff
(4)	To deal with homelessness under the Housing Act 1966 Part 7 and the Homelessness Act 2002 including: Duty to make enquiries into cases of homelessness or threatened homelessness. Co-operation in certain cases involving children (Housing Act 1996, S.213 as amended by Homelessness Act 2002, S.12). Interim duty to accommodate in case of apparent need. Duty to persons becoming homeless intentionally. Duty to persons not in priority need who are not homeless intentionally. Duty to persons with priority need who are not homeless intentionally. Duties in case of threatened homelessness. Duties to applicant where case is considered for referral or referred. Discharge of functions: out of area placements (Housing Act 1996, Part 7). Review of decisions as to suitability of accommodation (Homelessness Act 2008, S.8)	Cabinet / Executive Director (Regeneration and Development) / Head of Housing / appropriately qualified housing staff
(5)	To periodically review the housing needs of its area in relation to housing conditions and the needs of the district (Housing Act 1985, S.8)	Executive Director (Regeneration and Development) / Head of Housing / appropriately qualified housing staff
(6)	Statutory duty to serve notice of intended works on adjoining owners under the Party Wall Act 1996	Executive Director (Regeneration and Development) / Head of Housing / appropriately qualified housing staff

(7)	To exercise the Council's powers and duties in relation to harassment of private tenants and illegal eviction by private landlords	Executive Director (Regeneration and Development) / Head of Housing / appropriately qualified housing staff
(8)	Duty of local housing authority to formulate a homelessness strategy (Homelessness Act 2002, S.1)	Executive Director (Regeneration and Development) / Head of Housing / appropriately qualified housing staff
(9)	To exercise the Council's powers under the Caravan Sites Act 1968	Public Protection Cttee / Executive Director (Regeneration and Development) / Head of Housing / appropriately qualified housing staff or approved contractor

SPECIFIC FUNCTIONS

HUMAN RESOURCES FUNCTIONS

	FUNCTION	EXERCISED BY
(1)	To approve the payment of honoraria/ex gratia payments for higher grade work in consultation with the appropriate Executive Director	Executive Director (Resources and Support Services)
(2)	To establish and maintain effective consultation and negotiation procedures with employees and their recognised representatives	Executive Director (Resources and Support Services)
(3)	To determine posts as politically restricted	Chief Executive
(4)	To monitor the implementation of and report on all health and safety and welfare matters concerning the Council as an employer	Executive Director (Regeneration and Development)
(5)	To monitor the implementation of and report on the promotion and practice of equal opportunities	Executive Director (Resources and Support Services) Chief Executive
(6)	To settle industrial disputes in consultation with the Leader of the Council and the Chief Executive	Executive Director (Resources and Support Services)
(7)	To issue notices under employment legislation and to undertake formal consultations with the trade unions as appropriate in respect of any possible redundancies	Executive Director (Resources and Support Services)
(8)	To deal with employment appeals Disciplinary matters Capability or sickness	Sub-committee established by the Staffing Committee for this purpose except for Officers dealt with under the Chief Officers Appointments, Review and Appeals Committee

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SPECIFIC FUNCTIONS

LEISURE/AMENITY FUNCTIONS

	FUNCTION	EXERCISED BY
(1)	Approval of lettings in respect of property held for recreational purposes, with the exception of major annual private bookings and leases of recreational facilities	Executive Director (Operational Services)
(2)	Making of byelaws and regulations for leisure centres, parks, open spaces, cemeteries, crematoria and allotments Enforcement of same	Public Protection Cttee Executive Director (Operational Services)
(3)	Allotment lettings	Executive Director (Operational Services)
(4)	To exercise the Council's powers under the Staffordshire Act 1983 (former Silverdale Trust Land)	Public Protection Cttee
(5)	Cemeteries – memorial plans	Executive Director (Operational Services)
(6)	Cemeteries – issue of grave space grants	Executive Director (Resources and Support Services)
(7)	To exercise the Council's powers in respect of dangerous trees on private land	Executive Director (Operational Services)
(8)	Maintenance of trees and/or felling of dangerous trees	Executive Director (Operational Services)
(9)	Provision of parking places in parks etc. Staffordshire Act 1983	Public Protection Cttee
(10)	Protection of ornamental or mown land	Public Protection Cttee
(11)	Power to institute proceedings in respect of contraventions of Acts, byelaws and regulations appertaining to leisure/amenity functions	Public Protection Cttee
(12)	Appointment of medical referees to certify cremation documentation	Executive Director (Operational Services) after consultation with a Cabinet Member

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SPECIFIC FUNCTIONS**LICENSING FUNCTIONS**

	FUNCTION	EXERCISED BY
(1)	Hackney carriage fares and numbers	Public Protection Cttee
(2)	Power to grant, renew and transfer hackney carriage licences, drivers' licences and interior advertising on cabs Power to suspend licences Power to refuse or revoke licences	Chief Executive or Public Protection Cttee Chief Executive or Head of Business Improvement, Central Services and Partnerships Regeneration and Development Chief Executive Chief Executive
(3)	Power to approve applications for private hire vehicles, drivers' licences and operators' licences Power to suspend licences Power to refuse or revoke licences	Chief Executive or Public Protection Committee Chief Executive or Head of Business Improvement, Central Services and Partnerships Public Protection Cttee
(4)	Power to authorise prosecution under the Town Police Clauses Act 1847, S.45 – illegal plying for hire and to take any action under the Local Government (Misc.Provisions) Act 1976	Chief Executive or Executive Director (Regeneration and Development)
(5)	To exercise the functions of the licensing authority under the Licensing Act 2003 other than the adoption of the Statement of Licensing Policy	Licensing Committee
(6)	Power to authorise officers to exercise the rights of an 'authorised person' under the Licensing Act 2003 as amended	Chief Executive or Executive Director (Regeneration and Development) or Head of Environmental Health Services
(7)	To determine applications for a premises licence, club premises certificate, personal licence, provisional statements, variations, transfers, removal of designated premises	Chief Executive

	supervisor and all other applications made under the Licensing Act 2003 where no representations have been received	
(8)	To authorise prosecutions for offences under the Licensing Act 2003	Licensing Committee or Chief Executive in consultation with the Chair of Licensing Committee
(9)	To determine applications under the Licensing Act 2003 where representations are received	Licensing Committee/ Licensing Sub-committee
(10)	To make Closure Orders under the Licensing Act 2003 in respect of licensed premises	Chief Executive and Environmental Health Officers authorised in writing
(11)	Licensing of sex establishments	Licensing Committee
(12)	Objections to grant or renewal of club registration certificates and Justices' licences	Chief Executive or Head of Business Improvement, Central Services and Partnerships
(13)	Charitable collection permits	Chief Executive or Head of Business Improvement, Central Services and Partnerships
(14)	Registration of societies – small lotteries	Chief Executive or Head of Business Improvement, Central Services and Partnerships
(15)	Permits for amusements with prizes	Chief Executive or Head of Business Improvement, Central Services and Partnerships
(16)	Track betting licences	Public Protection Cttee
(17)	Power to authorise the institution of proceedings in respect of contravention of the legislation within the above terms of reference	Public Protection Cttee
(18)	Approval of advertisements on hackney carriage vehicles (Resolution 984/97)	Head of Business Improvement, Central Services and Partnerships
	<u>Gambling Act 2005</u>	
(19)	To exercise the functions of the licensing authority under the Gambling Act 2005 other than the adoption of the Statement of Gambling Policy	Licensing Committee
(20)	To issue a Statement of Gambling Policy	Full Council
(21)	Determination of application for premises licence where representations made	Licensing Committee or Licensing Sub-committee

(22)	Determination of application for a variation of premises licence where representations made and not withdrawn	Licensing Committee or Licensing Sub-committee
(23)	Determination of application to transfer premises licence where Gambling Commission makes a representation	Licensing Committee or Licensing Sub-committee
(24)	Determination of provisional statement where representations made and not withdrawn	Licensing Committee or Licensing Sub-committee
(25)	Review of a premises licence	Licensing Committee or Licensing Sub-committee
(26)	Power to issue a 'no casino' resolution	Full Council
(27)	Power to delegate fee setting levels	Full Council
(27)	Power to set fees where delegation enacted	Licensing Committee
(29)	Determination of application for premises licence, variation, transfer or provisional statement where no representations received	Head of Business Improvement, Central Services and Partnerships
(30)	Determination of application for temporary use notice where objection notice served	Licensing Sub-committee
(31)	Issuing an objection notice under S.221	Head of Business Improvement, Central Services and Partnerships
(32)	Issue of counternotice under S.244	Head of Business Improvement, Central Services and Partnerships
(33)	Power to issue family entertainment centre gaming machine permit (Schedule 10)	Head of Business Improvement, Central Services and Partnerships
(34)	Power to issue single machine supply and maintenance permit S.250	Head of Business Improvement, Central Services and Partnerships
(35)	Power to issue a club gaming permit S.271	Head of Business Improvement, Central Services and Partnerships
(36)	Power to issue a club gaming machine permit S.273	Head of Business Improvement, Central Services and Partnerships
(37)	Power to issue licensed premises gaming machine permit S.283	Head of Business Improvement, Central Services and Partnerships
(38)	Power to issue prize gaming permit S.289	Head of Business Improvement, Central Services and Partnerships
(39)	Refusal and/or revocation of a registered lottery (Schedule 11)	Licensing Sub-committee
(40)	Power to refuse a family entertainment centre gaming machine permit, single machine supply and maintenance permit, club gaming permit,	Licensing Sub-committee

	club gaming machine permit, licensed premises gaming machine permit and prize gaming permit	
(41)	Appointment of authorised officers S.304(2)(b)	All Executive Directors
(42)	Power of inspection for compliance S.305	Executive Director (Regeneration and Development) or Head of Housing and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing
(43)	Power of inspection for gambling S.307	Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing
(44)	Power of inspection of family entertainment centres S.309	Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing
(45)	Power of inspection of alcohol licensed premises providing gaming S.310	Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing
(46)	Power of inspection of premises with a prize gaming permit	Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing

(47)	Power of inspection of a licensed premises for the purposes of applications and reviews S.313	Executive Director (Regeneration and Development) or Head of Environmental Health Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing
(48)	Powers of inspection of lotteries: registered societies S.314	Executive Director (Regeneration and Development) or Head of Environmental Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing
(49)	Where there are no questions relating to the suitability of the applicant, authority to grant applications received under the Scrap Metal Dealers Act 2013 Scrap Metal Dealers Act 2013 Powers of inspection of premises and also to include sections 10 to 16	Executive Director (Regeneration and Development) or Head of Environmental Services and Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing
(50)	Under the Scrap Metal Dealers Act 2013 where questions do arise regarding the suitability of the applicant	Democratic Services Manager or Head of Environmental Health Services or Principal Solicitor or Monitoring Officer

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SPECIFIC FUNCTIONS

MISCELLANEOUS

	FUNCTION	EXERCISED BY
(1)	Appointment of Chief Executive	Full Council
(2)	Appointment of Executive Directors	Chief Officers Appointments, Review and Appeals Committee
(3)	Appointment of staff below level of Executive Director and above Grade 12	Chief Officers Appointments, Review and Appeals Committee
(4)	Appointment of staff in Grade 12 and below	Chief Executive or appropriate Executive Director
(5)	Acceptance of tenders subject to financial provision having been made	Cabinet or Chief Executive or Executive Director in accordance with Financial Regulations and Contract Rules
(6)	Dealing with matters as items of urgency (i.e. non-agenda items) unless two or more Members disagree (by standing and voting against such motion)	All Committees
(7)	To determine matters in respect of Internal Audit and risk	Audit & Risk Committee
(8)	Seeking planning permission	Cabinet
(9)	Determination of bus fare allowance payable to employees	Executive Director (Resources and Support Services)
(10)	Action (including briefs to Counsel) which the Chief Executive or Head of Business Improvement, Central Services and Partnerships considers necessary to protect or defend the Council where complaints are made or action brought or threatened against it including compromises and including payments of money including those arising from Ombudsman or other complaints and the withdrawal of action in the interests of the Council	Chief Executive or Head of Business Improvement, Central Services and Partnerships
(11)	To issue a formal caution as an alternative to prosecution	Head of Business Improvement, Central Services and Partnerships
(12)	To authorise the issue of a Closure Notice and take all other action in respect of premises associated with persistent disorder or nuisance	Chief Executive or Head of Business Improvement, Central Services and Partnerships
(12)	To authorise proceedings for an Anti-social Behaviour Order and to respond to consultation in respect of anti-social behaviour	Chief Executive or Head of Business Improvement, Central Services and Partnerships

(14)	To authorise proceedings for breach of an Anti-social Behaviour Order	Chief Executive or Head of Business Improvement, Central Services and Partnerships
(15)	To give a consent under Section 31 of the Anti-social Behaviour act 2003 to an authorise to disperse groups and remove persons under 16 to their place of residence	Chief Executive
(16)	Closure of noisy premises under the Anti-social Behaviour Act 2003	Chief Executive (including the power to designate officers for the purpose) or appropriately qualified and appointed Environmental Health Officers
(17)	Action to secure the eviction of trespassers from Council land	Head of Business Improvement, Central Services and Partnerships
(18)	To procure goods and services within existing agreed budget provisions and in accordance with Standing Orders	Chief Executive and all Executive Directors or Head of Business Improvement, Central Services and Partnerships
(19)	To carry on tendering and negotiation procedures in accordance with the Council's Rules	Chief Executive or appropriate Executive Directors or Head of Business Improvement, Central Services and Partnerships
(20)	To accept any tender ** This is currently under review	Cabinet
(21)	Implementation of national wage and salary awards	Chief Executive
(22)	To make appointments to all committees other than the Cabinet to give effect to the rules of political balance	Chief Executive in consultation with the Leader of the appropriate political group
(23)	To approve small grants in accordance with the Terms of Reference (98/07)	Grants Assessment Panel
(23)	To act on behalf of the Council in any matters relating to applications for grant funding	Chief Executive and all members of Executive Management Team

SPECIFIC FUNCTIONS

PLANNING FUNCTIONS

	FUNCTION	EXERCISED BY
(1)	To determine applications for planning permission or approval (i.e. outline permission, full permission, change of use, temporary permission, demolition approval, approval of reserved matters or approval of details), listed building consent, or consent to display advertisements	Planning Committee
(2) (a)	<p>To determine applications for planning permission, consent or approval (i.e. outline permission, full permission, change of use, temporary permission, listed building consent, approval of reserved matters or approval of details,(unless required by the conditions of an express grant of planning permission)) for which permission or approval may be granted or refused in accordance with the policies of the approved development plan for the area, local finance considerations and any other material considerations, all of the above so far as material to the application, and in the case of applications for householder developments and small-scale equestrian developments without such limit; <u>unless</u> two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application.</p> <p>This class to exclude:</p> <p>(i) All Major Developments (major residential proposals are those involving 10 or more dwellings or, where the number is not known, half an hectare and for all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or where, if the floorspace is not known, the site area is one hectare or more) unless the application is only for approval of the reserved matter of landscaping.</p> <p>(ii) Any proposals for the demolition, as defined in national guidance, of a Listed Building</p>	Executive Director (Regeneration and Development)

	(iii) Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building	
(2) (b)	To determine applications for approval of details where required by the conditions of an express grant of planning permission (except for applications for approval of reserved matters of an outline planning permission) for which approval may be granted or refused in accordance with the policies of the approved development plan for the area, local finance considerations and any other material considerations, all of the above so far as material to the application. ;	Executive Director (Regeneration and Development)
(2) (c)	To determine whether or not prior approval is to be given (under Class A to Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order), in the case of otherwise permitted larger house extensions	Executive Director (Regeneration and Development)
(2) (d)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given with respect to otherwise permitted development within the following Classes – IA (change of use of shops to dwellings), J (change of use of offices to dwellings), K (change of use of buildings to schools), M (change of use to a flexible use), MA (change of use of agricultural buildings to schools and nurseries) and Class MB (change of use of agricultural buildings to dwellings) - of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order); <u>unless</u> two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application.	Executive Director (Regeneration and Development)
(2) (e)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given with respect to otherwise permitted development under Parts 6 and 7 to the Town and Country Planning (General Permitted Development) Order (agricultural and forestry buildings and associated developments); <u>unless</u> two or more Members by notice in writing within 15 working days of the date of publication of the	Executive Director (Regeneration and Development)

	weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development Management Team Leader about the application.	
(2) (f)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given with respect to otherwise permitted development under Part 24 to the Town and Country Planning (General Permitted Development) Order being any development by Telecommunications Code System Operators that includes antennas installed on a building or structure unless two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development Management Team Leader about the application	Executive Director (Regeneration and Development)
(2) (g)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given with respect to otherwise permitted development under Part 24 to the Town and Country Planning (General Permitted Development Order being any development by Telecommunications Code System Operators, that does not include antennas installed on a building or structure	Executive Director (Regeneration and Development)
(2) (h)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given to otherwise permitted development under Part 31 to the Town and Country Planning (General Permitted Development) Order 1995 – demolition of buildings; <u>unless</u> two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or to the Development Management Team Leader about the application	Executive Director (Regeneration and Development)

<p>(ii)</p> <p>(iii)</p>	<p>built is 1000 square metres or more or, where the floorspace is not known, the site area is one hectare or more</p> <p>Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	
<p>(10)</p> <p>(b)</p> <p>(i)</p> <p>(ii)</p> <p>(iii)</p>	<p>To comment favourably or otherwise on proposals for development submitted by the County Council in accordance with the terms of the Town and Country Planning General Regulations which are for:</p> <p>All Major Developments unless the application is for the approval of reserved matters of an outline planning permission. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare and for all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is not known, the site area is one hectare or more</p> <p>Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	<p>Planning Committee</p>
<p>(11)</p> <p>(a)</p> <p>(i)</p> <p>(ii)</p> <p>(iii)</p>	<p>To comment favourably or otherwise on proposals for development on which the Council is consulted by a neighbouring authority based upon relevant planning policies and the likely impact upon the interests of the Borough. This class to exclude:</p> <p>All Major Developments unless the application is for the approval of the reserved matters of an outline planning permission. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare and for all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is unknown, the site area is one hectare or more</p> <p>Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	<p>Executive Director (Regeneration and Development)</p>

<p>(11) (b)</p> <p>(i)</p> <p>(ii)</p> <p>(iii)</p>	<p>To comment favourably or otherwise on proposals for development on which the Council is consulted by a neighbouring authority based upon relevant planning policies and proposals and the likely impact upon the interests of the Borough, such proposals being for:</p> <p>All Major Developments unless the application is for the approval of the reserved matters of an outline planning permission. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare and for all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is unknown, the site area is one hectare or more</p> <p>Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	<p>Planning Committee</p>
<p>(12)</p>	<p>To authorise the creation by agreement, and the, modification or discharge of planning obligations under S.106 and 106A of the Town and Country Planning Act 1990</p>	<p>Planning Committee</p>
<p>(13)</p>	<p>To exercise the Council's powers of enforcement of planning control, including in relation to Listed Buildings, Conservation Areas and tree enforcement including, in relation to trees, Part VIII, Town and Country Planning Act 1990</p>	<p>Planning Committee/ Executive Director (Regeneration and Development)</p>
<p>(14)</p>	<p>To authorise the service and enforcement of Notices and the recovery of expenses under S.215 –218 of the Town and Country Planning Act 1990</p>	<p>Planning Committee and/or Executive Director (Regeneration and Development) / Chief Executive</p>
<p>(15)</p>	<p>To authorise the service of information requisitions and Planning Contravention Notices S.171C of the Town and Country Planning Act 1990; S.330 of the Town and Country Planning Act 1990 and S.16 of the Local Government (Miscellaneous Provisions) Act 1976</p>	<p>Executive Director (Regeneration and Development) / Chief Executive</p>
<p>(16)</p>	<p>To exercise all the Council's powers in relation to advertisements under S. 220-222 of the Town and Country Planning Act 1990 and subordinate Regulations</p>	<p>Executive Director (Regeneration and Development)</p>

(17)	To exercise all the Council's powers in relation to advertisements under S. 223 - 225 of the Town & Country Planning Act 1990 and subordinate Regulations	Planning Committee and/or Executive Director (Regeneration and Development)
(18)	To exercise the Council's powers to make Tree Preservation Orders and to control felling, topping, lopping and re-planting under such Orders	Executive Director (Operational Services) and/or Head of Business Improvement, Central Services and Partnerships
(19) (a)	To confirm Tree Preservation Orders	Planning Committee
(19) (b)	To make Tree Preservation Orders	Executive Director (Operational Services) and/or Head of Business Improvement, Central Services and Partnerships
(20)	To screen applications and determine whether an environmental impact assessment is required and to respond to applicants who enquire whether such an assessment is needed and the scope of such an assessment	Executive Director (Regeneration and Development)
(21)	To exercise all the powers under the Planning (Listed Buildings and Conservation Areas) Act 1990, other than those expressly included in 2(a) above	Executive Director (Regeneration and Development)
(22)	To exercise all the powers under the Planning (Hazardous Substances) Act 1990	Planning Committee
(23)	To authorise an application to the Court for an injunction to restrain any actual or apprehended breach of planning control including Listed Building control and breach of a Tree Preservation Order	Planning Committee and/or Chief Executive
(24)	To authorise any person to enter land in connection with the exercise by the Council of its powers of enforcement of planning control including Tree Preservation and Listed Building control	Planning Committee and/or Executive Director (Regeneration and Development) and/or Executive Director (Operational Services)
(25)	To authorise any person to enter land in accordance with the provisions of the Town and Country Planning Act 1990	Planning Committee Executive Director (Regeneration and Development) or Executive Director (Operational Services)
(26)	To refuse to entertain an application where statutory requirements have not been complied with	Executive Director (Regeneration and Development)
(27)	To determine which applications should be advertised by means of a discretionary press notice	Executive Director (Regeneration and Development)

(28)	To exercise the powers under the Hedgerow Regulations (Environment Act 1995, Section 97)	Executive Director (Regeneration and Development) / Executive Director (Resources and Support Services) / Executive Director (Operational Services)
(29)	To determine applications under the Anti-social Behaviour Act 2003 (Part 8, High Hedges)	Planning Committee
(30)	To determine applications submitted under the Anti-social Behaviour Act 2003 (Part 8, High Hedges) unless two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development Management Team Leader about the application.	Executive Director (Regeneration and Development)
(31)	To authorise the taking of enforcement action under the Anti-social Behaviour Act 2003 (Part 8, High Hedges)	Executive Director (Regeneration and Development)
(32)	To issue notifications under Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010 (requirement to include details in applications for outline planning permission)	Executive Director (Regeneration and Development)
(33)	To exercise the power to decline to determine applications/overlapping applications and retrospective applications under S. 70A, 70B and 70C of the Town and Country Planning Act 1990	Executive Director (Regeneration and Development)
(34)	Processing of all appeals	Head of Business Improvement, Central Services and Partnerships and Executive Director (Regeneration and Development)
(35)	To determine applications for a certificate of lawfulness of works to a Listed building (Listed Buildings and Conservation Areas Act, as amended)	Executive Director (Regeneration and Development)
(36)	To enter in Planning Performance Agreements on behalf of the Council	Executive Director (Regeneration and Development)
(37)	To authorise the making of a Local Development Order	Planning Committee

June 2015

SPECIFIC FUNCTIONS

PROPERTY FUNCTIONS

	FUNCTION	Exercised by
(1)	<p>To approve negotiated terms for leasehold and freehold transactions, licences and consents in respect of property where recommendations have been received from either the Council's Property Manager or, where appropriate, a firm of specialist valuers:</p> <p>Leasehold up to £50,000 per annum</p> <p>Leasehold £50,000 and above</p> <p>Freehold up to £50,000</p> <p>Freehold £50,000-£150,000</p> <p>Freehold £150,000 and above</p> <p>* Information reports on these decisions to be submitted to Cabinet on a regular basis.</p>	<p>Executive Director (Regeneration and Development) *</p> <p>Cabinet</p> <p>Executive Director (Regeneration and Development)</p> <p>Executive Director (Regeneration and Development) after consultation with a Cabinet Member</p> <p>Cabinet</p>
(2)	To serve appropriate notices required by legislation in respect of commercial property	Head of Business Improvement, Central Services and Partnerships
(3)	To approve applications for assignment or surrender of unexpired portions of leases	Executive Director (Regeneration and Development)
(4)	Approval of applications for variation of permitted user clauses contained in leases of Council business premises	Executive Director (Regeneration and Development)
(5)	To grant easements and wayleaves affecting Council owned land	Executive Director (Regeneration and Development)
(6)	To exercise the Council's statutory Charter and common law powers relating to markets	Executive Director (Regeneration and Development) after consultation with a Cabinet Member

(7)	Power to take enforcement action under the Market byelaws and regulations and action to protect the Council's Market Rights	Executive Director (Regeneration and Development)
(8)	To determine applications in respect of the release or modification of covenants (where recommendations have been received from either the Council's Property Manager or, where appropriate, a firm of specialist valuers) attaching to property owned or formerly owned by the Council or its predecessors: Capital receipt; Up to £50,000 Capital receipt; Over £50,000 – less than £150,000 Capital receipt; £150,000 and above	Executive Director (Regeneration and Development) * Executive Director (Regeneration and Development) after consultation with a Cabinet Member Cabinet
(10)	Town centre functions – issue of licences	Executive Director (Regeneration and Development)
(11)	To determine whether, in the case of rent arrears in respect of commercial property, possession be re-obtained or any other action be taken	Executive Director (Regeneration and Development)
(12)	To serve notices under the Landlord and Tenant (Covenants) Act 1995	Head of Business Improvement, Central Services and Partnerships
(13)	Right to consent to the redemption of land charges	Executive Director (Regeneration and Development)
(14)	Statutory duty to serve notice of intended works on adjoining owners under Party Wall etc. Act 1996	Executive Director (Regeneration and Development)

SPECIFIC FUNCTIONS**RESOURCES FUNCTIONS**

	FUNCTION	EXERCISED BY
(1)	<u>General Rate Act 1967</u>	Cabinet
	S.6 – amendment of the rate	Executive Director (Resources and Support Services) or his duly authorised representative
	S.9 – refund of overpayments	Executive Director (Resources and Support Services) or his duly authorised representative
	S.10 – certificates and statements as to rate	Executive Director (Resources and Support Services)
	S.25 – request for apportionment of rateable values on partly occupied hereditaments	Executive Director (Resources and Support Services) or his duly authorised representative
	S.48 – determination of applications for relief in respect of dwellings and mixed hereditaments	Executive Director (Resources and Support Services) or his duly authorised representative
	S.50 and Sch.10 – administration of the provisions for payment of rates by instalments	Executive Director (Resources and Support Services) or his duly authorised representative
	S.61 and 62 – service of notices for the recovery of rates from tenants and lodgers where unpaid by owners	Executive Director (Resources and Support Services) or his duly authorised representative
	S.72 – agreements on behalf of the rating authority of alterations to the valuation lists	Executive Director (Resources and Support Services)
	S.76 and 77 – appeals to the Valuation Tribunal and Lands Tribunal	Executive Director (Resources and Support Services)
	S.81(4) – institution, carrying on or defence of proceedings	Executive Director (Resources and Support Services)

	<p>S.87 – duty of rating authority to give effect to directions as to alterations of valuation lists</p> <p>Part VI – to take proceedings for the recovery of rates</p>	<p>Executive Director (Resources and Support Services) or his duly authorised representative</p> <p>Executive Director (Resources and Support Services) or his duly authorised representative</p>
(2)	<p><u>Rating (Disabled Persons) Act 1978</u> Determination of applications for relief under the above Act</p>	<p>Executive Director (Resources and Support Services) or any member of his Revenues Section</p>
(3)	<p><u>Social Security and Housing Benefits Act 1982</u> Calculation and granting of benefits under the statutory scheme</p>	<p>Executive Director (Resources and Support Services) or any member of his Revenues Section</p>
(4)	<p><u>Community Charge and National Non-domestic Rating</u></p>	
(i)	<p><u>Housing Benefit and Community Charge Benefit</u></p> <p><u>Social Security Act 1986</u> <u>Sch.10 Local Government Finance Act 1988</u> <u>Community Charge Benefit (General) Regulations 1989</u> <u>Social Security Contributions and Benefits Act 1992</u></p> <p>Calculation and granting of benefits under the statutory and local scheme</p>	<p>Executive Director (Resources and Support Services) or any member of his Revenues Section</p>
(ii)	<p><u>Community Charges</u></p> <p><u>Local Government Finance Act 1988</u> <u>Community Charge (Administration and Enforcement) Regulations 1989</u> <u>Community Charge (Administration and Enforcement) (Amendment) Regulations 1992</u> <u>Personal Community Charge (Students) Regulations 1989</u> <u>Local Government and Housing Act 1989</u> <u>Local Government Finance Act 1992</u> <u>Community Charge and Non-domestic Rating (Miscellaneous Provisions) Regulations 1992</u> <u>Local Government Finance Act 1992</u></p> <p>Calculation and granting of benefits under the statutory and local scheme</p>	<p>Executive Director (Resources and Support Services) or any member of his Revenues Section</p>

	Community Charge administration and enforcement, including attendance at Magistrates' Court and Valuation Tribunal	Executive Director (Resources and Support Services) or any member of his Revenues Section
(iii)	<p><u>Non-domestic Rating</u></p> <p><u>Local Government Finance Act 1988</u> <u>Non-domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989</u> <u>Non-domestic Rating (Discretionary Relief) Regulations 1989</u> <u>Non-domestic Rating (Miscellaneous Provisions) Regulations 1989</u> <u>Local Government and Housing Act 1989</u> <u>Local Government Finance Act 1992</u> <u>Community Charge and Non-domestic Rating (Miscellaneous Provisions) Regulations 1992</u> <u>Local Government Finance Act 2012</u> <u>Non-Domestic Rating (Rates Retention) Regulations 2013</u></p> <p>Administration, collection and enforcement of non-domestic rates, including attendance at Magistrates' Court and Valuation Tribunal</p> <p>Certification of the NNDR1 Return and approval of data contained therein</p>	<p>Executive Director (Resources and Support Services) or any member of his Revenues Section</p> <p>Executive Director (Resources and Support Services)</p>
(iv)	<p><u>Designation of CCRO</u> S.26 Local Government Finance Act 1988</p>	Executive Director (Resources and Support Services)
(v)	<p><u>Financial Administration</u></p> <p><u>Local Government Finance Act 1988, SS.89-99 as amended by the Local Government Finance Act 1992</u> Establishment, calculation and maintenance of the Collection Fund and General Fund</p>	Executive Director (Resources and Support Services)
(5)	<p><u>Council Tax</u></p> <p><u>Local Government Finance Act 1992</u> <u>Council Tax (Chargeable Dwellings) Order 1992</u> <u>Council Tax (Discount Disregards) Order 1992</u> <u>Council Tax (Reductions for Disabilities) Regulations 1992</u> <u>Council Tax (Exempt Dwellings) Order 1992</u> <u>Council Tax (Administration and Enforcement) Regulations 1992</u> <u>Council Tax (Reduction Scheme) (England) Regulations 1992</u></p>	

	The administration, collection and enforcement of the Council Tax, including attendance at Magistrates' Court and Valuation Tribunal	Executive Director (Resources and Support Services) or any member of his Revenues Section
(6)	<u>Council Tax Benefit and Transitional Arrangements</u> <u>Local Government Finance Act 1992</u> <u>Social Security Contributions and Benefits Act 1992</u> The administration, calculation and granting of Council Tax benefit	Executive Director (Resources and Support Services) or any member of his Revenues Section
(7)	<u>Local Government Act 1972</u> Section 151 – designation as officer responsible for the financial affairs of the Council	Executive Director (Resources and Support Services)
(8)	<u>Local Government and Rating Act 1997</u> To compile and maintain lists of rural settlements and to make available for inspection	Executive Director (Resources and Support Services)
(9)	<u>Social Security Administration (Fraud) Act 1997</u> To take action under the Act	Executive Director (Resources and Support Services)
(10)	<u>Bankruptcy and Liquidation</u> To prove debts and instigate insolvency proceedings	Executive Director (Resources and Support Services)
(11)	Acceptance of assignment of outstanding car loans of officers transferred to the Council's service	Chief Executive
(12)	Approval of applications for car leasing	Appropriate Executive Director
(13)	Administration of car leasing scheme and car loans	Executive Director (Resources and Support Services)
(14)	Responsibility for debt collection	Executive Director (Resources and Support Services)
(15)	<u>TREASURY MANAGEMENT</u> Receive and approve all Treasury Management reports (particularly the Annual Report and day to day activities reports) and review all counter party lists for investment, including the Treasury Management Strategy Report, including the Prudential Indicators for Treasury Management and the Council's Investment Strategy	Full Council

(16)	Undertake and review the Treasury Management function	Executive Director (Resources and Support Services) or his duly appointed representative
(17)	Ensure that the organisation of the Treasury Management function is adequate to meet current needs	Executive Director (Resources and Support Services)
(18)	Authorisation/certification of Treasury Management transactions	Executive Director (Resources and Support Services) or his duly appointed representative
(19)	Review and authorisation of leasing arrangements	Appropriate Executive Director
(20)	Settlement of insurance and warranty claims up to policy excesses or in full when self-funded from Insurance Fund	Chief Executive
(21)	<u>Housing Benefit and Council Tax Benefit</u> To give additional Housing Benefit and Council Tax Benefit in exceptional circumstances	Executive Director (Resources and Support Services)
(22)	To backdate entitlement to Housing Benefit and Council Tax Benefit in accordance with DSS guidance as to good cause	Executive Director (Resources and Support Services)
(23)	<u>Business Rates</u> To grant rate relief to charities	Executive Director (Resources and Support Services)
(24)	To determine applications for discretionary rate relief (including rural rate relief) within guidelines set by the Cabinet	Executive Director (Resources and Support Services)
(25)	<u>Recovery</u> To authorise the service of notices seeking possession of Council dwellings and notices to quit in respect of Council garages on the grounds of non-payment of rent	Executive Director (Resources and Support Services)
(26)	To approve IT scheme proposals up to £50,000	Executive Director (Resources and Support Services)
(27)	To make certifications to the Homes and Communities Agency with respect to Local Authority Housing Grant funded schemes (GA1 certificates)	Executive Director (Resources and Support Services)
(28)	To determine the local average interest rate to be charged on outstanding housing mortgages under the Housing Act 1985	Executive Director (Resources and Support Services)
(29)	To act as Receiver for the property of the mentally ill in the absence of an appropriate person	Executive Director (Resources and Support Services)

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APPENDIX 7

COUNCIL PROCEDURE RULES

1. Council Meetings

- 1.1 The Council will decide when its meetings will take place. Details will be contained in a calendar of meetings which will be approved by the Council.
- 1.2 Meetings will be held at a time and a place (normally the Civic Offices) to be agreed by the Council. The Mayor, or the Council, can agree to hold a meeting at a different place or time.
- 1.3 At least 5 clear days (that is, not counting the day of the meeting and any days when the Council's main office is closed for business) before a meeting, a summons to attend specifying the time, date, place and business of the meeting will be provided to Members with the reports on the agenda. Notice of the meeting shall be published at least 5 clear days before the meeting. Failure to summons any Member shall not affect the validity of a meeting.
- 1.4 A Special Meeting can be called by resolution or by the Mayor, or five Members of the Council can ask the Mayor, by writing to the office of the Head of Business Improvement, Central Services and Partnerships, to call a special meeting. If the Mayor does not agree, then those Members can call the meeting by giving written notice to the Head of Business Improvement, Central Services and Partnerships. The Head of Business Improvement, Central Services and Partnerships, in consultation with the Mayor, may also call a Special Meeting.
- 1.5 Before the start and at the end of each meeting, Members and officers will stand or sit and indicate respect whilst the Mayor and the Deputy Mayor enter and leave the room.

2. Mayor, Deputy Mayor and Leader of the Council

- 2.1 At its Annual Meeting, the Council will first elect its Mayor, appoint its Deputy Mayor until the next Annual Council and appoint the Leader of the Council if no-one then holds that office.
- 2.2 The Mayor of the Council, or in his absence the Deputy Mayor (who will have the same powers and duties as the Mayor), will preside at meetings of the Council. Where both the Mayor and Deputy Mayor are absent, the Council will appoint another Member, other than a Member of the Cabinet, to chair the meeting, who will have the same powers and duties as the Mayor.

3. Committees

At its Annual Meeting, the Council will allocate powers and responsibilities to committees, and decide the number and size of each of those committees, and the appointment of members, chairs and vice chairs until the next Annual Council Meeting. The Council may at any time during the year alter those decisions. Appointments to committees other than Standards shall reflect the political composition of the Council in accordance with the rules set out at Annex 1 to this Appendix.

NOTE: Cabinet is not a committee of Council.

4. Quorum

No business shall be dealt with at a Council meeting if there are fewer than 15 Councillors present. Where the meeting has started, and the number of Councillors present is fewer than 15, the Mayor will adjourn the meeting. Where the Mayor does not give a date and/or time, all business not completed will be considered at the next meeting.

5. What the Council can decide

The Council will decide such matters as required by the law, and those matters set out in Part 3 of this Constitution.

6. Order of Business

Business shall be dealt with in the order in which it is set out in the agenda unless the Council decides otherwise.

7. Urgent Business

Business including communications or reports falling within the terms of reference of a non-Executive committee cannot be dealt with at a Council meeting unless it is included in the summons or unless the Mayor has agreed that it is urgent and cannot wait until the next Council meeting or the next meeting of the appropriate committee. The Mayor must give the reasons for urgency, which must be recorded in the minutes of the meeting.

8. Confirmation of Minutes

8.1 Minutes of the last Council meeting must be confirmed at the next ordinary or annual meeting of the Council.

8.2 Only matters relating to the accuracy of the minutes can be raised, which must be done by way of a proposal moved, seconded and voted upon. Where no issues are raised, or after the proposal has been dealt with, the Mayor shall sign the minutes.

8.3 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 (note: this is a rule required by law).

8.4 The minutes of the Cabinet and all committees shall be reported to the Council for information or a decision where the committee did not have the power to act.

9. Matters for Decision by the Council

9.1 All matters for decision by the Council (except any notices of motion below and any urgent items) shall be included with the agenda.

9.2 When the item is reached on the agenda, the appropriate Cabinet Member or the Chair of the relevant committee or officer will, where appropriate, move the

recommendation or advice of the Cabinet or committee, or endorsement of a Cabinet or a committee decision. Another Member may second the motion and may reserve the right to speak until later in the debate.

10. Motions Moved Without Notice

A Member may move without notice any of the following motions and amendments:

- 10.1**
- (1) Appointment of a Chair of the meeting
 - (2) Motions relating to the accuracy of the minutes
 - (3) To vary the order of the agenda
 - (4) That a matter be referred or referred back to the Cabinet or a committee
 - (5) That a committee be appointed or a person be appointed to the Cabinet, a committee, a scrutiny panel or other body
 - (6) Adoptions of minute reports and recommendations of Cabinet, committees or officers and any consequent resolutions, provided that a 'starred' minute made under powers delegated by the Council may not be amended
 - (7) That leave be given to withdraw a motion
 - (8) Extending the time limit for speeches
 - (9) Amendments to motions
 - (10) Authorising the sealing of documents
 - (11) Suspending Rules of Procedure in accordance with Procedure Rule 24
 - (12) Motion to exclude the public from the meeting under Section 100A(4) of the Local Government Act 1972
 - (13) That a Member named by the Mayor for disorderly conduct not speak or leave the meeting
 - (14) Giving consent of the Council where the consent of the Council is required by these Procedure Rules.
- 10.2** Closure motions may be moved and seconded without comment.
- (1) That the Council proceed to the next business on the agenda. Unless the Mayor considers the matter has been insufficiently discussed he/she will immediately put the motion to a vote
 - (2) That the question be now put. Unless he/she considers there has been insufficient debate, the Mayor will put such a motion immediately to a vote and if it is passed, proceed directly to the rights of reply
 - (3) That the debate be now adjourned. Unless the Mayor considers the matter has not been and cannot be sufficiently discussed on this

occasion the Mayor will put such a motion immediately to the vote with no right of reply on this occasion

(4) That the Council do now adjourn.

11. Questions at Council Meetings

11.1 Member of the Council may ask the Mayor, the appropriate Cabinet Member or the Chair of a committee any question about a matter which the Council, the Cabinet or the committee has powers, duties or responsibilities

11.2 Questions other than those on a minute appearing on the Council agenda must be sent in writing to the Head of Business Improvement, Central Services and Partnerships at least 24 hours before the meeting

11.3 The Mayor may agree to take urgent questions where he considers that it has not been possible for a Member to give the required notice, provided that a copy of the question is given to the Head of Business Improvement, Central Services and Partnerships before the meeting starts

11.4 Questions will be asked and answered without discussion. In replying, the Member responding will use their reasonable endeavours to address the matters raised in the question. The Member responding may decline to answer any question or may:

- reply direct
- reply by reference to a publication; or
- reply by written answer with a copy to such other Members as the Council agrees; or
- refer the question to an appropriate committee or to the Cabinet

11.5 Following the answer to each question, the questioner may ask a concise and focussed supplementary question which relates to the subject matter of the initial question and answer. The Mayor may choose to disallow a supplementary question if, in his opinion, it is inappropriate or unduly lengthy. The Member answering the supplementary question will decide whether or not to reply

11.6 Where a question submitted under this Procedure Rule relates to a matter that appears on the agenda for that meeting, the question shall be put and answered in accordance with this Procedure Rule, at the start of the consideration of that matter

12. Notices of Motion

12.1 A notice of motion must relate to matters for which the Council has responsibility for which affect its area.

12.2 A motion not listed in Procedure Rule 10 must be in writing, signed by the Member(s) giving it and delivered to the office of the Chief Executive at least ten clear days (that is, not counting the day of delivery or the day of the meeting) before the meeting

12.3 The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which

they have been received, unless the Member has, in writing, either withdrawn it or stated a wish to move it at a later meeting

12.4 If a motion set out in the summons is not moved and seconded at the meeting, it shall be treated as withdrawn and shall not be moved without fresh notice

12.5 If the subject matter of any motion comes within the province of any committee or committees it shall, upon being moved and seconded, stand referred without discussion to such committee or committees (or to such other committee as the Council may determine) for consideration and report. However, the Mayor may allow the motion to be dealt with at the meeting at which it is brought forward if he/she considers it would be convenient and helpful to the Council to do so.

12.6 Every motion shall be relevant to some matter in relation to which the Council have powers or duties which affects the Borough

12.7 The Member who has moved the motion has the right to attend the meeting(s) of the committee(s) to which the motion is referred and to explain the motion.

13. Rules of Debate

The rules of debate to be followed at Council meetings are set out in Annex 2 to this Appendix.

14. Changing an Earlier Resolution

14.1 Subject to Rule 14.2, at a meeting of the Council, no motion or amendment shall be moved to change any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period

14.2 Such a motion may be moved if:

- (a) it is recommended by the Cabinet or a committee; or
- (b) notice of such motion has been given under Procedure Rule 12 and signed by at least 12 elected Members of the Council.

15. Voting

15.1 Voting will be by a show of hands

15.2 When before the vote, a Member asks for a recorded vote to be taken, and 12 other Members stand in their places to support the request, the vote will be recorded to show whether each Member voted for or against the motion or abstained

15.3 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands

15.4 A Member may require, after a vote is completed, that the minutes of the meeting record how he/she voted or abstained

15.5 Where there are equal votes cast for a motion or amendment the Mayor or the person presiding will have a second or 'casting' vote.

16. Duration of Meeting

Any meeting of the Council which has sat continuously for 3 hours shall stand adjourned unless the majority of Members present, by vote, resolve to continue.

17. Public Access to Meetings

Members of the public (including the press) may attend all meetings subject only to the exceptions set out in the Access to Information Rules in Appendix 11.

18. Petitions

All petitions received are dealt with in accordance with the Council's petition scheme (Appendix 27).

19. Recording and Social Media

There shall be no recording of sound or pictures or still pictures in a Council meeting without the consent of the Mayor. Mobile phones shall be placed in silent mode and no calls shall be made or received in the meeting room during the meeting.

20. Disorderly Conduct and Disturbance

20.1 If the Mayor considers a Member's conduct to be disorderly, he may say that to the Council

20.2 Any Member may then move that the Member referred to in 20.1 above speak no more on that item and the motion if seconded shall be put and determined without discussion

20.3 If the Mayor considers that a Member's conduct continues to be disorderly, the Mayor shall either:

- (i) move that the Member leave the meeting and the motion shall be put and determined without seconding or discussion; or
- (ii) adjourn the meeting of the council for as long as the Mayor considers appropriate.

20.4 In the event of general disturbance the Mayor may without question adjourn the meeting for as long as he considers appropriate

20.5 If a member of the public interrupts the meeting, the Mayor may issue a warning and if the interruption continues, the Mayor may order removal of the person from the room and may order all or part of the room open to the public to be cleared.

21. Records of Attendance

Members attending a meeting shall sign their names on the attendance sheet provided.

22. Personnel Matters

22.1 Staff Establishment

Within the budget the Chief Executive shall from time to time determine the establishment of the Council and the terms and conditions of posts.

22.2 Recruitment, Selection and Induction

All vacancies shall be dealt with in accordance with the Council's approved Recruitment, Selection and Induction Code of Practice except where the Council determines otherwise.

22.3 Appointment/Dismissal of Head of Paid Service, Statutory Chief Officers and Deputy Chief Officers

The requirements of the Local Authorities (Standing Orders) (England) Regulations set out in part at Annex 3 to this Appendix will be followed.

23. Non-disclosable Pecuniary Interests or non-Pecuniary Interests

23.1 A Member with a non-disclosable pecuniary interest or a non-pecuniary interest (as defined in the Code of Conduct for Members (Appendix 18) in a matter who attends a meeting must disclose to that meeting the existence and nature of the interest before the matter is discussed or when the interest becomes apparent subject to the exemptions of the Code

23.2 Where a Member has such an interest, and a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Member's judgment of the public interest, they must withdraw from the meeting unless the public are allowed to speak, in which case the Member may speak but then leave.

24. Suspension, Variation and Revocation of the Rules of Procedure

24.1 The Council may resolve to amend or revoke any of these Procedural Rules except as set out at 24.4 following a recommendation of Cabinet

24.2 Except as above any motion to amend or revoke these Rules shall be adjourned without discussion to the next meeting of the Council unless the Mayor waives such adjournment

24.3 All of these Procedural Rules except as set out in 24.4 may be suspended by motion or notice or without notice if at least 30 Members are present. Suspension can only be for the duration of the meeting.

24.4 Rule 8.3 and 15.4 may not be amended, suspended or revoked as they are required by statute.

25. Confidentiality

All reports and other documents and all proceedings of the Council, the Cabinet, committees and sub-committees from which the public and press are excluded shall be treated as confidential unless and until they become public in the ordinary course of the Council's business or as required by the law. No Member may release such information on the basis it is required by the law without first consulting with the Head

of Business Improvement, Central Services and Partnerships. Disclosure in breach of the Council's rules will be a breach of the Code of Conduct (Appendix 18).

26. Rules of Procedure to be given to Members

A copy of the Constitution shall be made available to each Member of the Council as soon as practicable after their election. Subsequent amendments shall also be made available to them as soon as practicable after the amendment is made.

27. Interpretation of the Rules of Procedure

27.1 The ruling of the Mayor, or if not the Mayor the Chair of the meeting as to the meaning or application of any of the rules or as to any proceedings of the Council, Cabinet, a committee or sub-committee shall not be challenged at any Council meeting.

Updated Feb. 2015

APPENDIX 7

(ANNEX 1)

RULES TO ENSURE POLITICAL BALANCE IN THE ALLOCATION OF COMMITTEE SEATS

RULE

1. A political group which has a majority on the Council shall have a majority on each committee.
2. If there is more than one political group, at least two groups shall have seats on each committee.
3. Subject to Rules 1 and 2, the total number of seats for each political group on all committees taken together shall be, as nearly as possible, in proportion to the numbers of members of each group on the Council.
4. Subject to Rules 1, 2 and 3, the number of seats for each group on each committee shall be as nearly as possible in proportion to the numbers of members of each group on the Council.

NOTE:

These Rules shall not apply to the composition of the Cabinet or the Standards Committee. Whilst the Council is responsible for appointing members to committees, it can only do so in fulfilling the wishes of the political groups as to which Member sits on a particular committee or sub-committee.

Updated May 2014

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APPENDIX 7

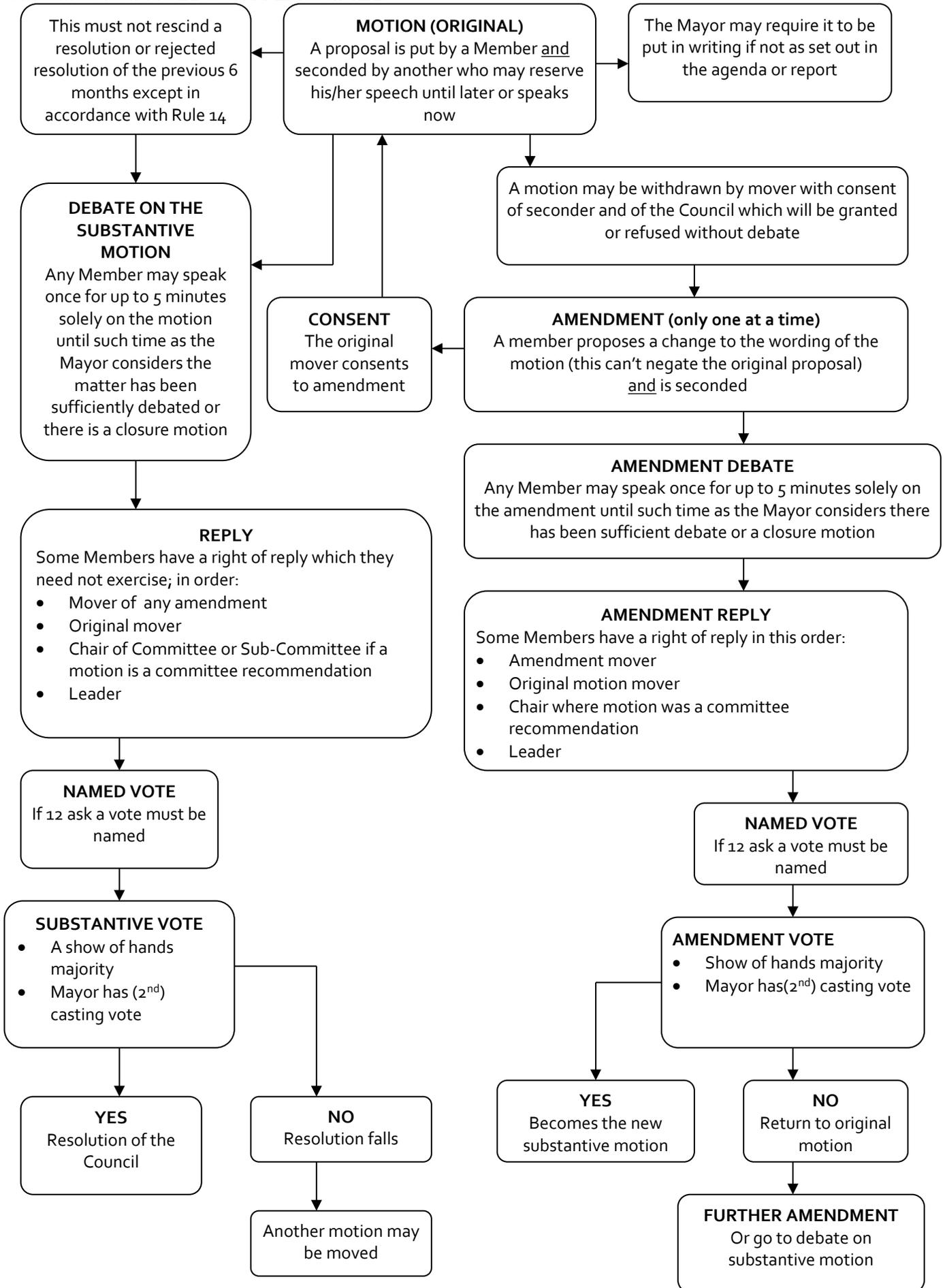
(ANNEX 2)

RULES OF DEBATE

1. The Rules of Debate are set out in the flow chart overleaf. There will be no debate until a proposal is made and seconded.
2. Respect must be shown to the Mayor at all times. When the Mayor indicates, any Member then speaking must stop and if standing, sit down, and the Council must be silent.
3. The Mayor will decide the order of speaking from those who indicate they wish to speak. While a Member is speaking, all other Members must remain silent UNLESS raising a point of order or personal explanation.
4. A point of order is an objection submitted to the Mayor for decision claiming a breach of a Procedure Rule, which must be specified. A Member may interrupt a speaker at any time without notice for this purpose.
5. A Member is also entitled to interrupt a speaker to correct a material understanding or misquotation of an earlier speech in the debate (a point of information).
6. In either case, the interrupted speaker must pause and allow the Mayor to make a decision which shall not be open to discussion and is final.

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APPENDIX 7

(ANNEX 3)

APPOINTMENT AND DISMISSAL OF SENIOR OFFICERS) THE LOCAL AUTHORITY (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015

Appointment and Dismissal of Chief Officers and Senior Managers

1. In this Part:

'the 1989 Act'	means the Local Government and Housing Act 1989
'the 2000 Act'	means the Local Government Act 2000
'disciplinary action'	has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001
'Executive' and 'Executive Leader'	have the same meaning as in Part II of the 2000 Act
'member of staff'	means a person appointed to or holding a paid office or employment under the Authority
'Proper Officer'	means an officer appointed by the Authority for the purposes of the provisions in this Part

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Authority must be discharged, on behalf of the Authority, by the officer designated under Section 4 of the 1989 Act (designation and reports of Head of Paid Service) as the Head of the Authority's Paid Service or by an officer nominated by him

3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against:

- (a) the officer designated as the Head of the Authority's Paid Service
- (b) a statutory chief officer within the meaning of Section 2(6) of the 1989 Act (politically restricted posts)
- (c) a non-statutory chief officer within the meaning of Section 2(7) of the 1989 Act
- (d) a deputy chief officer within the meaning of Section 2(8) of the 1989 Act; or
- (e) a person appointed in pursuance of Section 9 of the 1989 Act (assistants for political groups)

- 4.1 Where a committee, sub-committee or officer is discharging, on behalf of the Authority, the function of the appointment or dismissal of an officer designated as the Head of the Authority's Paid Service or the dismissal of the Authority's Monitoring Officer or Chief Finance Officer, the Authority must approve that appointment before an offer of appointment is made to that person
- 4.2 Where a committee, sub-committee or officer is discharging, on behalf of the Authority, the function of the dismissal of an officer designated as the authority's Monitoring Officer, the Authority must approve that dismissal before notice is given to that person
- 4.3 Where a committee or sub-committee of the Authority is discharging, on behalf of the Authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the Executive must be a member of that committee or sub-committee
- 5.1 In this paragraph, 'Appointor' means, in relation to the appointment of a person as an officer of the Authority, the Authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Authority, that committee, sub-committee or officer, as the case may be
- 5.2 An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3
 - (a) the Appointor has notified the Proper Officer of the name of the person to whom the Appointor wishes to make the offer and any other particulars which the Appointor considers are relevant to the appointment
 - (b) the Proper Officer has notified every member of the Executive of the Authority of:
 - (i) the name of the person to whom the Appointor wishes to make the offer
 - (ii) any other particulars relevant to the appointment which the Appointor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the Executive to the Proper Officer; and
 - (c) either:
 - (i) the Executive Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the Appointor that neither he nor any other member of the Executive has any objection to the making of the offer
 - (ii) the Proper Officer has notified the Appointor that no objection was received by him/her within that period from the Executive Leader; or

- (iii) the Appointor is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded
- 6.1 In this paragraph, 'Dismissor' means, in relation to the dismissal of an officer of the Authority, the Authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Authority, that committee, sub-committee or officer, as the case may be
- 6.2 Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the Dismissor until:
 - (a) the Dismissor has notified the Proper Officer of the name of the person to whom the Dismissor wishes to dismiss and any other particulars which the Dismissor considers are relevant to the dismissal
 - (b) the Proper Officer has notified every member of the Executive of the Authority of:
 - (i) the name of the person who the Dismissor wishes to dismiss
 - (ii) any other particulars relevant to the dismissal which the Dismissor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the Executive Leader on behalf of the Executive to the Proper Officer; and
 - (c) either:
 - (i) the Executive Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the Dismissor that neither he nor any other member of the Executive has any objection to the dismissal
 - (ii) the Proper Officer has notified the Dismissor that no objection was received by him/her within that period from the Executive Leader; or
 - (iii) the Dismissor is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded
- 7. Nothing in paragraphs 2 shall prevent a person from serving as a member of any committee or sub-committee established by the Authority to consider an appeal by:
 - (a) another person against any decision relating to the appointment of that other person as a member of staff of the Authority; or
 - (b) a member of staff of the Authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff

8. Investigation of alleged misconduct by the Head of the Council's Paid Service, the Monitoring Officer or the Chief Finance Officer

8.1 In the following paragraphs:

- (a) 'the 2011 Act' means the Localism Act 2011
- (b) 'Head of the Authority's Paid Service', 'Chief Finance Officer', 'Monitoring Officer' and 'disciplinary action' have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001
- (c) 'Independent Person' means a person appointed under section 28(7) of the 2011 Act
- (d) '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
- (e) '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
- (f) 'relevant meeting' means a meeting of the Authority to consider whether or not to approve a proposal to dismiss a relevant officer, and
- (g) 'relevant officer' means the Head of the Authority's Paid Service, Chief Finance Officer or Monitoring Officer, as the case may be

8.2 A relevant officer may not be dismissed by an Authority unless the procedure set out in the following paragraphs is complied with

8.3 The Authority 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

8.4 In paragraph 3 'relevant Independent Person' means any Independent Person who has been appointed by the Authority or, where there are fewer than two such persons, such Independent Persons as have been appointed by another authority or authorities as the Authority considers appropriate

8.5 Subject to paragraph 6, the Authority 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:

- (a) a relevant Independent Person who has been appointed by the Authority and who is a local government elector
- (b) any other relevant Independent Person who has been appointed by the Authority
- (c) a relevant Independent Person who has been appointed by another authority or authorities

- 8.6 An Authority is not required to appoint more than two relevant Independent Persons in accordance with paragraph 5 but may do so
- 8.7 The Authority must appoint any panel at least 20 working days before the relevant meeting
- 8.8 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Authority must take into account, in particular:
 - (a) any advice, views or recommendations of the Panel
 - (b) the conclusions of any investigation into the proposed dismissal, and
 - (c) any representations from the relevant officer
- 8.9 Any remuneration, allowances or fees paid by the Authority 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

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APPENDIX 8

PROCEDURE RULES FOR CABINET

1. Leader and Cabinet

- 1.1 The Sections of the Constitution (Part 2) and in particular Section 7 establish the position of the Leader and Cabinet
- 1.2 The Cabinet is not a committee of the Council
- 1.3 The Cabinet consists of the Leader with at least 2 but no more than 9 Councillors (one of whom will be the Deputy Leader) who do not have to be selected for political proportionality
- 1.4 The Leader may at any time appoint and remove any Cabinet member by notice to the Head of Business Improvement, Central Services and Partnerships
- 1.5 The Leader shall allocate such portfolios as he/she determines
- 1.6 Executive functions shall be discharged by the Cabinet as a whole, by committees of Cabinet, by single Executive Members or by officers in accordance with the procedures set out in the Responsibilities of the Cabinet and the Scheme of Delegation to Officers.

2. Setting the Cabinet Agenda

- 2.1 The Leader after consultation with the Chief Executive will decide upon the dates and agenda for the meetings of the Cabinet
- 2.2 Any Cabinet Member may request the Leader to arrange for an item to be placed on the agenda of the next available Cabinet meeting
- 2.3 The Council, the Head of Business Improvement, Central Services and Partnerships, the Executive Director (Resources and Support Services) or an Overview and Scrutiny Committee may require an item to be placed on the agenda of the next available Cabinet meeting. In the case of the officers, they may require that a meeting be convened.

3. Decision-making Procedures

3.1 Chairing Meetings

The Leader or in his absence the Deputy Leader shall chair meetings of the Cabinet

3.2 Cabinet

All items of business other than items reserved to Council or delegated by Council to committees of the Council or officers shall be referred to Cabinet for decisions in line with the budget and policy framework

3.3 Procedure Rules

The Cabinet may regulate the conduct of its own meetings but may adopt such provisions of the Council's procedural rules as it wishes

3.4 Public/Private Meetings

Executive decisions will be taken at meetings held in public or in private subject to legal requirements, particularly the Access to Information Procedure Rules set out in Appendix 11 which sets out the requirements relating to forward plans, key decisions, records and reasons for decisions and access to information

3.5 Quorum

Quorum at a meeting of Cabinet or a committee or sub-committee established by Cabinet shall be 50% of its voting membership

3.6 (1) Attendance at Cabinet

The Chair or spokesperson of the Council's overview and scrutiny committees and the mover of any motion referred to Cabinet shall be entitled to attend any formal public meeting of Cabinet to speak

(2) Other persons including non-Executive Members of the Council may speak at such meetings with the permission of the Chair of Cabinet

3.7 Voting

Voting shall be by show of hands. Any Member may require their vote be recorded in the minutes. The Chair of the meeting shall have a second casting vote in the event of a tie

3.8 Interests

Personal interests shall be dealt with as set out in the Members' Code of Conduct at Appendix 18

3.9 Notice of Items

Not less than 5 clear days before a meeting of the Cabinet the Chief Executive will send to all Members of the Council a summary of all items for consideration at the meeting and shall publish a summary of all decisions taken to all Members

3.10 Representations

A non-Executive Member may make representations on an agenda item to the Cabinet by delivering a written note of the representations to the Chief Executive not later than midday on the day before the Cabinet meeting

3.11 Budget/Policy Decisions

Cabinet decisions on the budget and policy framework shall be made in accordance with Annex 1 to this Appendix

3.12 Call-in

The call-in of decisions will be in accordance with the Overview and Scrutiny Procedure Rules.

4. Cabinet Panels

- 4.1** Cabinet panels may be established by the Cabinet
- 4.2** Cabinet panels will be established by the Cabinet in order to examine a specific area of work or policy. They will be clearly defined and have an agreed terms of reference for the required piece of work or area of policy to be reviewed. The brief and terms and reference will be defined by the Cabinet
- 4.3** The rules of political proportionality shall apply to the membership of each panel
- 4.4** Chairs of the panels will be the relevant portfolio holder
- 4.5** The date and place of meetings shall be set by the Chair of the panel as far ahead as possible and notified to Members. Once a date is set it will not be changed without consulting other Members
- 4.6** The quorum for the meeting will be one quarter of the members, with a minimum of three
- 4.7** An agenda and reports will be sent to Members at least 5 clear days in advance of each meeting
- 4.8** Minutes of each meeting will be produced and published as per other formal Council meetings
- 4.9** Decisions will be formally recorded and subject to the same call-in procedure as other committees
- 4.10** Cabinet panels shall report to the Cabinet, and may refer matters to the relevant Scrutiny Committee for comment
- 4.11** Panels will be time limited and terminated upon reporting unless their brief is extended by Cabinet.

Updated May 2014

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APPENDIX 8

(ANNEX 1)

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. Framework for Executive Decisions

- 1.1 The Council will be responsible for the adoption of the Budget and Policy Framework as set out in Section 4. Once a budget or policy framework is in place, it will be the responsibility of the Cabinet to implement it

2. Process for developing the Policy Framework and the Budget

(in accordance with the statutory requirements of the Local Authority (Standing Orders) (England) Regulations 2001)

- 2.1 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
- 2.2 The Cabinet may undertake consultation with overview and scrutiny committees and local stakeholders as appropriate. Any representations made to the Cabinet shall be taken into account in formulating and delivering proposals and shall be reflected in any report dealing with them. If the matter is one where the overview and scrutiny committee has carried out a review of policy, then the outcome of that review will be reported to the Cabinet and considered in the preparation of initial proposals
- 2.3 The Cabinet will consider the views of those consulted and may amend its proposals before making recommendations to Full Council for consideration. It will report to the Council on how it has taken into account any recommendations from an overview and scrutiny committee
- 2.4 The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any report from an overview and scrutiny committee
- 2.5 In respect of the preparation of the budget or a plan, policy or strategy forming part of the strategic framework, the Cabinet has the right to ask the Council to reconsider any proposed decision which runs counter to the Cabinet's proposals for either the budget or plans
- 2.6 Where the Cabinet 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 2.7
- 2.8 Before the Council:
- (a) amends the draft plan or strategy;

- (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his 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
- (c) 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 instructions to him requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it

2.8 Where the Council gives instructions in accordance with paragraph 2.7, 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 draft plan or strategy as amended by the Cabinet (the 'revised plan or strategy'), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration;
- (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

2.9 When the period specified by the Council (referred to in paragraph 2.8) has expired, the Council must, when:

- (a) amending the draft plan or strategy or, if there is one, the revised plan or strategy
- (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his 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
- (c) 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. The Council will then meet again to consider any objections from Cabinet and will make its final decision on the matter on the basis of a simple majority

2.10 Subject to paragraph 2.14 where, before 8th February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year:

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of Sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992;

- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part 1 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 2.12

2.11 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 2.10(a), or issues a precept under Chapter VI of Part 1 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 instructions to him requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements

2.12 Where the Council gives instructions in accordance with paragraph 2.11, 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

2.13 When the period specified by the Council (referred to in paragraph 2.12) has expired, the Council must, when making calculations (whether originally or by way of substitute in accordance with the sections referred to in paragraph 2.11(a)), or issuing a precept under Chapter VI of Part 1 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 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

2.14 Paragraphs 2.10 to 2.13 shall not apply in relation to:

- (a) calculations or substitute calculations which a council is required to make in accordance with Sections 52(I), 52(J), 52(T) or 52(U) of the Local Government Finance Act 1992; and
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with Section 52(J) or 52(U) of that Act.

3. Decisions outside the Budget and Policy Framework

- 3.1 Subject to the provisions of Rule 5 (virement), the Cabinet or any decision-making arm of the Cabinet, may only take decisions that are in line with the budget and policy framework. If it wishes to make a decision which is contrary to the 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 the provisions of Rule 4 below
- 3.2 If the Cabinet, or any decision-making arm of the Cabinet, wants to make a decision, advice shall be taken first from the Monitoring Officer and/or the Section 151 Officer as to whether the decision 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 to the Council for a decision, unless the decision is a matter of urgency, in which case the provisions in Rule 4 (urgent decisions outside the budget or policy framework) shall apply.

4. Urgent decisions outside the Budget and Policy Framework

- 4.1 The Cabinet or an individual member of the Cabinet 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 if:
 - (a) it is not practicable to convene a quorate meeting of the Full Council; and
 - (b) the Chair of a relevant overview and scrutiny committee agrees that the decision is a matter of urgency.
- 4.2 The reasons why it is not practicable to convene a quorate meeting of Full Council and the consent of the Chair of the relevant overview and scrutiny committee to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the relevant overview and scrutiny committee, the consent of the Vice Chair or, in the absence of both, the Mayor, will be sufficient
- 4.3 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

5. Virement

- 5.1 The Council has set virement limits within which decision makers can exercise discretion in approving or otherwise financial transfers within the budget. The limits are set out within the Financial Procedure Rules

- 5.2 Where the Cabinet or an individual is discharging Executive functions to implement Council policy, then any decision to spend or make savings shall not exceed those budgets allocated to each budget head for which they have responsibility. However, the Cabinet or those individuals shall be entitled to vire across budget heads provided there is compliance with the Financial Rules of Procedure.

6. Policy Framework – In-year Changes

- 6.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions of the Cabinet or an individual member of the Cabinet must be in line with it. Changes (including modifications, revisions, variations, withdrawal or revocation) to policy framework plans or strategies must ordinarily be approved by the Council. However, the Council may, at the time when the plan or strategy is approved, authorise the Cabinet, or a body or individual exercising Cabinet functions, to make such changes, provided that those changes will:
- (a) result in the closure or discontinuing of a service, in whole or in part to meet a budgetary constraint; or
 - (b) ensure compliance with the law, ministerial direction or Government guidance; or
 - (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, determine matters where the existing policy document is silent on the matter under consideration.

7. Call-in of decisions outside the Budget and Policy Framework

- 7.1 Where an overview and scrutiny committee is of the opinion that a decision of the Cabinet, or any decision making arm of the Cabinet, 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 or Section 151 Officer
- 7.2 In respect of functions which are the responsibility of the Executive, and where the decision has already been made and implemented, the Monitoring Officer/ Section 151 Officer shall report to the Cabinet on the advice that has been given to the overview and scrutiny committee and shall copy that report to each Member of the Council. The Cabinet must consider the report of the relevant Officer and decide what action to take in respect of the report. Where the advice concluded that there was a departure from the budget or policy framework, the Cabinet must report to Council on the action it intends to take. Where there was no such departure, the Cabinet must report to the overview and scrutiny committee on any action to be taken
- 7.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice of the relevant Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the overview and scrutiny committee may refer the matter to the Council. In such cases, no further action may be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 28 days of the request by the overview

and scrutiny committee or sub-committee. At the meeting, the Council will receive a report of the decision or proposals and the advice of the relevant Officer. If the Cabinet has prepared a report on the matter, this will also be submitted to the Council. The Council may either:

- (a) endorse the decision or proposal of the Cabinet, or its decision making arm, as falling within the existing budget and policy framework of the Council. In this case, no further action is required other than that the decision of Council be minuted and circulated to all Members; or
- (b) amend the Council's Financial Rules of Procedure or the policy concerned to encompass the decision or proposal and agree to the decision with immediate effect. In this case, no further action is required other than that the decision be minuted and circulated to all Members; or
- (c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework or budget to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of the relevant Officer.

Updated Feb. 2015

APPENDIX 9

PROCEDURE RULES FOR COMMITTEES AND SUB-COMMITTEES OF COUNCIL

1. Committees and Sub-committees

The committees and sub-committees of the Council and their membership size are:

Audit and Risk Committee	7 *
Conservation Advisory	5
Employees' Consultative Committee	7
Grants Assessment Panel	9
Health and Wellbeing Scrutiny Committee	11
Joint Parking	4
Licensing Committee	15
Planning Committee	15
Public Protection Committee	13
Staffing Committee	11
Standards Committee	8
Active and Cohesive Communities Scrutiny Committee	11
Cleaner, Greener and Safer Communities Scrutiny Committee	11
Economic Development and Enterprise Scrutiny Committee	11
Finance, Resources and Partnerships Scrutiny Committee	11
Chief Officers Appointments, Dismissal, Review and Appeals Committee	**

* (plus one Independent)

** The membership of this committee is ad hoc but must contain at least one Cabinet member when dealing with the appointment or dismissal of the Head of the Paid Service and statutory and non-statutory chief officers and their deputies.

2.1 The Council may appoint other committees and sub-committees with delegated powers to act under specific terms of reference.

2.2 Committees may appoint sub-committees for purposes to be specified within the terms of reference of the committee.

2.3 The Chair and Vice Chair of a committee shall be ex officio members of every sub-committee appointed unless they signify the wish not to serve.

3. Rules of Procedure to apply to Committees etc.

3.1 In addition to rules which relate specifically to committees and sub-committees the following rules (with any necessary modifications) shall apply:

Rule 1.2	Time and place of meetings
Rule 1.3	Notice of meetings
Rule 1.4	Special meetings
Rule 7	Urgent business

Rule 13	Rules of debate
Rule 14*	Changing an earlier resolution
Rule 15	Voting
Rule 16	Duration of the meeting
Rule 17	Public access to meetings
Rule 19	Recording and social media
Rule 20	Disorderly conduct and disturbance
Rule 21	Records of attendance
Rule 23	Personal and prejudicial interests
Rule 25	Confidentiality
Rule 27	Interpretation of the Rules of Procedure.

3.1 (a)* In the case of Rule 14 (changing an earlier resolution) at a meeting of a committee or sub-committee no motion or amendment shall be moved which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period unless it is recommended by Full Council. A decision shall only be referred back to the original decision making body once.

(b) Section 3.1 (a) only applies where the earlier resolution was a key decision as defined in Section 13 in Part 2 of the Constitution. Where the decision is not a key decision Rule 14 of the Council's procedure rules (Appendix 7) does not apply.

3.2 Quorum

(a) Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any committee or sub-committee unless a quorum is present.

<u>No. of Members</u>	<u>Quorum</u>
16 or over	5 persons
10 to 15	4 persons
5 to 9	3 persons
Less than 5	2 persons

(b) A meeting of the Standards Committee may not conduct business relating to Parish Councils unless a Parish Council representative is present.

3.3 Chair

(a) Meetings shall be chaired by the Member appointed by the Council or in the absence of the Chair the Vice Chair or in the absence of both a Chair for the meeting may be appointed

(b) Joint meetings of committees and sub-committees shall be chaired by the Chair or in his absence the Vice Chair of the committee or sub-committee initiating the arrangements for the meeting.

4. Substitutes

4.1 For every member of a committee, there can be one substitute nominated

- 4.2 Any Member who is due to miss a meeting should inform the Chair of the relevant committee at least 24 hours before the committee is due to meet (and that it is the Member concerned who does this)
- 4.3 At any one meeting, there should be no more than 2 substitutes per political grouping present
- 4.4 Training will be provided for nominated substitutes on regulatory committees
- 4.5 Where a Planning Committee site visit is involved, substitutes will only be allowed to attend and vote at the relevant Planning Committee if they have been on the site visit.

Updated March 2015

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APPENDIX 9 (Annex 1)

EMPLOYEES CONSULTATIVE COMMITTEE

CONSTITUTION AND FUNCTION

1. The Committee shall be known as the Joint Consultative Committee (hereinafter referred to as 'the Committee')
- 1.1 The Committee shall consist of 15 members, 7 of whom (hereinafter referred to as 'the Employer's Side') shall be non-Executive members appointed by the Borough Council and 8 of whom (hereinafter referred to as 'the Employees' Side') shall be employees appointed by the recognised trades unions in accordance with paragraph 13
- 1.2 If a member of the Committee ceases to be a member of the body by whom he/she was appointed to the Committee, he/she shall thereon cease to be a member of the Committee. Any resultant vacancy shall be filled as soon as possible by the Council or trade union as the case may be
- 1.3 Substitute members shall be permitted to attend meetings of the Committee
- 1.4 The Chief Executive, Executive Directors/Heads of Service or their representatives shall attend the meetings of the Committee in an advisory capacity
- 1.5 Subject to due notice being given to the Employees' Side, assistance may be given at any meeting by full time officials of the recognised trades unions
- 1.6 The persons mentioned in 1.4 and 1.5 above shall not have any voting rights.
2. The object and function of the Committee shall be to provide a means of consultation between the Council and the recognised trades unions on matters affecting employees of the Council
- 2.1 The Committee will not consider issues which are normally dealt with as part of the day to day management/employee relationship unless these lines of communication have been exhausted
- 2.2 Either side may request an emergency meeting of the Committee, as necessary
- 2.3 The Committee will not be a substitute for the Council's agreed disciplinary/grievance procedures and will not consider issues affecting a single employee. Such matters will be dealt with by a separate appeal hearing of the Committee

- 2.4 Cancellations of meetings shall only occur with the agreement of the Chairs of both the Employer's and Employee's Sides

3. The Committee shall not have executive powers but be a consultative committee and shall act by way of submitting reports and recommendations to the decision maker

4.
 - (a) The Employees' Side may nominate 2 representatives to attend the decision maker's meetings to be observers on items submitted from this Committee

 - (b) The Chair of the Committee shall be entitled to attend and speak at the decision making committee on items submitted from the Committee

5. The quorum of the Committee shall be 6 comprising a minimum of 3 from both Sides provided always that the Employees' Side may waive their right to 3 representatives

6. The view of both Sides shall be recorded and will be submitted to the decision maker following a vote if necessary

7. The Employer's Side and the Employees' Side shall each appoint its own Chair.

The Chair of the Committee shall be the Employer's Side Chair.

In the absence of the Chair, a Chair for the meeting shall be appointed by and from the Employer's Side.

8. The Committee shall be included in the annual cycle of meetings

9. The Committee shall appoint such working parties as may be necessary to undertake the detailed examination of any matters falling within paragraph 2 above and such working parties shall report thereon to this Committee with their recommendations

10. The Executive Director (Resources and Support Services) or his/her appointed representative shall act as Employer's Side Secretary to the Committee and it shall be their duty to summon meetings and liaise with the Employees' Side Secretary on the administration and order of Committee business. The Employer's Side Secretary shall also be responsible for keeping the minutes, communications, resolutions and recommendations to the parties concerned and to conduct any necessary correspondence on behalf of the Committee

11. The Employees' Side will appoint one of its number to be the Employees' Side Secretary who will liaise with the recognised trades unions and act as co-ordinator for agenda items

12. The following rules shall apply to meetings of the Committee
 - 12.1 Agenda items will normally be supported by a written report
 - 12.2 To enable both sides to prepare written responses, all items will be submitted to the Employer's Side Secretary at least 15 working days prior to the meeting
 - 12.3 The Employer's Side Secretary shall liaise with the Employees' Side Secretary to determine items for the agenda. The agenda for the meeting shall be circulated to the members together with notice convening the meeting. Otherwise than with the consent of the majority of members on both Sides present at the meeting, and other than in exceptional circumstances, business shall not be considered by the Committee which does not appear on the agenda unless, in the opinion of the Chair of the Committee, the matter is urgent
 - 12.4 All reports will be circulated to the members of the Committee at least 3 working days prior to the meeting at which they are to be considered
 - 12.5 Voting shall be by show of hands unless the Committee shall determine otherwise. The Chair of the meeting shall be entitled to vote on all matters, but shall not be entitled to a casting vote
 - 12.6 All communications relating to the work of the Committee shall be addressed to the Employer's Side Secretary

13. The trades unions currently recognised to represent the Employees' Side of the Committee are as follows:

UNISON
General Municipal Boilermakers and Allied Trade Unions (GMB)
Association of Professional, Executive and Clerical staffs (APEX)
Federated Union of Managerial and Professional Officers (MPO)

- 13.1 The Employees' Side seats shall be allocated on the basis of two seats per recognised trades union. The Employees' Side Secretary shall be responsible for advising the Employer's Side Secretary of the names of the Employee's Side representatives and the trades unions they represent.

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APPENDIX 10

SCRUTINY PROCEDURE RULES

1. Arrangements

- 1.1 The Council will have the scrutiny committees set out in Part 2, Section 6 of the Constitution and will have them as it considers appropriate from time to time. The terms of reference will be as set out in Section 6.

2. Composition

- 2.1 All Councillors, except members of the Cabinet, may be members of a scrutiny committee, subject to overall political balance calculations. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.
- 2.2 Membership of scrutiny working parties will be determined by the “parent” scrutiny committee. Any non-Executive Member of the Council may be a member of a scrutiny working party. Political balance requirements will not apply to the membership of scrutiny working parties.

3. Meetings of Scrutiny Committees

There shall be at least 2 ordinary meetings of each scrutiny committee in each year. In addition, extraordinary meetings may be called by the Chair of the relevant scrutiny committee, by any 2 members of the committee or by the Chief Executive if he/she considers it necessary or appropriate.

4. Quorum

The quorum for a scrutiny committee shall be 4 persons.

5. Chairs and Vice-Chairs of Scrutiny Committee Meetings

- 5.1 The Chairs and Vice-Chairs of the scrutiny committees will be appointed by the Council.

6. Work Programme

- 6.1 The scrutiny committees will be responsible for setting their own work programme and in doing so they shall take into account the wishes of Members on that committee.
- 6.2 The scrutiny committees will also respond, as soon as their work programme permits, to requests from the Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the scrutiny committees shall report their findings and any recommendations back to the Cabinet and/or Council within 2 months of receiving it or as soon as is reasonably practical.
- 6.3 Any Member of the Council shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the committee to be included on the agenda for the next meeting. On receipt of

such a request, the Chief Executive will ensure that it is included on the next agenda. The item of business should not be included later than three working days prior to the meeting to enable proper consideration of the matter by the committee. The Member will be able to present the item at the meeting, explaining why they want the committee to consider it in their work programme. The committee will decide whether it wishes to include that item in its work programme and, if so, when or refer it to another committee.

7. Policy Review and Development

- 7.1 The scrutiny committees will be consulted on Executive proposals on the budget and for the setting of the Council Tax, and the Cabinet will consider any representations made by the scrutiny committees prior to its budget proposals going before the Full Council
- 7.2 In relation to the development of the Council's approach to other matters not forming part of its budget or policy framework, scrutiny committees may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference
- 7.3 Scrutiny committees may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.

8. Councillor Call for Action

- 8.1 Any Member may, by giving notice to the Chief Executive (or his/her representative), using the form provided (shown at Appendix 25), initiate a 'Councillor Call for Action' relating to a local government matter that is not an excluded matter and where other routes to resolve the issue have not succeeded
- 8.2 A Councillor Call for Action can only be initiated where:
- (a) it relates to the discharge of any of the Council's functions;
 - (b) it relates to a matter which affects the Ward of the Member initiating it;
 - (c) it does not relate to individual planning decisions, licensing decisions or matters where the affected person or body has a statutory right of appeal;
 - (d) it does not relate to any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for an overview and scrutiny committee meeting
- 8.3 The Chief Executive (or his/her representative) will consult the Chair of the scrutiny committee to determine whether the request meets the criteria for a Councillor Call for Action
- 8.4 Where the request does not meet the criteria for a Councillor Call for Action, the Chief Executive (or his/her representative) will inform the Member making

the request of the decision. Where the request does meet the criteria for a Councillor Call for Action, the Chief Executive (or his/her representative) will arrange for the matter to be included on the agenda for the next available meeting of the relevant scrutiny committee

- 8.5 Where a Councillor Call for Action is included on the agenda for a scrutiny committee, the committee will consider whether to include the subject of the Councillor Call for Action on its work programme. The Member making the request may address the committee before it is considered. If the committee decides not to include the subject of the Councillor Call for Action on its work programme, it will provide the Member initiating the request with the reasons for its decision.

9. Reports from Scrutiny Committee

- 9.1 Once it has formed recommendations on proposals for development, the scrutiny committee will prepare a formal report and the Chief Executive will submit it 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)

- 9.2 If a scrutiny committee cannot agree on one single final report to the Council or Cabinet as appropriate, then minority reports may be prepared and submitted for consideration by the Council or Cabinet with the majority report. If a Member(s) propose to publish a minority report it will be the responsibility of that Member(s) to produce the report and recommendations without officer support

- 9.3 The Council or Cabinet shall consider the report of the scrutiny committee within two months of it being submitted to the Chief Executive or as soon as is reasonably practical

- 9.4 From time to time, ad hoc recommendations to the Cabinet may arise from discussion at meetings of the scrutiny committees. These recommendations will be passed directly to the relevant portfolio holder who will be required to respond to the relevant scrutiny committee within two months, or as soon as is reasonably practicable. The portfolio holder will invite the scrutiny committee Chair or Vice Chair to a meeting of the Cabinet to explain the reasons for the recommendation.

10. Ensuring that Scrutiny Reports are considered by the Cabinet and/or the Council

- 10.1 The reports of scrutiny committees referred to the Cabinet and/or Council shall be on the agenda (unless they have been considered in the context of the Cabinet and/or the Council's deliberations on a substantive item on the agenda) within two months of the scrutiny committee completing its report/recommendations

- 10.2 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 a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision

11. Rights of Scrutiny Committee Members to Documents

- 11.1 In addition to their rights as Councillors, members of scrutiny committees have an additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules at Appendix 11 of this Constitution
- 11.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and scrutiny committees as appropriate depending on the particular matter under consideration.

12. Members and Officers Giving Account

12.1 Any scrutiny committee may scrutinise and review outcomes of actions taken in connection with the discharge of any Council functions. As well as reviewing documentation in fulfilling the scrutiny role, it may require the Leader of the Council, a member of the Executive, the Chief Executive and/or any senior officer to attend before it to explain, in relations to matters within their remit:

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

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

12.2 Where any Member or officer is required to attend a committee under this provision, the Chair of that committee will inform the Chief Executive. The Chief Executive shall inform the Member or officer in writing giving at least ten working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend 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 Member or officer concerned will be given sufficient notice to allow for preparation of that documentation

12.3 Where, in exceptional circumstances to be determined by the Chief Executive, the Member or officer is unable to attend on the required date, then the scrutiny committee shall in consultation with the Member or officer arrange an alternative date for attendance

12.4 In some circumstances it may be desirable for scrutiny members to meet with less senior officers which will be arranged subject to the agreement of the officers' manager. If a manager does not agree to their officer(s) attending a scrutiny committee meeting, the manager will attend on behalf of that officer(s) and give reasons for that decision

13. Attendance by Others

13.1 A scrutiny committee may invite people other than those people referred to in paragraph 12 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders, partner organisations and Members and officers in other parts of the public sector and shall invite such people to attend

14. Call-in Procedure

- 14.1 Key decisions of the Cabinet whether taken collectively or delegated to officers or Members are subject to being called-in and will be dealt with in accordance with the Rules below and the call-in flow chart shown at Annex 2 to this Appendix
- 14.2 The call-in procedure does not apply to:
- (a) Decisions taken by the Cabinet that are urgent
 - (b) Decisions of Full Council
 - (c) Any decisions taken that are not key decisions
 - (d) Recommendations from the Cabinet to the Council
 - (e) Specific or individual employee relations, disciplinary or grievance matters
 - (f) Matters which are subject to formal or statutory appeal processes or are sub judice
 - (g) Individual appeal cases, e.g. planning or licensing
 - (h) Decisions of regulatory committees of the Council
- 14.3 The call-in procedure shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. As per his/her responsibilities detailed in Article 5 of this Constitution, the Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for the urgency.
- 14.4 A decision should only be called-in once. If the Cabinet significantly alter the decision after call-in by scrutiny, the new decision will be capable of being called-in
- 14.5 The papers despatched for the meeting will be the original report on which the decision was based, together with a copy of the call-in request. The Members who signed the call-in request form shall be notified that the call-in has been received and will be given notice of the committee meeting at which the matter will be considered
- 14.6 A meeting where there is a call-in will follow the ordinary procedure but the call-in item will follow the format set out below. Time limits will be strictly adhered to by the Chair of the meeting, except in exceptional circumstances by determination of the Chair.

ACTION	BY WHOM	TIME LIMIT
Explanation of procedure to be followed	Chair	
Explanation of reasons for the call-in and justification for proposal set out on the call-in form	Lead call-in Member and any other persons that they wish to involve	15 minutes
Explanation of decision taken and views on alternative proposal	Relevant Cabinet Member and officer (if a Cabinet decision) or relevant officer (if decision was delegated to an officer) and any other persons that they wish to involve	15 minutes
Questioning of call-in representatives and decision taken and consideration of any photographs, plans etc. that illustrate the issue under discussion	Scrutiny members	Unlimited
Summing up	Lead call-in Member	5 minutes
Summing up	Decision taker	5 minutes
Voting on the proposal on the call-in form	Scrutiny committee members	Unlimited

14.7 The appropriate committee, having reviewed the decision, can:

- (a) reject the call-in proposal and note the original decision. The decision will take effect on the date of the scrutiny meeting;
- (b) accept the proposal set out on the call-in form and refer back to the decision making person or body, with any comments they may also wish to make. The Cabinet shall then reconsider at the next scheduled Cabinet meeting, amending the decision or not before adopting the final decision, or if the decision has been made by an officer with delegated authority, that person shall then reconsider within a further three working days, amending the decision or not, before adopting a final decision; or
- (c) accept the proposal set out on the call-in form and refer the matter to Full Council if the decision is deemed to be outside the budget and policy framework

14.8 If a proposal is supported, Members may come to agreement on any comment they wish to pass to the Cabinet or the decision taker

14.9 If after a call-in is received, the appropriate scrutiny committee does not meet in the period set out above, the decision shall take effect on the expiry of ten working days after the call-in form has been received

15. The Party Whip

15.1 Scrutiny is intended to operate outside the party whip system. However, when considering any matter in respect of which a member of scrutiny is subject to a party whip the Member must declare the existence of the whip and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting

15.2 The expression 'party whip' can be taken to mean: "Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the council or any committee or sub-committee, or the application or threat to

apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner”

16. Procedure at Scrutiny Committee Meetings

16.1 Scrutiny committees shall consider the following business:

- (a) minutes of the last meeting
- (b) declarations of interest and party whip
- (c) consideration of any matter referred to the committee for a decision in relation to call-in of a decision
- (d) responses of the Cabinet to reports of the scrutiny committee; and
- (e) the business otherwise set out on the agenda for the meeting

16.2 Where the scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:

- (a) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of all attendees, and to contribute and speak;
- (b) that those assisting the committee by giving evidence be treated with respect and courtesy; and
- (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis

16.3 Following any investigation or review, the committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

17. Public Question Time

17.1 If a member of the public wishes to ask a question(s) at a meeting of a scrutiny committee, they should serve two clear days’ notice in writing of any such question(s) to the appropriate committee officer.

17.2 The Chair of the committee being questioned is given the discretion to waive the above deadline and assess the permissibility of the question(s). The Chair’s decision will be final.

17.3 The maximum limit is three public questions at any one scrutiny committee meeting.

17.4 A maximum limit of three minutes is provided for each person to ask an initial question or make an initial statement to the committee

17.5 Any questions deemed to be repetitious or vexatious will be disallowed at the discretion of the Chair.

18. Portfolio Holder Question Time – Scrutiny Committees

- 18.1 This is not a standing item and may take place every six months or so at the discretion of the Chair of each of the scrutiny committees
- 18.2 Portfolio holder question time provides an opportunity for the portfolio holder to talk about their priorities and work objectives and to inform the scrutiny committee of any issues or concerns that they may currently be facing within their portfolio. It is also an opportunity for a portfolio holder to flag up areas within their remit that they feel may benefit from scrutiny in the future, including policy development.
- 18.3 Portfolio holder question time is also an opportunity for scrutiny committee members to ask questions of the portfolio holder. This in turn could help inform the committee's work plan, if appropriate.

19. Pre-Cabinet Scrutiny

- 19.1 Pre-Cabinet scrutiny is an important function and an area where the scrutiny process can have a positive impact. The pre-Cabinet approach can help inform decisions and reassure the Council that the decision-making process is robust, fair and transparent.

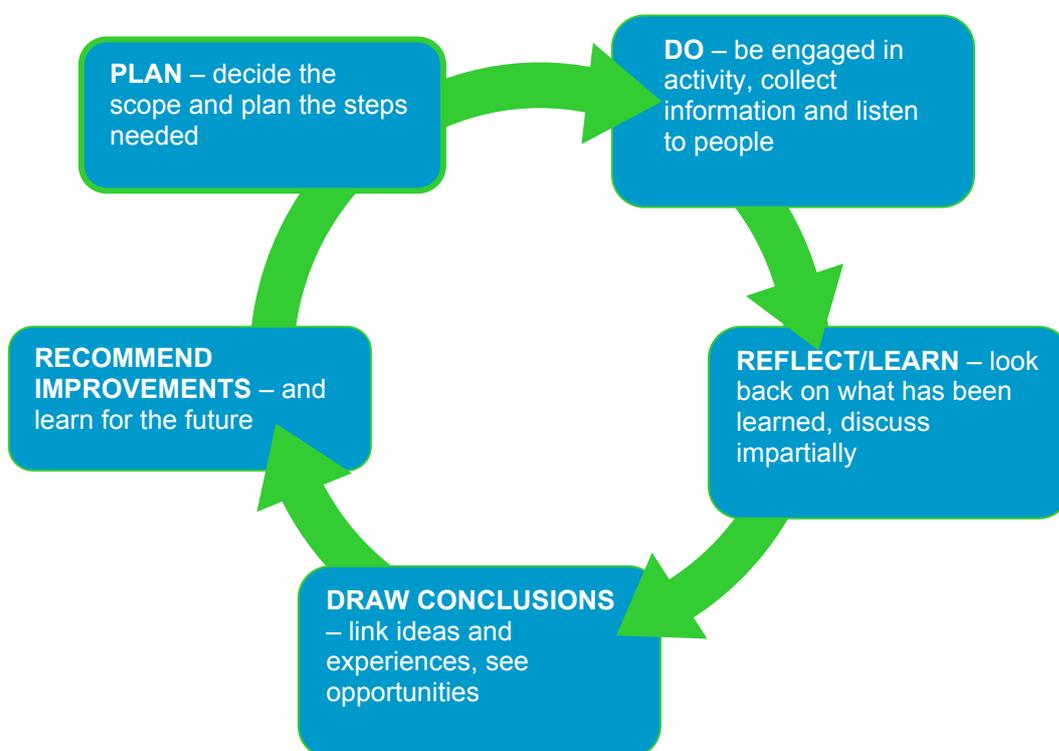
Updated May 2014

APPENDIX 10 (ANNEX 1)

PROTOCOL FOR SCRUTINY REVIEW WORKING PARTIES

A scrutiny review working party is a small group of Members who are asked to carry out a specific piece of work. A committee sets up a working party when it has been agreed that detailed work is required on a topic. A scrutiny review working party normally has between 3 and 6 Councillors as members. They will plan their work (assisted in this by advice from officers) and meet as necessary to finish their task.

Scrutiny review work gives Members the opportunity to explore issues in depth. A review has different stages that need to be carried out before it is completed:



The working party is responsible to the committee that set up the group. They must report their findings to the committee for approval before the report is sent to Cabinet.

Selecting a topic

One of the most important stages in any review happens before a scrutiny review working party is set up.

Choosing a topic for review is a crucial stage in the process. Members must consider why the topic should be looked at and what benefits would result from the work.

This will involve receiving general information about the topic, either from officers or from representatives of other bodies. Having received initial information and achieved a basic understanding of the issue, the Overview and Scrutiny Co-ordinating Committee will decide whether the matter demands further investigation by overview and scrutiny.

There are a number of criteria that are used to judge each suggestion and the Overview and Scrutiny Co-ordinating Committee is responsible for making the judgement. If they decide more work should be done, then they will refer the work to a particular committee.

The relevant committee will decide how best to do the piece of work and when the work is to be carried out. If a review is needed, the committee will set up a scrutiny review working party to carry out the task.

Setting up a Scrutiny Review Working Party

When a committee sets up a scrutiny review working party there are a number of actions that need to be carried out:

- (a) The committee will decide how many Members they wish to form the group – usually between 3 and 6
- (b) The committee will request any members of the committee who wish to participate in the task to make their desire known
- (c) The committee will decide if they wish to open up membership of the scrutiny review working party to Members who are not on the committee – it is good practice to make use of councillor interest, experience or specialist knowledge
- (d) The Chair of the committee will nominate a councillor to chair the working party.
- (e) A timescale needs to be agreed for the review.

If any Member not present at the meeting is put forward for membership of the working party, a written invitation should be sent to ask if they would like to participate. Members are able to accept or decline the invitation.

It is recommended that Members sit on no more than one or two working parties at any point in time. This is to allow for workload to be balanced.

When responses to the Members' expertise and specialist knowledge survey have been received, the detail provided will be used to inform the process of setting up a working party.

The Scrutiny Review Process

Planning and scoping

Members need to be thoroughly involved in the planning of a review. Having been given an indication of what the scope should be by the Overview and Scrutiny Co-ordinating Committee (through the suggestion form), the working party should consider the specific issues it will cover and agree a plan for the review. They should be assisted in this by advice from officers.

The plan should set out:

- (i) A clear statement of the scrutiny topic

- (ii) The aim (or purpose) of the project
- (iii) The scope of the project - what will be included and excluded
- (iv) Any specific questions to be answered
- (v) Specific concerns or issues, which should be addressed
- (vii) How it will contribute to achieving Corporate Priorities
- (viii) Initial list of key stakeholders, partners or other agencies to involve
- (ix) Timescales both for completion of the task and any interim requirement.

Within the agreed scope, members of the working party decide what information they need and what questions to ask and whether external expertise should be involved. Where needs are identified, consideration should be given as to why that information/contact etc. is necessary. This may include which people or organisations should be consulted and at what stage further consultation may be appropriate. In addition, the group should consult appropriate contacts on their views at the planning stage.

Gathering information

Once the planning aspect is finished, the working party will actively gather its evidence. Some of this will be written information, such as Council documents, national guidance or information from organisations providing a similar service. Information can also be collected by interviewing people. Evidence given to working parties from officers should be fact-based and not contain recommendations unless presented in the form of options. Information might also be gathered from user groups, the public, other interested parties or partners. On occasion the group may take the view that their enquiries would benefit from a site visit or by other activities such as directly accessing the service.

Site visits by members of a working party can be an extremely valuable part of the process and may inform Members' questioning of subsequent contributors.

If the group wishes to hold a public meeting to seek views on an issue, then they can. Members of working parties should be engaging with other organisations - partners, user groups, other councils etc. and talking to people affected by the issue being considered so as to ensure they are gathering as much information as possible.

Meetings of the scrutiny review working parties are minuted. The minutes should strike a balance between an exact record and a summary of the discussion, which can be helpful when the final report is being written. Minutes also allow people who have contributed information to check if it has been understood properly.

Reports of the working party meetings are submitted to the parent overview and scrutiny committee on a regular basis. This allows the members of that committee to monitor the work and to make suggestions about the tasks the working party are undertaking.

Reflect, learn and draw conclusions

When the working party has gathered all the evidence it needs, it will assess it and reflect on what has been learned. A draft report is then prepared to help this process and to help the group in drawing conclusions from what they have learned. The report of the working party's recommendations must be an expression of the views of the working party rather than a report to the working party written by officers. This means that it is important for members of the working party to express their views at the drafting stage.

The relevant Directorate will normally be given a chance to comment on the draft report before the group makes recommendations. This is an opportunity for factual corrections to be made. Sometimes the report relates to work by bodies outside the Council. In that case, these bodies may be consulted.

Report findings and recommendations

At the end of each review, reports need to be produced and written in plain English. Reports must outline the information gathered and present information in a variety of ways so that they are interesting and easy to read.

The final report will be based on facts collected and give a full picture of the issues under scrutiny. It will reflect the range of views presented to the working party and contain conclusions and clear recommendations.

Generally, when the report is endorsed it will be by consensus among all members of the working party. However, occasionally agreement cannot be reached, so the views of all members will then be reflected in the report.

When the working party have finished their report, the members of that group present their work to their parent overview and scrutiny committee. As part of this process, the working party will explain the work that has been done and ask the committee to support their recommendations. The committee could also comment on the report or ask for further work to be done.

The Committee's Responsibilities

Submitting a final report

If the committee formally supports the document, it will be sent to the Chief Executive. The overview and scrutiny committees are not decision-making bodies, therefore the Chief Executive will arrange for the report to be sent to the Cabinet or Full Council – whichever is appropriate. An agreed process is in place to make sure that recommendations are considered and responded to.

If the inquiry relates to an area outside the Council's control, the committee may also send its recommendations to the body concerned.

Follow up and feedback

The Cabinet formally respond to the recommendations that the committee has made. Their report will explain what actions or decisions will take place following the committee's recommendations.

The committee will monitor the way its recommendations are put in place and decide when they wish to receive a progress report.

Classification: NULBC **UNCLASSIFIED**

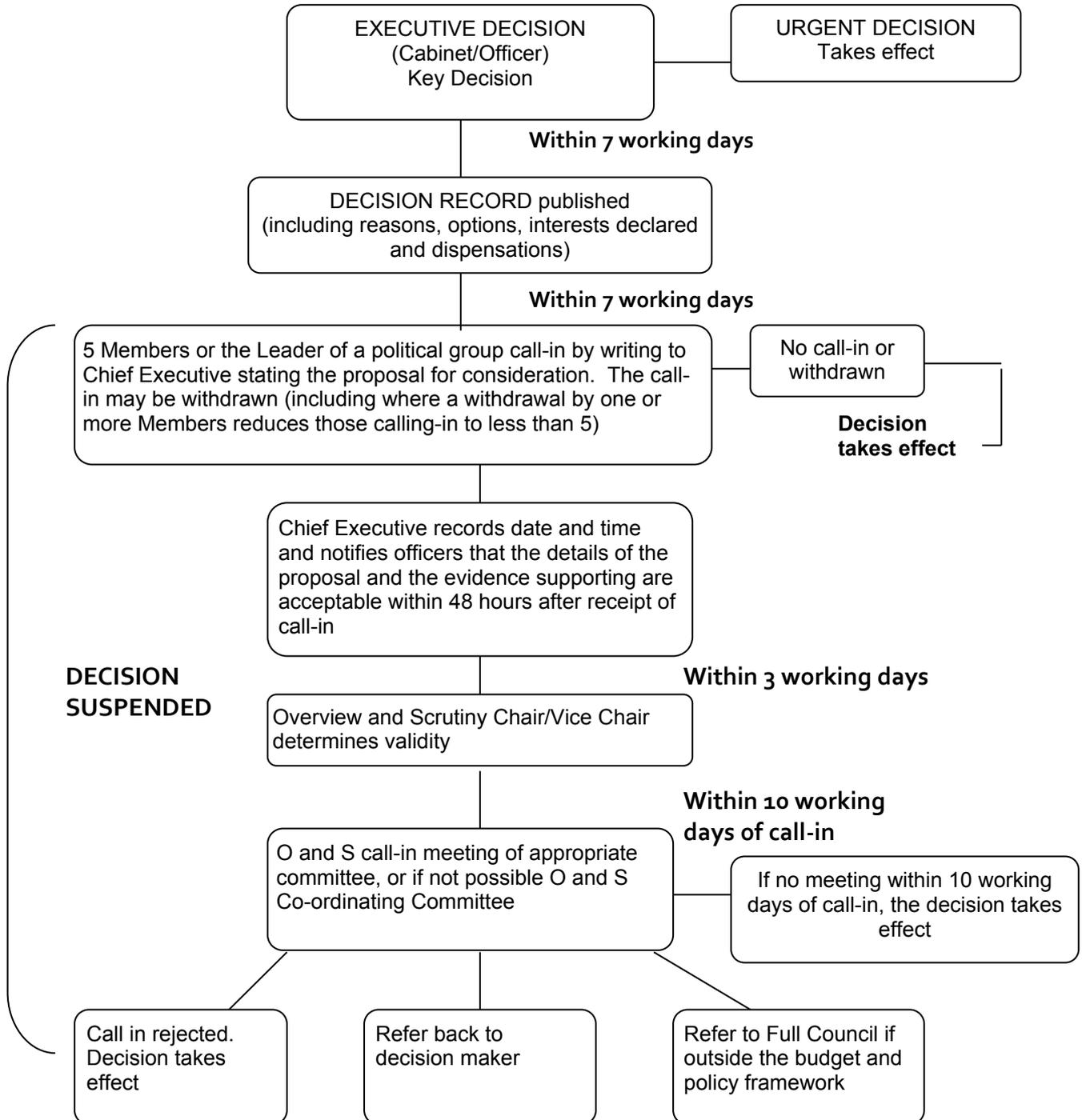
It is an important part of the scrutiny process to include an evaluation of the effectiveness of the review that has been undertaken. This enables lessons to be learned for the future about areas of the process that are successful as well as those that can be improved upon. It also helps to demonstrate the value of the process.

It is important to feed the results and outcome of the scrutiny back to everyone who has taken part and other interested stakeholders, including all Council Members.

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APPENDIX 10 (Annex 2)

Call-in flowchart



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APPENDIX 11

ACCESS TO INFORMATION PROCEDURE RULES

Section 1 - General Provisions

1. Status

These Rules are for the most part not rules laid down by the Council itself, but a summary of the effect of the legal provisions about access to information and a description of how the provisions operate in practice within the Council and its organisation and what the Council expects to be done. In the event of any conflict between these Rules and the legal provisions, the legal provisions will prevail. They are to be found in the Local Government Act 1972 (as amended) and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

In general Members of the Council have access to all documents. However, there are specific exemptions which are set out in Section 12.4 of this Appendix. Where there may be any discretion the normal test which is applied is whether the request which a Member has made for a particular piece of information is relevant to the capacity in which they are asking for it e.g. as a member of a particular Committee, on a ward matter or similar.

2. Scope

2.1 Section 2 of these Rules applies to:

- (a) all meetings of the Council and Committees and Sub-committees of the Council; and
- (b) meetings of the Cabinet and Committees of the Cabinet that are held in public.

Rule 14 specifies the circumstances in which meetings of the Cabinet and Committees of the Cabinet must be held in public.

2.2 Section 3 of these Rules applies to meetings of the Cabinet and Committees of the Cabinet.

3. Additional Rights to Information

These Rules do not affect or detract from any other, more specific rights to information contained elsewhere in this Constitution or the law.

Information on data protection and IT security can be found at Appendix 15.

Section 2 – General Access Rules

4. Interpretation of this Section

In this Section of these Rules, unless the contrary appears, all references to a meeting or meetings are references to a meeting or meetings to which this Section applies.

5. Rights to Attend Meeting

Members of the public may attend meetings, subject to the exceptions set out in these Rules.

6. Notices of Meeting

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Civic Offices, Merrial Street, Newcastle (the designated office).

7. Access to Agenda and Reports before the Meeting

Agendas for meetings and reports that are available for public inspection will normally be available at the designated office at least five clear days before the meeting. If items of business or reports are added to agendas less than three clear days before the meetings, revised or additional agendas and the reports will be available for inspection when they are sent to Members.

8. Supply of Copies

On payment of a charge for postage and any other reasonable costs, the Council will supply to any person copies of any agenda and reports that are open to public inspection.

9. Access to Minutes etc. after Meetings

The Council will keep publicly available copies of the following for six years after a meeting:

- (a) The minutes of the meeting or other record of the decisions it took, but excluding any minute or record relating to proceedings that took place or a decision that was made when the meeting was not open to the public or which discloses exempt or confidential information (as defined in Rule 12);
- (b) A summary of any part of the proceedings of the meeting that was not open to the public, if the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) The agenda for the meeting; and
- (d) Reports relating to items considered when the meeting was open to the public.

10. Background Papers

10.1 Each report that is available for public inspection will contain a list of background papers. These are documents relating to the subject matter of the report that:

- (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.

The list excludes any published works and any documents that disclose exempt or confidential information.

10.2 Public inspection of background papers

The Council will make available for public inspection for four years after the meeting one copy of each of the documents in the lists of background papers to the reports considered in public at the meeting.

11. Summary of public rights

For the purpose of providing a written summary of the right of the public to attend meetings and to inspect and copy documents, a copy of these Rules will be kept at the designated office and available to the public.

12. Exclusion of access by the public to meetings

12.1 Confidential information – requirement to exclude the 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.

12.2 Exempt information – discretion to exclude the 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. The Council will take into account the requirements of the Human Rights Act 1998 in deciding whether to exclude the public.

12.3 Meaning of ‘confidential’ information

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

12.4 Meaning of ‘exempt’ information

Exempt information means information falling within one or more of the following categories:

	DESCRIPTION	QUALIFICATION
1	Information relating to any individual	The public interest in the exemption must outweigh the public interest in disclosure
2	Information which is likely to reveal the identity of an individual	Public interest
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information is not exempt if it is required to be registered under: <ul style="list-style-type: none"> (a) the Companies Act (as defined in Section 2 of the Companies Act 2006) (b) the Friendly Societies Act 1974(b) (c) the Friendly Societies Act 1992(c) (d) the Industrial and Provident Societies Acts 1965 to 1978(d) (e) the Building Societies Act 1986(e); or (f) the Charities Act 1993(f)
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	The public interest in the exemption must outweigh the public interest in disclosure
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	The public interest in the exemption must outweigh the public interest in disclosure
6	Information which reveals that the authority proposes: <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 	The public interest in the exemption must outweigh the public interest in disclosure
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	The public interest in the exemption must outweigh the public interest in disclosure

Exempt information relating to Standards Committee only (in addition to paragraphs 1-7 above)

Information which is subject to any obligation of confidentiality	The public interest in the exemption must outweigh the public interest in disclosure
Information which relates in any way to matters concerning national security	The public interest in the exemption must outweigh the public interest in disclosure

The deliberations of a Standards Committee or a sub-committee of a Standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act	The public interest in the exemption must outweigh the public interest in disclosure
--	--

12.5 Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 (9).

12.6 **Qualification**

The exemption applies 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.

12.7 **Interpretation**

(1) Employee' means a person employed under contract of service;

'financial or business affairs' includes contemplated, as well as past or current activities

'labour relations matter' means:

(a) any of the matters specified in paragraphs (a) to (g) of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (10) (matters which may be the subject of a trade dispute, within the meaning of the Act); or

(b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office holders under the authority as they apply in relation to employees of the authority;

'office holder', in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

'registered' in relation to information required to be registered under the Building Societies Act 1986 (11), means recorded in the public file of any building society (within the meaning of that Act)

(2) Any reference to 'the authority' is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined

- (a) in the case of a principal council, to any committee or sub-committee of the council; and
- (b) in the case of a committee, to:
 - (i) any constituent principal council
 - (ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and
 - (iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and
- (c) in the case of a sub-committee, to:
 - (i) the committee, or any of the committees, of which it is a sub-committee
 - (ii) any principal committee which falls within paragraph (b) above in relation to that committee.

13. Exclusion of access by the public to reports

The Council will exclude from public access any reports that relate to items during the consideration of which a meeting is, in the opinion of the Proper Officer, likely not to be open to the public. If at the meeting, the reports are in fact considered when the meeting is open to the public, full public access will immediately be allowed to the reports.

Section 3 – the Cabinet

14. Meetings in public

14.1 A meeting of the Cabinet or a committee of the Cabinet will be held in public if:

- (a) the Cabinet or the committee so determines;
- (b) a key decision is likely to be made at this meeting;
- (c) there is likely to be discussion of matters relating to a key decision expected to be made within the following 28 days or, if there is to be a discussion with an officer (unless the officer is a political adviser or the principal purpose of the meeting is to brief the Members), at any time

14.2 When a meeting is held in public, the rules in Section 2 apply, in addition to such of the rules in this section as are applicable.

15. Meaning of 'Key' Decision

A 'key' decision means:

- 15.1 Any Cabinet decision (as opposed to a regulatory decision) which is likely to result in the Council incurring significant expenditure or the making of savings where there is:
- (a) A change in service provision that impacts upon the service revenue budget by £50,000 or more, or
 - (b) a contract worth £50,000 or more, or
 - (c) a new or unprogrammed capital scheme of £50,000 or more, or
- 15.2 Any Cabinet decision which will have a significant impact in environmental, physical, social or economic terms on communities living or working in an area comprising two or more electoral wards.

16. Procedure before taking Key Decisions

Subject to Rule 18 (General Exception) and Rule 19 (Special Urgency), a key decision may not be taken in respect of a matter unless:

- (a) the matter has been listed in a previously published Forward Plan
- (b) at least 5 clear days have elapsed since the publication of that Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or a committee of the Cabinet, notice of the meeting has been given in accordance with Rule 4 – Notice of Meetings.

17. Forward Plans

17.1 Period covered

Forward Plans will be prepared by or on behalf of the Executive Leader. They must cover a period of four months, beginning with the first day of any month. They are to be prepared on a monthly basis. Subsequent Plans will cover a period beginning with the first day of the second month covered in the preceding Plan.

17.2 Contents

A Forward Plan will contain the matters which the Executive Leader has reason to believe will be the subject of a key decision to be made by the Cabinet, a committee of the Cabinet, individual members of the Cabinet or officers in the course of discharge of an Executive function during the period covered by the Plan. It will describe the following particulars, insofar as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made
- (b) where the decision maker is an individual, his or her name and designation, if any

- (c) where the decision maker is a body, its name and details of its membership
- (d) the date on which, or the period within which, the decision will be taken
- (e) the identity of the principal groups or organisations the decision maker proposes to consult before taking the decision
- (f) the means by which any such consultation is proposed to be undertaken
- (g) the steps that may be taken by any person who wishes to make representations to the Cabinet or decision maker about the matter in respect of which the decision is to be made and the date by which those steps must be taken; and
- (h) a list of the documents submitted to the decision maker for consideration in relation to the matter.

17.3 **Publication**

The Forward Plan must be published at least 14 days before the start of the period covered. In addition, the Proper Officer will publish once a year a notice in at least one newspaper circulating in the Borough, stating:

- (a) that key decisions are to be taken on behalf of the Council
- (b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis
- (c) that the Plan will contain details of the key decisions to be made for the four month period following its publication
- (d) that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices
- (e) that each Plan will contain a list of the documents submitted to the decision maker for consideration in relation to the key decisions in the Plan
- (f) the address from which, subject to any prohibition or restriction on their disclosure; copies of, or extracts from, any document listed in the Forward Plan are available
- (g) that other documents may be submitted to decision makers
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

17.4 Confidential or Exempt Information

Where it is likely that the public will be excluded from a meeting during consideration of any matter, the relevant Forward Plan must contain particulars of the matter, but:

- (a) the Forward Plan may not contain the confidential or exempt information; and
- (b) the documents containing the information need not be disclosed.

18. Key decisions – general exception

If a matter that is likely to be a key decision has not been included in a Forward Plan, then subject to Rule 19 (Special Urgency), the decision may still be made if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Proper Officer has, by notice in writing, informed the Chair of the appropriate scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Proper Officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least three clear days have elapsed since the Proper Officer complied with (a) and (b) above.

19. Key Decisions - Special Urgency

19.1 If a matter that is likely to be a key decision has not been included in a Forward Plan and because of the date by which a decision needs to be made, Rule 18 (General Exception) cannot be followed, the decision may only be made if the decision maker (if an individual) or, if the decision maker is a body, its Chair, obtains the agreement of the Chair of the appropriate scrutiny committee that the making of the decision is urgent and cannot reasonably be deferred.

19.2 If there is no Chair of the appropriate scrutiny committee, or the Chair is unwilling or unable to act, the agreement of the Mayor, or in his or her absence the Deputy Mayor, shall be obtained instead.

19.3 The Leader of the Council shall submit to the Council at quarterly intervals a report containing details of each Executive decision made during the preceding three months where the making of the decision was agreed as urgent under this Rule. The report shall include:

- (a) particulars of each decision made; and

- (b) a summary of the matters in respect of which each decision was made.

20. Key Decisions – contraventions

20.1 If the scrutiny committee thinks a key decision has been made that was not:

- (a) included in the Forward Plan; or
- (b) made in accordance with the General Exception procedure in Rule 18 or the Special Urgency procedure in Rule 19

the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee may specify.

20.2 The Cabinet will then prepare a report for submission to the next Ordinary Meeting of the Council. However, if the next meeting of the Council is within 7 days of the resolution of the Committee, the report may instead be submitted to the next Ordinary Meeting after that. The report to Council will set out particulars of the decision, the individual or body that made the decision and, if the Leader of the Council is of the opinion that it was not a key decision, the reasons for that opinion.

21. Records of decisions

As soon as reasonably practicable after a meeting of the Cabinet or a committee of the Cabinet, whether held in public or private, the designated officer will produce a record of every decision taken at that meeting. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

22. Cabinet meetings relating to matters that are not key decisions

The Cabinet will decide whether meetings relating to matters that are not key decisions will be held in public or private. Such meetings will normally be held in public.

23. Executive decisions by individuals

23.1 Reports intended to be taken into account

Where an individual Cabinet Member or an officer receives a report which he or she intends to take into account in making a key decision, he or she shall not make the decision until the report has been available for inspection by the public for at least 5 clear days. He or she shall also ensure that the Chief Cabinet or an officer on his behalf makes the report available for inspection by the public as soon as is reasonably practical after the Member or officer receives it.

23.2 Copies of reports for Scrutiny Chair

Where a report has been submitted to an individual Cabinet Member or an officer with a view to it being considered by him or her when making a key decision, the person who submitted the report shall as soon as reasonably practicable supply a copy of it to the Chair of the appropriate scrutiny committee.

23.3 Background papers

The Chief Executive or an officer on his or her behalf shall, in any report required to be available for inspection by the public as provided in Rule 23.1 above, ensure that there is included a list of the background papers for the report and that they also are available for inspection by the public. In this Rule, 'background papers' has the same meaning as in Rule 10.1.

23.4 Records of decisions – individual Members

- (a) As soon as reasonably practicable after a Cabinet decision has been taken by an individual Cabinet Member (whether or not it is a key decision), it is his or her legal duty to produce, or instruct the designated officer to produce a written statement of the decision. That statement must include:
 - (i) a record of the decision;
 - (ii) a record of the reasons for the decision;
 - (iii) details of any alternative options considered and rejected by the Member at the time he or she made the decision'
 - (iv) a record of any conflict of interest declared by any other Cabinet Member who was consulted by the Member, in relation to the decision; and
 - (v) in respect of any declared interest a note of any dispensation granted by the Council's Standards Committee. The form for dispensations is at Annex ... of Appendix 18.
- (b) The policy and practice of the Council is that the Chief Executive should be present or represented when an individual Cabinet Member makes a Cabinet decision and will assume responsibility on behalf of the Member for the production of the required record.

23.5 Records of decisions – individual officers

- (a) As soon as reasonably practicable after an officer has made a decision which is a key decision, it is his or her legal duty to produce a written statement which must include:
 - (i) a record of the decision
 - (ii) a statement of the reasons for the decision
 - (iii) details of any alternative options considered and rejected by the Member at the time he or she made the decision
 - (iv) a record of any conflict of interest declared by any other Cabinet Member who was consulted by the Member, in relation to the decision; and
 - (v) in respect of any declared interest a note of any dispensation granted by the Council's Standards Committee.

- (b) The policy and practice of the Council is that the Chief Executive should be present or represented when an individual Cabinet Member makes a Cabinet decision and will assume responsibility on behalf of the Member for the production of the required record.
- (c) There is no legal requirement for a written statement to be prepared in respect of an individual Cabinet decision made by an officer that is not a key decision. It is nevertheless the policy and practice of the Council that a written statement shall be prepared in respect of every such decision by the officer who makes it.
- (d) The Chief Executive will normally not be present when an officer makes a decision that is not a key decision and the responsibility for preparing the written statement is to be discharged by the officer personally unless the Chief Executive or an officer on his or her behalf agrees otherwise. The same information shall be included as above. The written statement shall be completed, signed and delivered to the Chief Executive or an officer on his or her behalf within five working days of the decision. A copy of the relevant form is attached at Annex 1 to this Appendix.

24. Additional Rights for Members of the Council

24.1 Material relating to public business

All Members of the Council are entitled to inspect any document that is in the possession or under the control of the Cabinet and contains material relating to any business to be transacted at a public meeting.

24.2 Material relating to non-public business

All Members of the Council are entitled to inspect any document that is in the possession or under the control of the Cabinet and contains material relating to:

- (i) any business transacted at a private meeting
- (ii) any Cabinet decision made by an individual Cabinet Member, or
- (iii) any key decision made by an officer in accordance with Executive Arrangements

immediately after the decision is made.

24.3 Exempt information

The rights conferred by Rules 24.1 and 24.2 do not extend to a document, the inspection of which would involve the disclosure of exempt information falling within paragraphs 1 to 6, 9, 11, 12 or 14 of the categories of exempt information in Rule 12.4 above, or advice provided by a political adviser or assistant.

24.4 Nature of rights

These rights of a Member of the Council under this Rule are additional to any other right the Member may have.

Additional rights of access for Members of Scrutiny Committees and Scrutiny Task Groups

24.5 Rights to copies

Subject to Rule 25.2 below, a member of a scrutiny committee or a scrutiny task group is entitled to copies of any document that is in the possession or control of the Cabinet and contains material relating to:

- (i) any business transacted at a private or public meeting of a decision making body of the Council
- (ii) any decision that has been made by an individual Cabinet Member in accordance with Cabinet Arrangements; or
- (iii) any key decision that has been made by an officer in accordance with Executive Arrangements.

24.6 Limit on rights

No such Member is entitled to a copy of:

- (i) such part of a document as contains exempt or confidential information unless that information is relevant to an action or decision they are reviewing or scrutinising or intending to scrutinise; or
- (ii) a document or part of a document containing advice provided by a political adviser or assistant.

Updated May 2014

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APPENDIX 12

CONTRACT PROCEDURE RULES

Contents

1.	INTRODUCTION	1
2.	COMPLIANCE WITH CONTRACT PROCEDURE RULES	3
3.	NORMAL PROCEDURE	5
4.	EXCEPTIONS TO CONTRACT PROCEDURE RULES	10
5.	CONTRACTS UNDER £5,000	12
6.	CONTRACTS VALUED £5,000 TO £50,000 INCLUSIVE	12
7.	CONTRACTS OVER £50,000	13
8.	CONTRACTS OVER EU THRESHOLDS.....	15
9.	RECEIPT AND CUSTODY	17
10.	OPENING TENDERS	17
11.	LATE TENDERS	18
12.	ALTERATIONS	18
13.	ACCEPTANCE	19
14.	NEGOTIATIONS FOLLOWING RECEIPT OF TENDERS	20
15.	NOMINATED/NAMED SUB-CONTRACTORS AND SUPPLIERS	21
16.	ENGAGEMENT OF CONSULTANTS	21
17.	CONTRACT CONDITIONS	22
18.	EXTENDING EXISTING CONTRACTS	24
19.	CANCELLATION OR DETERMINATION	25
20.	SIGNATURE OF CONTRACTS.....	25
21.	REGISTER OF CONTRACTS	25
22.	SEALING	26
23.	BONDS AND PARENT COMPANY GUARANTEES	26
24.	OTHER REQUIREMENTS.....	27
ANNEX 1		
	EXCEPTIONS TO CONTRACT PROCEDURAL RULES – TEMPLATE.....	29

1. INTRODUCTION

1.1 Procurement is the process by which the Council manages the acquisition of all its goods, services and works. It includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of the contracts.

1.2 These Contract Procedure Rules provide a corporate framework for the procurement of all goods, services and works for the Council. The Rules are designed to ensure that all procurement activity is conducted with openness, probity and accountability. Above all, the Rules are designed to ensure that the Council obtains value for money and the required level of quality and performance in all contracts that are let.

1.3 In these Rules, the following definitions apply:

Contract Means any form of contract, agreement or other arrangement for the supply of goods, services or work

Council Means the Borough Council of Newcastle-under-Lyme

Code of Practice Means the Council's Code of Practice for Procurement – this includes accompanying guidance

Services Includes all services which the Council purchases or obtains including advice, specialist consultancy work, agency staff, etc.

Works Includes all construction and repairs in respect of physical assets (buildings, etc.)

Strategic Procurement Team Means officers responsible for strategic procurement support (Business Improvement Manager and/or Business Improvement Officer Performance and Procurement)

Lead Officer The officer within the Council taking the lead on the procurement exercise

Chief Officer(s) Means (one of) the following:

Chief Executive
Executive Director (Operational Services)
Executive Director (Regeneration and Development)
Executive Director (Resources and Support Services)

who together as a group form the Council's Executive Management Team (EMT) and have responsibility for the day to day management of the Council and its officers

Section 151 Officer Is a statutory position under Section 151 of the Local Government Act 1972. The Executive Director (Resources and Support Services) currently holds this position

Monitoring Officer Is a statutory position under Section 5 of the Local Government and Housing Act 1989, as amended by

Schedule 5, paragraph 24 of the Local Government Act 2000. The Audit Manager currently holds this position and the Democratic Services Manager is the Deputy Monitoring Officer

Service	The relevant Service area within the Council
Head of Service	Means a senior manager with responsibility for the Service
Business Manager	Means a manager with responsibility for a business area within the Service
Authorised Officer	Means any officer who by the nature of his or her job, or as directed by a Head of Service or Business Manager, is authorised to place orders
Financial Regulations	Means the financial regulations issued by the Section 151 Officer and approved by the Council
International Financial Reporting Standards (IFRS)	Means a common global language for business affairs so that company accounts are understandable and comparable across international boundaries.
Rules	Means these Contract Procedure Rules
Cabinet	Means the part of the Council which is responsible for most day-to-day decisions
Constitution	This document sets out how the Council operates, how decisions are made and the procedures which are followed
Cabinet Portfolio Holder	Means a member of the Cabinet with a specific area of responsibility (known as a portfolio) to ensure greater accountability for the decisions taken by Cabinet.
TUPE	TUPE is an acronym for 'Transfer of Employment (Protection of Employment)' Regulations 2006 (amended in 2014). These Regulations preserve employees' terms and conditions when a business or undertaking (or part of one) is transferred to a new employer

1.4 These Rules apply to all contracts whereby the Council pays for goods, services or works. The Public Procurement Regulations do not apply to income based contracts (arrangements whereby the Council gets an income from a third party). However, it is good practice to always follow the principles of these Contract Procedure Rules when awarding such arrangements. Advice must always be sought from the Section 151 Officer when dealing with income based arrangements

1.5 All values referred to in these Rules are exclusive of VAT

1.6 Any dispute regarding interpretation of these Rules shall be referred to the Section 151 Officer for resolution

- 1.7 The Section 151 Officer shall undertake a formal review of the Rules on an annual basis
- 1.8 These Rules do not apply to:
- (a) Contracts of employment
 - (b) Contracts relating to interest in land
 - (c) The engagement of Counsel or other legal advisers; or
 - (d) Contracts relating to Treasury Management entered into by the Section 151 Officer in pursuance of the powers delegated to him under the Council's Constitution
- 1.9 Whereas the titles of Chief Officers are shown in these Rules, their nominees may undertake the responsibilities listed during their principal's absence provided they have written authority from the relevant Chief Officer to do so. This shall not be the case where statute law, or resolution of the Council, or a decision of the Council's Cabinet, requires otherwise.

2. COMPLIANCE WITH CONTRACT PROCEDURE RULES

- 2.1 The provisions contained in these Rules are subject to the statutory requirements of both the European Union and the United Kingdom Government. The letting and content of contracts shall conform to all statutory requirements and be subject to any over-riding directives of the European Union relating to contracts and procurement. This Rule cannot be waived since a failure to comply with European legislation may result in a legal challenge with consequent reputational and financial risk

In addition, where specific statutory procedures are prescribed for certain types of procurement or contract, then these procedures must be followed at all times. In any case where the Council approves, through a resolution of its Cabinet, to have separate Procedure Rules for particular types of contract, then such Rules (which must be prepared in consultation with the Chief Executive, the Section 151 Officer and the Monitoring Officer will take precedence over these Rules.

- 2.2 Subject to Rules 2.1 and 2.3, every contract for the supply of goods and services and for the execution of works made by or on behalf of the Council shall comply with these Rules, the Council's Financial Regulations and the Council's Procurement Strategy. All Council employees and organisations or companies engaged to act in any capacity to procure, manage or supervise a contract on behalf of the Council must be provided with a copy of (or access to) these Rules and comply with them

Any exception to this Rule may only be made with the written authority of a Chief Officer or the Monitoring Officer

- 2.3 A written record of any exception from the provisions of these Rules shall be made by a Chief Officer or his or her nominee and the Monitoring Officer. An 'exceptions form' must be completed for every instance where a Chief Officer approves an exception from these Rules. The form must adequately document the reasons for the exception and an electronic copy must be retained by the Service concerned. A copy of each completed form is automatically forwarded to the Chief Officer concerned, the Monitoring Officer, Internal Audit and the Strategic Procurement Team where a record of all exceptions is maintained. The Chief Officer concerned is responsible for keeping the appropriate Cabinet Portfolio Holder informed

- 2.4 All procurement activity must be undertaken with regard to high standards of probity and in accordance with the relevant sections of the Council's Constitution. All officers should manage procurement activity in a manner which avoids any conflicts of interest, and if any conflicts of interest do arise, these should be referred immediately to the Monitoring Officer, and recorded in the Register of Disclosures and Pecuniary Interests by Officers, which is kept in the office of the Legal Practice Administrator
- 2.5 The procurement of goods, services and works must comply with UK and European Union public procurement legislation where applicable. Where such legislation is applicable and any conflict with these Rules arises, EU Directives and/or UK legislation take precedence over these Rules. Current regulations require tenders to be advertised in the EU Journal where the value exceeds (as at January 2014 values):
- (a) £4,322,012 for works, and
 - (b) £172,140 for the purchase of goods and services

In estimating relevant values, officers shall have regard to the rules addressing aggregation. The estimated value payable over the life of the contract or, in instances where the total contract value is difficult to estimate, the approximate monthly value of the contract, multiplied by 48. Requirements must be calculated based on all Council spend (i.e. the corporate requirement rather than individual service needs) and must not be divided into two or more smaller purchases as this is in breach of the aggregation rules

Further detail in relation to aggregation can be found in the Public Contract Regulations 2006

- 2.6 Chief Officers are responsible for ensuring processes are in place to comply with these regulations within their own Service.

2.7 **Partnerships**

These Rules apply to any proposal for the Council to become involved in a joint venture or partnership, including the monitoring of any such arrangement

- (a) In relation to the Rules, a joint venture or partnership includes any arrangement involving one or more organisations in addition to the Council through which either a specific project or services within any of the functions of the Council are to be provided, and
- (b) Provides a role for the Council or any of its Members or officers in whatever structure is used to deliver the project or services involved (such structures may include, but are not limited to, companies, trusts and management committees).

- 2.8 Before any consideration is given to the Council entering into a joint venture with the private sector or a strategic service delivery partnership with any external organisation and in particular before any detailed negotiations are entered into or before any contract is made or undertaking given by or on behalf of the Council in relation to a joint venture or partnership, the Chief Officer concerned must submit

detailed information concerning the proposed joint venture or partnership to the Chief Executive. The Chief Executive will give consideration to the proposed joint venture in accordance with these Rules. On receipt of the detailed information above, the Chief Executive will liaise with the relevant Chief Officer(s) or his/her representative(s) to ensure that an appropriate project board is convened

- 2.9 Procurement processes for strategic partnerships and PFI projects must include, where relevant:
- a) The issue of an information memorandum to prospective bidders setting out the background to the project, the Council's objectives and an outline of the procurement process and timetable, with roles and responsibilities made clear (the drafting of which can be supported by the Strategic Procurement Team)
 - b) An invitation to bidders to demonstrate their track record in achieving value for money through effective use of their supply chain, including the use of small firms. This should continue to be examined as part of contract management
 - c) A requirement on bidders which must be included in their invitations to tender (or negotiate for partnerships) to submit optional, priced proposals for the delivery of specified social benefits which are relevant to the contract and add value to the community strategy.

3. NORMAL PROCEDURE

- 3.1 These Rules relate to three categories of procurement based on the estimated value of the contract:
- a) Up to £5,000
 - b) £5,001 to £30,000 (inclusive)
 - c) £30,001 £50,000 (inclusive)
 - d) In excess of £50,000
- 3.2 In all instances, goods, services or works must be obtained via appropriate existing approved arrangements where these exist. These include:
- a) In-house services (for example facilities management)
 - b) Established corporate contracts and approved arrangements
 - c) For works (construction) related compliant frameworks where these are available for the Council to use

The following arrangements shall be used where it is considered that they provide value for money for the Council:

- d) Use of contracts which have been established by consortia of which are available to the Council (for example Yorkshire Purchasing Organisation (YPO); Eastern Shires Purchasing Organisation (ESPO) – both being part of the Pro5 consortia)
- e) Direct purchasing from YPO, ESPO (i.e. products available from the catalogue)

- f) Approved nationally negotiated contracts (for example those arranged by Crown Commercial Services (CCS))
- g) Approved e-Procurement solutions
- h) For low value purchases, purchasing cards can be used provided they are not used with the intention of undermining the use of approved or corporate contracts or as a method of circumventing aggregation rules

Information relating to the above arrangements will be published regularly on the Council's intranet

Where the Council has an in-house service, external companies should not be used for these services unless the Head of Service (responsible for the in-house service) confirms specifically that they are unable to meet requirements on that occasion

Use of Council contracts shall be mandatory for the supply of the goods/services included in the contract specification

- 3.3 Orders and payments for goods, services and works shall be undertaken in accordance with Financial Regulations. Orders must be placed, using approved Council systems, in advance of the receipt of the goods/services and orders must be coded to appropriate account codes
- 3.4 Where the supply is of a significantly higher than normal value for the existing arrangement in Rule 3.2 – for example for bulk purchases – the Authorised Officer should consult with the Strategic Procurement Team to determine whether special rates should be sought or whether an alternative procurement procedure may be required
- 3.5 Prior to inviting tenders or quotations, the Authorised Officer must:
 - a) Ensure that there is not another arrangement which must be used instead, as per paragraph 3.2 above, and
 - b) For contracts where there is evident risk, and for all contracts over £50,000, produce and maintain a documented risk log for the procurement process and for the eventual contractual relationship. As a minimum this should analyse all risks, identify how the risks will be managed, the responsible officer(s) and the review periods as per the Council's procurement risk log template
 - c) Consider at the outset, through the use of the procurement risk log, any equality and diversity, social, environmental, economic, ethical, health and wellbeing and workforce implications in respect of the provision of supplies, services or works
 - d) In support of the Public Services (Social Value) Act 2012, it should be considered at the outset, in the development of the procurement risk log, how the contract can improve the social, economic and environmental wellbeing of the Borough of Newcastle-under-Lyme, its citizens and businesses and this should be built into the contract where appropriate. The Service must be able to demonstrate that social value has been considered and, where applicable to the subject matter of the contract sought and achieved. The Service must also record that it considered whether it was appropriate to consult with stakeholders in respect of social value and the reasons for its decision

- e) Be satisfied that a specification (where appropriate), that will form the basis of the contract, has been prepared (the specification should be retained on the appropriate contract file held within the Service)
- f) Be satisfied that all key stakeholders have been identified and consulted, and their views represented in the procurement risk log, specification and contract documents
- g) Have prepared and documented an estimate of the whole life cost of the contract including (where appropriate) any maintenance and ongoing costs (the estimate should be retained on the appropriate contract file held within the Service)
- h) Ensure that all evaluation criteria (including sub-criteria) have been determined in advance, put into order of relative importance with weightings for each criteria and sub-criteria and published in the tender documentation
- i) Ensure that an appropriate procurement process is undertaken based on the whole life cost of the contract
- j) For all contracts, regardless of value, no person with a personal or financial interest in any of the bidders submitting proposals should be involved in evaluating quotations or tenders or involved in any way in influencing the decision as to which company is to be awarded the contract. A declaration of interest form must be completed by each officer involved in evaluating bids and held on file by the Lead Officer, where the Lead Officer is or forms part of the evaluation team the Monitoring Officer will be requested to hold declarations of interest on file
- k) Be satisfied that he or she has taken advice from the Strategic Procurement Team, Legal Services and Financial Services
- l) Be satisfied that he or she has the necessary authority to enter into the contract.

3.6 Before entering into a contract the Authorised Officer must:

- (a) Have undertaken a due diligence process to ensure the proposed contract is robust
- (b) Be satisfied about the technical capability of such proposed contractor
- (c) Ensure that these Rules and Financial Regulations have been complied with, and that the proposed contract represents value for money
- (d) For all contracts that exceed £30,001 and/or where deemed appropriate, the Authorised Officer shall undertake appropriate checks to ensure that the proposed contractor has the financial and resource capacity (taking account of contract value and risk) to perform the contract (unless the contractor has already been subjected to a recent satisfactory financial check). Financial vetting shall be undertaken by Internal Audit, who will advise on what, if any, security should be provided by the contractor. Under no circumstances must a company be eliminated from a procurement process on the basis of a credit reference check

(e) The Chief Officer responsible for the contract must ensure that a suitably experienced and trained officer is identified to adequately manage the contract the Council enters into

3.7 In all instances, procurement shall be undertaken in accordance with the principles of Best Value, and in a manner that is non-discriminatory, transparent and fair

3.8 In instances where the Council's policy of payment settlement in 30 days will cause problems to a company or voluntary sector organisation, or early settlement will attract a discounted rate from the company, alternative settlement dates can be considered. Any company can request quicker payment terms by contacting the Council's relevant Authorised Officer

Payment in advance may be required by small businesses, social enterprise or voluntary sector organisations but it must be used with care to:

a) Ensure that the agreement with the organisation protects the Council as far as possible

b) Be satisfied that the risk is low and managed

c) Be satisfied that the small company, social enterprise or voluntary sector organisation has to incur costs in advance and that this will place it in a financially difficult position

d) Ensure that payments are charged to the appropriate financial year (*this is particularly important with an advance payment*)

3.9 The Council publishes on its website all items of expenditure on goods, services and works which exceed £500 in value. Prior to placing any order, officers must consider whether the expenditure can be justified. Orders must not be artificially split with the intention of bringing the value of each order below £500, or order less than is actually required

3.10 Contracts for goods, services and works shall be structured, where appropriate and within the legislative framework, to support and promote the policies and corporate priorities of the Council. In particular, where appropriate and subject to procurement law, officers should encourage and/or invite local suppliers to bid for Council contracts. Also, ensure that tenders are not framed in such way as to unnecessarily debar small and medium sized companies, the voluntary sector and social enterprises from bidding

3.11 Where available, tenders should be advertised on the regional procurement portal

NOTE: case law has established that, even when contract values fall below EU Procurement Directive thresholds (above which the full requirements of the Directives apply), contracting authorities must ensure a degree of contract advertising sufficient to ensure competition, to avoid discrimination on the grounds of nationality and allow the impartiality of procurement procedures to be reviewed. Advertising opportunities on the regional procurement portal supports compliance with this requirement

3.12 All tenders must be advertised and, where appropriate, be available for download (where available) on a regional procurement portal. Contract award notices shall also be published on the website in a timely manner following contract award. For

procurements less than £5,000, the use of Micro; Small to Medium Enterprises and/or a voluntary sector and/or social enterprise directory should be used, where appropriate, to source potential voluntary sector suppliers to invite to quote (www.socialenterprisewm.org; www.buyse.co.uk; www.seb2b.co.uk providing directories of social enterprises). In cases where a quotation process is deemed appropriate for a contract over £10,000, these should be placed on a regional procurement portal (if available). If this is not available, the 'My Tenders' website should be used for advertising contract opportunities

- 3.13 Where there are no arrangements in place as per 3.2 above, orders with a value of less than £5,000 should be placed with suppliers from the local area where possible, utilising an informal quotation process
- 3.14 All tenders advertised in the European Journal must be placed via an electronic system. Officers must ensure that entries into the Official Journal of the European Union (OJEU) fully comply with requirements/guidance on producing notices for the European Journal. This is available from the Strategic Procurement Team
- 3.15 All EU notices for non-routine procurement **MUST** be referred, in advance of sending to the OJEU, to the Strategic Procurement Team for advice on wording
- 3.16 All quotes and tenders must be undertaken using the Council's standard template documentation, unless prior approval has been obtained from the Section 151 Officer or the procurement is construction related, where JCT/JCI templates are able to be used.
- 3.17 Any project to develop a strategic service delivery partnership (which may or may not involve a transfer of staff to an external organisation) shall be undertaken in accordance with the best practice guidance issued by the Communities and Local Government or other relevant guidance

<http://mutuals.cabinetoffice.gov.uk/sites/default/files/documents/Public%20Service%20Mutuals%20next%20steps.pdf>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/83717/19284_Next_Generation_3rd_Online.pdf.

The Chief Executive must be notified prior to commencing any such initiative

- 3.18 Any project to develop a strategic service delivery partnership (which may or may not involve a transfer of staff to an external organisation) must be referred to the Council's Cabinet for:
 - a) Initial approval to commence the project, and
 - b) Approval to award the contract which must be supported by a robust business case
- 3.19 Any project which involves significant risk including: staff transfer, significant implications across a number of service areas or significant potential for reputational or financial risk, must be managed in an appropriate manner using Council approved project management methodology and progress reports must be provided to the Executive Management Team at key milestones, these to be agreed with the relevant Chief Officer

- 3.20 Evaluation of tenders and quotations must be based on whole life costs, or total cost of ownership, including environmental, social and economic benefits where relevant to the contract
- 3.21 The Council will achieve employment and skills outcomes through procurement where relevant to the purpose of a contract. Where relevant to the subject matter of the contract, the bidders' approach to tackling unemployment and creating training and apprenticeship opportunities should be built into the procurement process
- 3.22 Where the Council will own an asset as a result of a contract, the asset has to be recorded in accordance with International Financial Reporting Standards (IFRS)
- 3.23 Where these situations arise, the Section 151 Officer must be contacted in the early stages of the procurement process in order to identify any IFRS implications and record them appropriately.

4. EXCEPTIONS TO CONTRACT PROCEDURE RULES

- 4.1 Subject to statutory requirements, tenders need not be invited in accordance with these Rules in the following cases:
- (a) In the case of the supply of goods:
 - (i) the goods or materials are proprietary articles and in the opinion of the appropriate Chief Officer no reasonably satisfactory alternative is available, or
 - (ii) the prices of goods or materials are wholly controlled by statutory bodies, trade organisations or Government Order and in the opinion of the appropriate Chief Officer no reasonable satisfactory alternative is available
 - (b) The work to be executed or the goods or services to be supplied are controlled by a statutory body
 - (c) The contract is for the execution of work or the supply of goods or services certified by the appropriate Chief Officer to be required so urgently as to preclude the invitation of tenders. The appropriate Cabinet Portfolio Holder shall be kept informed of such decisions
 - (d) The purchase of a named or proprietary product required to be compatible with an existing installation as approved by the Authorised Officer
 - (e) Where the contract, subject to the approval of the Section 151 Officer relates to security work where the publication of documents or details in the tendering process could prejudice the security of the works to be done
 - (f) In any case of work to be executed or goods or services to be supplied the Authorised Officer, in consultation with the Section 151 Officer, decides that there can be no genuine competition

- 4.2 An 'exceptions form' (see Annex 1) must be completed for every instance where a Chief Officer approves an exception from these Rules for contracts with a total value of £5,000 or more, in accordance with 2.3 above
- 4.3 Nothing contained in the above exceptions exempts officers either from using the Council's internal services or from following established arrangements in accordance with Rule 3.2. Officers must ensure that the best possible balance of value for money and quality is obtained for the Council
- 4.4 Tenders need not be invited in accordance with these Rules where they have been undertaken by or on behalf of any consortium, collaboration or similar body, of which the Council is either a member or is able to access contracts for goods, services or works. Officers should ensure that any contracts let by such a consortium, collaboration or similar body are in accordance with UK and EU procurement directives and regulations and that the Council is legally able to access the arrangements. Advice should be sought from the Strategic Procurement Team
- 4.5 Where the Council acts as lead body on a consortium or collaborative arrangement, the procedures for tendering contained within these Rules shall be followed (including the delivery, opening and acceptance of tenders) unless those provisions are inconsistent with the method by which tenders are dealt with by the consortium, collaboration or other body concerned and are not detrimental to the Council
- 4.6 Where another body is acting on behalf of the Council, the Council is providing funding to another body to undertake a scheme or project or the Council is provided funding from another organisation, satisfactory processes must be put in place and followed. Advice must be sought from the Section 151 Officer
- 4.7 The budget required (both capital and revenue) over the lifetime of the goods/service/works being procured must be confirmed by the relevant budget holder prior to the commencement of any tender or quotation process

5. CONTRACTS UNDER £5,000

- 5.1 These rules, in general, do not apply to contracts of less than £5,000. However, Rules 3.2, 3.7, 3.8 and 3.9 and the following principles apply to all procurement activity, irrespective of value
- 5.2 Where Goods or Services are regularly required and arrangements illustrated in Rule 3.2 do not exist, these should be reported to the Section 151 Officer who will assess the need for appropriate arrangements to be put in place
- 5.3 Officers should order Goods and Services that are required through an arrangement illustrated in Rule 3.2. Unless otherwise approved by the relevant Chief Officer (for the in-house service), external businesses will not be used where the Council has its own in-house services

If a corporate contract cannot meet the reasonable needs of the Service, the Authorised Officer must inform the Section 151 Officer before using an alternative supplier

- 5.4 Procurement expenditure is monitored through the financial systems and a Service will be challenged on the use of non-contracted or inappropriate arrangements

- 5.5 It is good practice (for all but small value and routine purchases) to obtain a written quotation. All quotations to the value of £5,000 can be provided by way of an informal quotation i.e. the Authorised Officer obtaining electronic quotations and maintaining (electronic) file copies linked to the relevant procurement
- 5.6 The Authorised Officer (ICT) must be informed of any system or hardware related procurements, regardless of value.

6. CONTRACTS VALUED £5,000 TO £50,000 INCLUSIVE

- 6.1 Contracts that are estimated to be for amounts between £5,000 and £50,000 (inclusive) shall be let on a competitive basis, normally via a request for quotes, unless an arrangement under Rule 3.2 has already been established for the Goods, Services or Works required
- 6.2 A clear specification of requirements (identifying outputs or outcomes rather than inputs, unless there is a demonstrable need to specify inputs) should be produced and the Authorised Officer shall place the quotation on to (where available) a regional procurement portal. Where this is not available, the 'My Tenders' website should be used for advertising to support transparency and promotion of a competitive bidding process (in accordance with Rule 3.12)
- 6.3 A minimum of two (for contract values of £5,000 to £30,000) and three (for contract values of £30,001 to £50,000) companies shall be invited to submit a quotation through (where available) a regional procurement portal. Where this is not available the 'My Tenders' website) should be used for advertising to support transparency and promotion of a competitive bidding process
- 6.4 In every instance there shall be a record of the process which will include:
- (a) the officer(s) undertaking the procurement process and taking the decisions
 - (b) a copy of the specification and risk register (for contracts less than £50,000, a risk register is only required where there is evident risk)
 - (c) copies of all tenders or quotations
 - (d) copy of the evaluation process and reasons for the decisions as to acceptance or rejection for every tender
 - (e) the award letter
 - (f) copy of the final contract
 - (g) copy of the contract review and management process including the officer responsible for on-going contract management
 - (h) a quotation profile which should be completed with details of the bid values and subsequent award information.
- 6.5 All procurements for £5,000 and over will be recorded on the Council's Contracts Register.

7. CONTRACTS OVER £50,000 – INVITATION TO TENDER

- 7.1 For contracts whose estimated value is expected to be greater than £50,000 (but under current EU Procurement Thresholds) for Work, Materials, Goods or Services, the contract will be recorded on the Council's Contracts Register and the following tender procedures shall be adopted
- 7.2 The tendering procedure should follow the relevant EU prescribed time limits. Where there is no prescribed procedure, a closing date of between fourteen (14) and twenty-eight (28) days from the placing of the notice shall be given for reply
- 7.3 After the closing date the prescribed number of contractors, or where there is no prescribed number at least four chosen by the Authorised Officer, must be invited to tender. Where less than four suitable contractors express an interest, all should be asked to tender
- 7.4 The invitation to tender shall state that no tender will be considered unless it is received by the date and time stipulated on the Invitation to Tender
- 7.5 Contractors must be chosen by one of the following methods:
- (a) selective tendering via open, restricted; or
 - (b) by way of a compliant framework agreement that the Council is authorised to use
 - (c) requesting tenders on behalf of a consortium, association or similar organisation of which the Council is a member following the rules of that organisation; or
 - (d) requesting tenders under the instructions of another authority for which the Council is acting as agent; or
 - (e) selecting a contractor from a list of contractors with a schedule of rates approved and selected by another authority for which the Council is acting as an agent
- 7.6 The invitation to tender must include details of the Council's requirements for the particular contract including:
- (a) a form of tender, instructions to tenderers including a procurement timetable, evaluation criteria, financial reference requests, insurance, business continuity questionnaire, health and safety checklists, return label and draft contract terms approved by the Council's Legal Team (all tenders should have the facility to be submitted electronically);
 - (b) A specification that describes clearly the Council's requirements in sufficient detail to enable the submission of competitive offers. The EU rules with regard to specification shall be followed and these are set out in the EU Codes of Practice;
 - (c) Pricing mechanism and instructions for completion and

- (d) Whether the Council is of the view that TUPE will apply
- (e) A requirement for tenderers to declare that the tender content, price or any other figure or particulars concerning the tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose)
- (f) A requirement for tenderers to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion. Where tender documentation is sent electronically, if selected, the tenderer may be required to submit the relevant signed documentation through conventional means
- (g) Notification that tenders are submitted to the Council on the basis that they are compiled at the tenderer's expense
- (h) The invitation to tender or quotation must state that the Council is not bound to accept any quotation or tender
- (i) The method by which any arithmetical errors discovered in the submitted tenders is to be dealt with, in particular whether the overall price prevails over the rates in the tender or vice versa

7.7 Except under the open procedure, all tenderers invited to tender or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis

7.8 Where any public advertisement has not defined the award criteria, invitations to tender must state the award criteria in objective terms and where possible in descending order of importance.

7.9 **Single Tenders**

In exceptional circumstances, the relevant Chief Officer may decide that it is in the best interests of the Council:

- (a) that a single tender be invited for the execution of work from a contractor selected by it; or
- (b) that a contract be negotiated with a contractor currently engaged by the Council on the basis of rates and prices contained in an initial contract awarded by the Council following open competition

In any such case he/she may do so subject to setting out in writing the reasons for the decision which shall be kept centrally in the Service concerned. The appropriate Cabinet Portfolio Holder shall be kept informed, and a copy of the decision sent to the Cabinet

This provision cannot be used for contracts exceeding (in aggregate) the current EU thresholds.

8. **CONTRACTS OVER EU THRESHOLDS**

- 8.1 Where the value of the contract is likely to exceed the European threshold (taking account of the rules of aggregation), it must be tendered in accordance with the relevant European procurement directive and procurement regulations. The Authorised Officer should record, retaining a file note on the reasons for adopting the selected procurement route (i.e. open tender, restricted tender, competitive dialogue or negotiated procedure, accelerated procedure). The exception to this Rule is in cases where Goods, Services or Works can be obtained through a framework contract which has been established via the relevant EU procurement process (for example, Crown Commercial Service frameworks)

In estimating relevant values, officers shall have regard to the rules regarding aggregation (see Rule 2.5 above). Further detail in relation to aggregation can be found in the Public Contract Regulations 2006

- 8.2 Any decision to adopt the negotiated, competitive dialogue or accelerated procedure should first be referred to the Strategic Procurement Team and Section 151 Officer
- 8.3 The arrangements identified in Rule 3.2 shall be used provided the arrangement is clearly identified as relevant for high value contracts
- 8.4 When a restricted process is undertaken, a minimum of 5 companies will be shortlisted to submit tenders (where 5 suitable suppliers express an interest)
- 8.5 Standard template documentation must be used to structure tender processes and the documentation must be placed where available on the e-tender portal to allow any company to express an interest in bidding (in the case of the restricted or competitive dialogue procedures) or to complete an Invitation to Tender (in the case of an open procedure)
- 8.6 In every instance there shall be a record of the process which will include the following, plus any information that may be required for submitting annual reports to the Government or other agencies:
- (a) the officer(s) undertaking the procurement process and taking the decisions
 - (b) the rationale for the procurement route taken (including open or restricted procedure if above EU thresholds)
 - (c) a copy of the specification and risk register
 - (d) copies of all tenders and all associated correspondence/clarification obtained during the tender period
 - (e) a copy of the evaluation process and reasons for the decisions as to acceptance or rejection for every tender
 - (f) the award and unsuccessful letters
 - (g) a copy of the final contract
 - (h) a copy of the contract review and management process including the officer responsible for on-going contract management

Tender award and unsuccessful letters must be in the approved template format and following the issue of these letters, any requests for further information or clarification must be dealt with promptly and a full audit trail must be kept of all such dialogue

All dialogue with bidders during the tender process must be dealt with using the e-tender regional portal to ensure that all bidders are provided with the same information at the same time in the process. Officers must not conduct separate

dialogue using any other means with any company during the process without obtaining advice from the Strategic Procurement Team

- 8.7 In accordance with EC Procurement Directive 2004/18/EC, and subsequent amendments in the Public Procurement (Miscellaneous Amendments) Regulations 2011, any company responding to an EU tender shall be excluded from the tender process if it or its directors have been convicted of: conspiracy, corruption, bribery, fraud, money laundering, an offence in connection with the proceeds of criminal conduct or an offence in connection with the proceeds of drug trafficking. Any instances where a service has information relating to the above must contact the Audit Manager and Monitoring Officer for advice
- 8.8 Upon completion of the procurement process a formal contract award notice will be published in the Official Journal of the European Union (OJEU)

8.9 **Single Tenders**

In exceptional circumstances, the relevant Chief Officer may decide that it is in the best interests of the Council:

- (a) that a single tender be invited for the execution of work from a contractor selected by it; or
- (b) that a contract be negotiated with a contractor currently engaged by the Council on the basis of rates and prices contained in an initial contract awarded by the Council following open competition

In any such case he/she may do so subject to setting out in writing the reasons for the decision which shall be kept centrally in the Service concerned. The appropriate Cabinet Portfolio Holder shall be kept informed, and a copy of the decision sent to the Cabinet

This provision cannot be used for contracts exceeding (in aggregate) the current EU thresholds.

9. **RECEIPT AND CUSTODY**

9.1 No tender will be considered unless it is either:

- (a) Received via the e-tender system specifically set up for the purpose of receipt of the said tender. Receipt of bids through the system is preferred and bidders will be encouraged to submit electronically where possible

OR

- (b) Contained in a plain envelope which shall be securely sealed and shall bear the word 'TENDER' followed by the subject to which the tender relates and the number of the tender concerned, but shall not bear any distinguishing matter or mark to indicate the identity of the sender. Prospective tenderers shall be notified accordingly.

9.2 Subject to 9.1(b), tenders where the estimated value exceeds £50,000 shall immediately on receipt be consecutively numbered and remain in the custody of the

Customer and ICT Business Manager until the time appointed for opening. Any officer receiving tenders shall indicate on the envelope the date and time of its receipt by him or her

- 9.3 Quotations, where the estimated cost does not exceed £50,000, may be addressed impersonally to the appropriate Chief Officer. In all cases such tenders shall remain in the custody of the Chief Officer to whom they are addressed until the time appointed for opening. The Chief Officer shall ensure that procedures are in place for recording date of receipt, opening and safe storage of such tenders
- 9.4 All tenders sought on behalf of external agencies where these are to be named as client under a subsequent contract may be addressed and opened in accordance with the procedure rules, regulations and written requirements of such external agency
- 9.5 Responses to Pre-qualification Questionnaires (PQQs) and quotations are not deemed to be tenders and should be returned to the originating officer, either via hard copy or electronically through the e-tender portal. Submissions and responses in respect of negotiated procedure tenders and PFI projects must also be returned via the e-tender portal.

10. OPENING TENDERS

- 10.1 Tenders received via e-tender shall be opened and recorded at one time and by one officer. Tenders received in hard copy format shall be opened and recorded by not less than two officers designated for that purpose by the Monitoring Officer
- 10.2 Tenders submitted in hard copy must be opened by the same officers and at the same time as documents received via the e-tender portal
- 10.3 In respect of tenders with a value in excess of £50,000, any Member of the Council who so wishes may be present at the opening. Internal Audit also has the right to attend any tender opening
- 10.4 Where external agencies contribute to the overall funding of a project, representatives of such agencies are permitted to attend at the opening of tenders. They are allowed to make a note of the tenders and to also receive a copy of the subsequent written report on tenders received, provided that such representatives agree to observe commercial confidentiality and be bound by the confidentiality requirements of the Local Government Act 1972, as amended.

11. LATE TENDERS

- 11.1 Where a tender is submitted in competition and is received after the specified time then it shall be disqualified. Any such tender should be returned promptly to the tenderer who should be notified accordingly. The tender envelope may be opened to ascertain the name and address of the tenderer concerned
- 11.2 The only exception to Rule 10.1 where a late tender may be considered is if none of the other tenders received have been opened and no tenders have been received via the e-tender portal. The officer responsible for the opening of tenders must keep a

record of the date and time of receipt of late tenders and the circumstances resulting in their acceptance.

12. ALTERATIONS

12.1 An external tender can be amended after it has been received and before it has been accepted only in order to correct an arithmetical error or other discrepancy made in good faith, subject to the following:

(a) The tenderer shall be given details of the error or discrepancy found during the examination of the tender and shall be given the opportunity of confirming the tender without amendment or withdrawing the tender;

OR

(b) Amending the tender to correct genuine arithmetical errors provided that in this case, apart from these arithmetical errors, no other adjustment, revision or qualification is made. In this case written confirmation should be requested from the tenderer as to the error or discrepancy and confirming what the corrected entry should be

12.2 The appropriate Chief Officer must keep a record of all amendments made under this Rule and a copy of the record shall be sent to the Monitoring Officer.

13. ACCEPTANCE

13.1 Contracts shall be evaluated and awarded in accordance with the evaluation criteria issued with the tender documentation. Only those tenders that comply with the evaluation criteria shall be considered for acceptance

13.2 Tenders must be accepted on the basis of the “most economically advantageous” tender. The winning bidder will be determined by using the criteria and process communicated to bidders in the tender documentation

(a) For clarity, whole-life costs should be assessed when determining the most economically advantageous tender. In the case of capital works this includes taking into account the revenue impact of capital projects over a reasonable life for the asset (for example a slight increase in capital cost, such as energy management features, will reduce running costs)

(b) In the case of PFI projects, financial evaluation and acceptance will be on the basis of the agreed financial model and all other relevant documents used during the process to determine the most economically advantageous tender

(c) In the case of tenders or quotes below the EU threshold and where two or more tenders or quotations provide the same level of quality at the same quoted cost, environmental considerations (transport, packaging, etc.) may be used to determine the successful bid if they are relevant to the contract. Prior to the award of the contract, a due diligence process must be carried out for all high risk/high value contracts to ensure the preferred bid is bona fide and that it is fully understood what the Council will receive and what payment is to be made

- 13.3 A tenderer who submits a qualified or conditional tender shall be given the opportunity to withdraw the qualification or condition without amendment to the tender. If the tenderer fails to do so, the tender must be rejected unless it is dealt with as an alteration in accordance with Rule 12.1
- 13.4 Prior to final contract award, the contractor must provide evidence of adequate insurance cover for public and employers' liability and professional indemnity insurance (where applicable) and produce such evidence during the life of the contract at the reasonable request of the Authorised Officer
- 13.5 All tenderers must be notified in writing of their success/failure in the tender process. Notifications must be made using template letters which must be issued electronically through the e-tender portal where the project was advertised on e-tender or via email for quotations of less than £5,000
- 13.6 It is important to notify companies as soon as possible after their elimination from a process. Therefore any company eliminated at the PQQ stage must be informed promptly using the Council's agreed templates which can be found on the Council's intranet.

For all procurements covered by EU Directives, a minimum of 10 calendar days (where notification is made electronically) mandatory standstill period is required between the communication of the notification of the award decision and contract conclusion, with day one being the day after the award decision is issued, via the e-tender portal or alternatively by email. The standstill period must end on a weekday (excluding bank holidays). This notification must be in the Council's agreed template which can be found on the procurement hub of e-voice and should be sent to all companies that remain in the process. This is to allow companies an opportunity to challenge the decision. The notification of the award decision, based on the most economically advantageous tender, must contain:

- (a) the award criteria;
- (b) the score the tender obtained against those award criteria;
- (c) the score the winning tenderer obtained;
- (d) the name of the winning tenderer;
- (e) the characteristics and relative advantages of the winning tender;
- (f) precise details of standstill period (i.e. key dates)

NOTE: Where notification is not issued electronically or is followed up by posted notification, the standstill period must be no less than 15 calendar days

- 13.7 All contracts must be recorded on the e-tender portal, and must include the name of the winning tenderer, bid value and performance monitoring information.
- 13.8 Upon completion, a formal contract award notice must be published in the Official Journal of the EU

14. NEGOTIATIONS FOLLOWING RECEIPT OF TENDERS

- 14.1 This Rule applies to all tenders

- 14.2 In all tenders, it is essential that the principles of probity, fairness and equal treatment are applied. Therefore negotiation following receipt of tenders or quotations is only permissible in limited circumstances in order to address minor issues since inappropriate negotiation may expose the Council to risk of challenge. The Section 151 Officer must be consulted before any negotiation is undertaken
- 14.3 Any negotiations shall be conducted on behalf of the Council by at least two appropriate officers and at least one must be from the Service concerned (Head of Service & Business Manager and/or an officer from Strategic Procurement). The Section 151 Officer shall be invited to send a representative to the negotiation meetings. A full written record shall be kept of the results of the negotiations, approved by the Chief Officer or his or her nominee personally, retained on a central file in the Service concerned and a copy sent to the Section 151 Officer. The appropriate Cabinet Portfolio Holder must also be kept informed
- 14.4 Should the tender be of a nature where there is likely to be a requirement for discussion regarding the proposals, specification and/or pricing model, the Competitive Dialogue process may provide the most appropriate procurement process
- 14.5 Negotiation must not be undertaken following receipt of tenders where the tender was subject to the EU Procurement Directives.
- 14.6 Should there be a need for any reason to amend the Council's requirements / specification (value engineer) all providers submitting a tender shall be informed and given the opportunity to re-submit their proposal. Should any of the following arise this will require a new procurement:
- (a) amendments that could have resulted in a different outcome in the procurement;
 - (b) amendments that shift the economic balance of the contract in favour of the contractor. For example, a price increase could fall into this category;
 - (c) amendments which extend the scope of the contract considerably, such as a substantial increase in the duration or extension of the subject matter of the contract;
 - (d) where a new contractor replaces the original contractor, other than where this is allowed i.e. "if an event or set of circumstances occurs which a contracting authority acting "diligently" could not have foreseen",

15. NOMINATED/NAMED SUB-CONTRACTORS AND SUPPLIERS

- 15.1 It is recommended that contracts are awarded to a single entity or lead contractor, who in turn will take contractual responsibility for the performance (and risks) the contractor will ensure that the insurances for any sub-contractors are equal to the minimum required by the Council. This responsibility lies with the contractor for all sub-contractors in their supply-chain. This reduces the risk of the Council becoming party to disputes between contractors

16. ENGAGEMENT OF CONSULTANTS

- 16.1 Approval must be obtained from the appropriate Cabinet Portfolio Holder and the Chief Officer before engaging any consultant, consultancy firm or adviser.

- 16.2 An Authorised Officer may only appoint external consultants or advisors providing professional or consulting services if such Services are not available within the Council or if Council officers providing them do not have the resources to meet the needs of the Service. Where such Services are available in-house, the authorised officer must consult with the Chief Officer or Head of Service before taking any decision to make an external appointment
- 16.3 Consideration should always be given to using approved frameworks, for example, established by YPO, ESPO, the Crown Commercial Service or the Homes and Communities Agency
- 16.4 External consultants and technical officers engaged to supervise contracts must follow these Rules as applicable and their contracts for Services must state this requirement
- 16.5 Procurement plans and/or tenders prepared by external consultants on behalf of the Council must be referred to the Strategic Procurement Team for approval and advice
- 16.6 All contracts for external consultants and advisors shall explicitly require that the consultants or advisors provide without delay any or all documents and records maintained by them relating to the services provided at the request of the Authorised Officer, and lodge all such documents and records with the appropriate officer at the end of the contract
- 16.7 The Authorised Officer shall ensure that any consultant working for the Council has appropriate indemnity insurance
- 16.8 Any consultant used by the Council shall be appointed in accordance with these Procedural Rules. Where the Council uses consultants to act on its behalf in relation to any procurement, then the Chief Officer shall ensure that the consultant/s carry out any procurement in accordance with these Procedural Rules and using the Council's standard terms and conditions of contract in any procurement that the consultant carries out. No consultant shall make any decision on whether to award a contract or who a contract should be awarded to. The Chief Officer shall ensure that the consultant's performance is monitored.
- 16.9 Where the engagement of a consultant is required to support a procurement process or related project, the consultant should sign an appropriately drafted confidentiality agreement and be bound by the confidentiality requirements of the Local Government Act 1972, as amended.

17. CONTRACT CONDITIONS

- 17.1 Every contract which exceeds £30,000 in value, and in any other case where the Monitoring Officer so decides, shall be in writing in a form approved by the Legal Services team. Most contracts under £50,000 are not required to be executed under seal. Contracts where the total value is expected to exceed £50,000 must be sealed. In relation to IT contracts, those involving leasing arrangements where it is proposed to use a supplier's own terms and high risk and/or long-term contracts, advice should be sought from the Legal Services team via its email address at instructionsforlegal@newcastle-staffs.gov.uk. All written contracts shall specify:

- (a) The Work, Goods, or Services to be provided or undertaken (including any appropriate output or technical specifications); and (unless in the case of an annual contract where the following information is not available);
 - (b) Full detail of all prices to be paid, detailing the frequency and method of calculation (if relevant) with a statement of discounts or other deductions; and
 - (c) The period or times within which the contract is to be performed
- 17.2 For contracts with an estimated value in excess of £50,000 for the execution of Works or for the supply of Goods or Services by a particular date or series of dates, the Authorised Officer shall assess the need to include provision for liquidated damages based on advice from the Legal Services team. Liquidated damages should only be included if they can be genuinely pre-estimated and are agreed with the contractor
- 17.3 Every written contract must contain a clause to secure that if the contractor fails to comply with its contractual obligations in whole or in part, or commits a fundamental breach of the contract, the Council may, without prejudice to any other remedy available to it:
- (a) Terminate the contract, either wholly or to the extent of such default
 - (b) Complete the contract either itself or through another contractor or agent to make good the default
 - (c) Recover from the contractor any additional costs incurred in completing the contract to the original specification
- 17.4 The contract should require that if one or more sums of money is to be received by the Council, the contractor responsible for the payment of such sum or sums must pay interest in respect of late payment at the rate stated in the contract from the date when payment is due until the date when payment is received
- 17.5 It shall be a requirement that in the performance of the contract, the contractor must comply with the Equality Act 2010 including where relevant the Council's Public Sector Equality Duty, and shall provide the Council with information on request in relation to its compliance
- 17.6 In the performance of the contract, the contractor must comply with the requirements of the Health and Safety at Work etc. Act 1974 and of any other relevant Acts, Regulations or Orders pertaining to health and safety
- 17.7 Contractors discharging Council functions must comply with the duty of Best Value under the Local Government Act 1999 (as amended)
- 17.8 All Goods, Services and Works must comply with any relevant European Union standards or specifications, code of practice, British Standard Specifications or Codes of Practice or European Union equivalents current at the date of the tender
- 17.9 Every contract over £50,000 for the execution of work or the supply of goods or services must include a clause in respect of the prevention of bribery

- 17.10 In every written contract for the execution of work or the supply of goods or services the following or equivalent clauses shall be inserted:

"The Supplier shall not assign, novate, sub-contract or otherwise dispose of this Agreement or any part thereof without the previous consent in writing of the Council such consent not to be unreasonably withheld."

This clause may be amended to meet the requirements of a specific contract but only following consultation with the Council's Legal Services team

- 17.11 Contracts shall contain details of relevant performance criteria, targets, standards and information on how the contract will be monitored, reviewed and managed by the Council. Benchmarking and/or price reduction clauses must be included, where appropriate, in contracts
- 17.12 All tenders and contracts must contain a notice relating to the Freedom of Information Act and a schedule that clearly identifies those sections or clauses that are commercially confidential within the terms of the Freedom of Information Act
- 17.13 If a contract is for the provision of business critical Services or supplies, officers may need to include clauses to the effect that the contractor maintains adequate business continuity processes in order to minimise the Council's exposure to risk
- 17.14 Other contractual conditions shall be included as required within these Rules, the Code of Practice or as directed by the Legal Services team

18. EXTENDING EXISTING CONTRACTS

- 18.1 Prior to extending a contract, the Authorised Officer must ensure that an options appraisal is undertaken to determine if it is in the interest of the Council to extend the current arrangement
- 18.2 The Authorised Officer, after consultation with the appropriate Chief Officer, may extend a contract subject to the extension being within the scope of the original scheme
- 18.3 Extensions to capital project contracts that will fall outside the scope of the original tender or scheme must go to the Cabinet for approval. This does not apply to operational contracts for goods and services that are not key decisions (i.e. where annual or periodic contracts are to be extended). The definition of a key decision is set out in Part 2; Section 13 subsection 13.2 of the Council's Constitution. In such cases the Authorised Officer or the Cabinet must, before taking the decision, consider tendering or negotiating the additional work, and ensure that any additional required funding is secured. In addition to obtaining approval to extend the contract, approval to increase the budget available for the project must be obtained in all cases where the increased contract amount would cause an overspending against the existing budget. Also, if the contract extension fundamentally or significantly changes the nature of the project, this should be reported to Members before an extension is agreed. A written record of the decision with reasons should be approved and retained by the Chief Officer concerned or his or her nominee and the record must be retained on a central file in the relevant Service. A copy should also be sent to the Monitoring Officer

- 18.4 If the original contract was subject to the EU procurement regulations, the contract can only be extended within the parameters identified in the original EU contract notice, or if the notice explicitly contained provision for extension
- 18.5 If the contract was not subject to the EU procurement regulations, any extension must not take the total value of the contract above the EU thresholds
- 18.6 If the contract was awarded as a framework agreement, the total framework period, including any extensions, cannot exceed four years except in exceptional circumstances relating to the subject of the framework agreement. For example, a longer duration could be justified in order to ensure effective competition if four years would not be sufficient to provide return on investment
- 18.7 The length of call-offs under a framework agreement should not last for more than four years. The length of call-offs, as with other contracts, should be appropriate to the purchases in question and should reflect value for money considerations. However, individual call-offs from the framework can extend beyond the end date of the framework itself
- 18.8 When negotiating a contract extension the Authorised Officer must make every effort to negotiate improved contract terms with regard to the cost and quality of the goods, services and works being delivered through the contract. The terms agreed must be confirmed in writing and the Contracts Register must be updated accordingly to show the extended contract period.

19. CANCELLATION OR DETERMINATION

- 19.1 In every written contract a clause shall be inserted to ensure 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 the contractor or its employees or agents (with or without its knowledge):
- (a) does anything improper to influence the Council to award the contractor any contract; and/or
 - (b) commits an offence under the Bribery Act 2010 in connection with the contract or under Section 117 of the Local Government Act 1972.

NOTE: The provisions of the Bribery Act that came into force into 2010 now means that the Council may commit the following offences:

Section 1 – bribing another person
Section 2 – offences relating to being bribed; and
Section 6 – bribing a foreign public official

If the Council commits any of these offences, then senior officers (defined under S.14 of the Act as a director, manager secretary or other similar officer in the case of a body corporate can be held personally liable and may be subject to 10 years' imprisonment. In addition, Section 7 of the Act creates a new offence of failing to prevent bribery, which again relates to the Council and in this instance the Council could find itself liable to an unlimited fine.

20. SIGNATURE OF CONTRACTS

- 20.1 Every contract that exceeds £50,000 must be sealed on behalf of the Council. Contracts below £50,000 can be signed by the appropriate Chief Officer or their authorised officer
- 20.2 All contracts must be concluded before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Monitoring Officer. An award letter is insufficient.
- 20.3 **The Authorised Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.**

21. REGISTERS OF CONTRACTS

- 21.1 The Strategic Procurement Team shall keep:
- (a) a Contracts Register setting down details of contracts awarded in the preceding twelve months, together with details of those contracts above £50,000
 - (b) A copy of the Contracts Register will be published on the Council's website
 - (c) A payments register of all contracts in a form approved by the Section 151 Officer. The payments register may be maintained electronically. The Register shall for each contract, specify the name of the contractor, the works to be executed or the Goods to be supplied and the contract value. The Register shall contain a record of all payments made individually and cumulatively to contractors and sub-contractors
- 21.2 Approval can be sought from the Section 151 Officer by a Chief Officer or Head of Service where it is more appropriate to monitor contracts against approved expenditure budgets where applicable. Officers monitoring these budgets must ensure that the relevant statutory requirements are adhered to and that contract values do not exceed EU thresholds for competitive tendering.

22. SEALING

- 22.1 Where contracts are sealed as a deed the Common Seal of the Council shall be affixed to the contract and witnessed by a Council Member of the Cabinet and by an authorised signatory
- 22.2 Every Council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal. The seal must not be affixed without the authority of Cabinet or of a Chief Officer acting under delegated powers. A contract must be sealed where:
- (a) The Council wishes to enforce the contract for more than six years after its end; or

- (b) The price paid or received under the contract is a nominal price and does not reflect the value of the Goods or Services; or
- (c) Where there is any doubt about the authority of the person signing for the other contracting party; or
- (d) Where the total value is expected to exceed £50,000.

23. BONDS AND PARENT COMPANY GUARANTEES

23.1 For contracts over £50,000, a performance bond may be required if considered appropriate by the relevant Authorised Officer, the Section 151 Officer or other appropriate Chief Officer. The decision will be based on the risks associated with the contract, for example:

- (a) The value of the contract,
- (b) The type of goods / services / works being procured,
- (c) The payment profile for the contract,
- (d) The financial strength of the company,
- (e) Affordability and proportionality

The security required may be a performance bond or some other form of financial or performance guarantee. Affordability and proportionality must always be taken into consideration when deciding whether some form of financial security is appropriate and required.

23.2 For contracts over £100,000 the contractor must provide a bond from a source approved by the relevant Authorised Officer for completing the contract except where the relevant Authorised Officer in consultation with the Monitoring Officer decides that this is not necessary, after receipt of a completed risk analysis inclusive of a business continuity questionnaire

23.3 At the discretion of the relevant Authorised Officer, a cash sum can be held in the place of a bond, either as a direct payment or set off against initial invoices received by the Council from the provider. Approval for this shall be requested in writing by the relevant Authorised Officer and details of which, when agreed with the Monitoring Officer, forwarded to the Section 151 Officer

23.4 Where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the contractor, a bond shall be required regardless of the contract value

23.5 A parent company guarantee is necessary when the contractor is a subsidiary of a parent company and:

- (a) The total value exceeds £100,000; or
- (b) Award is based on evaluation of the parent company; or
- (c) There is some concern about the stability of the contractor.

23.6 Where a bond is required the tender documents must contain provision for this cost to be identified separately

23.7 If the contract period covers a number of years the Authorised Officer shall determine

after consultation with the Monitoring Officer and the Section 151 Officer whether or not the bond is to be calculated by reference to the total contract sum over the duration of the contract or by reference to the annual value of the contract

- 23.8 As stages of the contract are completed the value of the bond can be reduced at the discretion of the Authorised Officer with the approval of the Monitoring Officer

24. OTHER REQUIREMENTS

- 24.1 The Authorised Officer must consult with the Section 151 Officer prior to entering into any lease or credit arrangement which has a capital cost or implications. The cost must first be approved for inclusion in the Capital Programme
- 24.2 The Authorised Officer must inform the Section 151 Officer immediately of any claims (or anticipated claims) by or against contractors that are the subject of dispute between the Council and the contractor.

ANNEX 1

EXCEPTIONS TO CONTRACT PROCEDURE RULES

This 'exceptions form' must be completed for every instance where a Chief Officer approves an exception from these Rules for contracts with a total value of £5,000 or more, in accordance with 2.3 above (The form must adequately document the reasons for the exception and an electronic copy must be retained by the Service concerned. A copy of each completed form is automatically forwarded to the Chief Officer concerned, the

Monitoring Officer, Internal Audit and the Strategic Procurement Team where a record of all exceptions is maintained). The Chief Officer concerned is responsible for keeping the appropriate Cabinet Portfolio Holder informed

Title of Contract:	Contract Value:
Date:	
Description of Good or Service:	
Reason why the exception is being sought:	
Responsible Officer:	
Approved (Chief Officer):	Date:

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FINANCIAL REGULATIONS – JULY 2014

1.0 INTRODUCTION

- 1.1 The Council has a legal responsibility to make proper arrangements for the administration of its financial affairs, and must appoint an employee to undertake that responsibility. The employee so appointed is the Executive Director (Resources and Support Services). In addition, since public money is involved, the Council should be able to demonstrate that Members and Employees are acting with openness, integrity and accountability.
- 1.2 The Financial Regulations of Newcastle under Lyme Borough Council as set out in the following pages are aimed at achieving four main objectives:
- (a) To maintain sound and proper financial records, procedures, and arrangements for the administration of all the Council's financial affairs.
 - (b) To demonstrate to the public that proper safeguards and controls exist.
 - (c) To assist employees and Members in their delivery of services to the public.
 - (d) To safeguard Members and employees by giving them procedures to follow which ensure that the Council's expected standards are met in terms of managing public money and assets. In addition, employees can feel confident that they will have no difficulty in explaining their actions to Auditors, the Cabinet, Committees, Executive Management Team, Service Managers or the public, if they have followed Financial Regulations.
- 1.3 All Members and employees have a personal responsibility for taking reasonable action to provide for the security of the assets under their control, for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value. This should be done whilst acting in accordance with these regulations.
- 1.4 The Executive Director (Resources and Support Services) is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the Council. The Executive Director (Resources and Support Services) is also responsible for reporting, where appropriate, breaches of Financial Regulations to the Cabinet and the Council.
- 1.5 The Council's detailed financial procedures, setting out how the key regulations will be implemented, are shown as procedural regulations.
- 1.6 Directors are responsible for ensuring that all employees in their departments are aware of the existence and content of the Council's Financial Regulations and other internal regulatory documents and that they comply with them. They must also ensure that their staff have access to the Regulations, either via the Council's Intranet or, where appropriate, through the provision of hard copies.
- 1.7 The Financial Regulations have been divided into five areas reflecting the latest model regulations published by CIPFA. They are:
- Financial Management;
 - Financial Planning;
 - Risk Management and Control of Resources;
 - Financial Systems and Procedures;
 - External Arrangements.

For each of these there are key regulations and procedural regulations. Compliance to all is required. The procedural regulations are more detailed describing the actions required to ensure compliance with the key regulations. The key regulations relating to all five areas are set out first, followed by the procedural regulations relating to them.

- 1.8 Financial regulations and procedures must be capable of a clear "legal" interpretation. They have been written in a formal manner and **it must be remembered that it is the actual regulation and procedure**

NEWCASTLE UNDER LYME BC FINANCIAL REGULATIONS: JULY 2014

that must be understood and observed. In an effort to remove some of the complexities, each section is followed by an explanatory note, which conveys the “spirit” of the regulations. It is hoped that readers will find this helpful. **However, the explanatory notes do not form part of the Financial Regulations.** In addition where it is felt that a particular expression used in the regulations requires further definition, this has been provided in a Glossary to be found at the end of the regulations.

- 1.9 If you are in any doubt at all over compliance with a Financial Regulation, please consult the Financial Management Section or Internal Audit.
- 1.10 Any reference in the Council’s Financial Regulations to “the Cabinet” shall be deemed also to include any Sub-Committees of the Cabinet which may be given power to determine relevant matters.
- 1.11 Any reference in the Council’s Financial Regulations to words denoting the masculine gender shall be deemed also to include reference to the feminine, and vice versa.
- 1.12 Wherever the Council acts in a trustee capacity regarding the affairs of charities and other bodies, these Financial Regulations shall apply.
- 1.13 Reference to approvals may include approval by email in appropriate cases where authorisation has been obtained from the Executive Director (Resources and Support Services). References to “written approval” or “authorisation” by the Executive Director (Resources and Support Services) include approval/authorisation via email.

NEWCASTLE UNDER LYME BC FINANCIAL REGULATIONS: JULY 2014

SUMMARY TABLE SHOWING CONTENTS OF FINANCIAL REGULATIONS AND PROCEDURES AT A GLANCE

Ref.	KEY REGULATIONS	RELATED PROCEDURAL REGULATIONS	Ref.
A	FINANCIAL MANAGEMENT includes:		
A1-A12	The Full Council The Cabinet Scrutiny Committees Standards Committee Audit and Risk Committee Other Regulatory Committees	Responsibilities of the Cabinet	Aa1
A13-A22	The Statutory role of officers Chief Executive Executive Director (Resources and Support Services) Directors	Responsibilities of the Executive Director (Resources and Support Services) Responsibilities of the Chief Executive and other Directors	Ab1 Ac1-Ac4
A23 -A29	Virement Treatment of year end balances Accounting policies Financial records E-commerce and the Internet Final accounts	Virement Financial Records Final Accounts Separation of Duties Grant and Other Claims	Ad1-Ad2 Ae1-Ae5 Af1-Af2 Ag1-Ag4 Ah1-Ah2
B	FINANCIAL PLANNING includes:		
B1-B2	Policy framework	Performance plans	Ba1
B3-B12	Council tax Budget strategy & preparation Budget monitoring & control	General Fund Revenue Budget and Format of the budget Revenue budget, preparation, monitoring and control Trading accounts Other accounts	Bb1 Bb2-Bb20 Bc1-Bc3 Bd1
B13-15	Project Appraisal		
B16	Maintenance of reserves	Maintenance of reserves	Be1-Be4
B17	Preparation of the capital programme	Capital programme	Bf1-Bf23
B18	Guidelines on budget preparation		
C	RISK MANAGEMENT AND CONTROL OF RESOURCES includes:		
C1-C3	Risk Management	Risk Management Insurances	Ca1-Ca4 Cb1-Cb3
C4-C6	Internal Control	Internal controls	Cc1-Cc3
C7-C9	Audit requirements	Internal Audit External Audit	Cd1-Cd5 Ce1-Ce2
C10	Preventing fraud and corruption	Preventing fraud and corruption	Cf1-Cf3
C11	Assets	Assets	Cg1-Cg5

NEWCASTLE UNDER LYME BC FINANCIAL REGULATIONS: JULY 2014

		Inventories Stocks Intellectual property Asset disposal Imprest accounts (petty cash)	Ch1-Ch6 Ci1-Ci8 Cj1-Cj2 Ck1-Ck2 Cl1-Cl3
C12-C17	Treasury management	Treasury management Banking arrangements	Cm1-Cm5 Cn1-Cn5
C18-C20	Staffing	Staffing	Co1-Co3
C21	Gifts and Hospitality		
D	SYSTEMS AND PROCEDURES includes:		
D1-D2	General	General Delegation Information security	Da1-Da2 Db1 Dc1-Dc2
D3	Income & Expenditure	Recording & notification of sums due Separation of duties Receipts Money received Payment by credit & debit cards Direct Debit Collection Security Banking Records Issue of Debtors Accounts Recovery procedures Write offs Fees & Charges Changes in sources of Revenue Requisitioning and Ordering of Work, Supplies & Services Contracts Works contracts Completion of contracts Goods and materials contracts General and Variations to contracts Paying for work, supplies & services	Dd1-Dd8 De1 Df1-Df2 Dg1-Dg4 Dh1-Dh7 Di1-Di3 Dj1 Dk1-Dk5 Dl1-Dl3 Dm1-Dm4 Dn1-Dn2 Do1-Do2 Dp1-Dp3 Dq1 Dr1-Dr25 Ds1 Ds2-Ds3 Ds4-Ds8 Ds9 Ds10-Ds14 Dt1-Dt17
D4-D5	Payments to Employees & Members	Payments to Employees & Members Allowances to Members, travelling and subsistence Travelling and subsistence allowances	Du1-Du9 Du10-Du11 Du12-15
D6	Taxation	Taxation	Dv1-Dv3

NEWCASTLE UNDER LYME BC FINANCIAL REGULATIONS: JULY 2014

D7	Trading Accounts	Trading Accounts	Dw1-Dw3
E	EXTERNAL ARRANGEMENTS: includes		
E1-E5	Partnerships	Partnerships	Ea1-Ea4
E6	External funding	External funding	Eb1-Eb2
E7	Work for third parties	Work for third parties	Ec1-Ec2

NEWCASTLE UNDER LYME BC FINANCIAL REGULATIONS: JULY 2014

MONETARY AMOUNTS

Ref.		Amount
Ad1-Ad2	Virement Directors approval limit notifiable to the Executive Director (Resources and Support Services) Cabinet limit above which it must be reported to Full Council	£20,000 £50,000
Ac4	Financial management Amount over which the Executive Director (Resources and Support Services) needs to be involved with negotiations and/or agreements/ arrangements	£50,000
B12	Variations Significant variations are those which are greater than: All variations must be investigated if in excess of:	The larger of 10% of the budget or £2,000 £15,000
B14	Benefits Management Model Estimated cost of improvement project above which the model must be employed	£20,000
B15	Capital Appraisals Estimated cost of capital project above which an appraisal must be carried out	£20,000
Cb3	Insurances The minimum level of Product and Public Liability insurance cover as specified by the Cabinet, subject to agreement of the Executive Director (Resources and Support Services) The minimum level of Employers Liability insurance cover as specified by the Cabinet, subject to agreement of the Executive Director (Resources and Support Services) The minimum level of Professional indemnity insurance cover (where applicable) as specified by the Cabinet, subject to agreement of the Executive Director (Resources and Support Services)	£5,000,000 £10,000,000 £2,000,000
Ch1	Inventories Level above which items should be included on an inventory	£100
Ci8	Stock levels (amounts which may be written off) (a) Executive Director (Resources and Support Services) (b) Cabinet	Below £1,000 Above £1,000
Ck1	Asset Disposal Amount above which the value of the asset to be written off/disposed of should be written off/disposed of in liaison with the Audit Manager.	£500
Cl2	Petty Cash Amounts to be paid out of Petty Cash - Not to exceed	£100
Cn3	Banking arrangements Cheques requiring personal signatures are: (a) Creditors, in excess of (b) Housing Benefits, in excess of (c) Wages and Salaries, in excess of	£30,000 £5,000 £5,000
Dh2	Payment by Credit and Debit Cards Payments made by credit cards will be subject to the charge agreed by Cabinet	2%
Dk4	Banking Amount above which money is to be banked without delay	£500
Dm1	Records Amount above which schedules of amounts outstanding where a debtors account has not been raised need supplying to the Executive Director (Resources and Support Services)	£100
Dm1-Dq1	Issue of debtors accounts Amount below which it is considered uneconomic to raise an account	£40
Do1-D02	Write offs of Debtors Accounts (a) Approval from the Executive Director (Resources and Support Services) (b) Approval from Cabinet	Below £2,500 Above £2,500
Dr18	Ordering of work, supplies and services (a) Low value procurement: Where alternative prices are available for the level of estimated cost and a minimum of two written quotations is required; (b) Intermediate value procurement: Where alternative prices are available for the level of estimated cost and a minimum of three written quotations is required. (c) High value procurement: The estimated cost above which Financial Regulations and Standing Orders relating to contracts shall apply.	£5,000 <>£30,000 £30,000 <> £50,000 > £50,000
Dr22	The amount above which Standing Orders and Financial Regulations in relation to contracts applies to orders of a repetitive nature when totalled	£50,000
Dt12	Paying for work, supplies and services.	

NEWCASTLE UNDER LYME BC FINANCIAL REGULATIONS: JULY 2014

	Amount above which schedules of accounts need supplying to the Executive Director (Resources and Support Services)	£100
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KEY REGULATIONS

A: FINANCIAL MANAGEMENT

- A1 Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget.
- A2 All employees and Members have a duty to abide by the highest standards of probity in dealing with financial issues, to be aware of and comply with these Financial Regulations.
- A3 **DEPARTURES:** In the event of it being impracticable to apply any of these Regulations in any particular case the Executive Director (Resources and Support Services) shall be authorised to waive compliance subject to reporting any major departure to the next meeting of the Cabinet.

The Full Council

- A4 The Full Council shall be responsible for:
- (a) Adopting the Council's constitution and Members' code of conduct and for approving the policy framework and budget within which the Cabinet operates. It shall also be responsible for approving and monitoring compliance with the Council's overall framework of accountability and control in the form of standing orders and financial regulations and for monitoring compliance with the agreed policy and related Cabinet decisions;
 - (b) Approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the council and its committees. These delegations and details of who has responsibility for which decisions are set out in the Constitution.

The Cabinet

- A5 The Cabinet shall be responsible for proposing the policy framework and budget to the Full Council, and for discharging executive functions in accordance with the policy framework and budget.
- A6 Cabinet decisions can be delegated to a committee of the Cabinet, an individual Cabinet Member, an employee or a joint committee.
- A7 The Cabinet has the authority:
- (a) to consider all financial matters which are of an executive nature or not reserved by law to Full Council;
 - (b) to investigate any aspect of income and expenditure relating to all departments of the Council, and to call for the production of all relevant documentation necessary for such an investigation;
 - (c) after a full investigation to make such recommendations to the Full Council as it considers necessary, with a view to securing greater economy in the administration of the services controlled by the Council and on financial matters generally.
 - (d) To determine any matter, which is an executive function or not reserved by law to Full Council.
- A8 The Cabinet shall:
- (a) be responsible for establishing protocols to ensure that individual Members of Cabinet consult with relevant employees before taking a decision within their delegated authority. In doing so, the individual Member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

Scrutiny Committees

- A9 The Scrutiny Committees shall be responsible for scrutinising Cabinet decisions before or after they have been implemented and for holding the Cabinet to account. The Scrutiny Committees shall also be responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the Council.

Standards Committee

- A10 The Standards Committee shall be responsible for promoting and maintaining high standards of conduct amongst Members. In particular, it is responsible for advising the Council on the adoption and revision of the Members' Code of Conduct, and for monitoring the operation of the code.

Audit and Risk Committee

- A11 The Audit and Risk Committee shall have right of access to all the information it considers necessary and can consult directly with internal and external auditors. It shall be responsible for reviewing the external auditor's reports and the annual audit letter and internal audit's annual report and for approving and reviewing the internal audit plan. It shall also receive and approve the Council's Statement of Accounts and receive risk management reports and ensure that corporate business risks are being actively managed.

Other regulatory committees

- A12 Planning, Licensing, Public Protection and other regulatory functions are not Cabinet functions but are exercised through the Planning, Licensing, Public Protection and other regulatory committees under powers delegated by the Full Council. These committees report to the Full Council.

The statutory role of officers

Chief Executive

- A13 The Chief Executive shall be designated as The Head of Paid Service and shall be responsible for the corporate and overall strategic management of the Council as a whole. He shall report to and provide information for the Cabinet, the Full Council, the Scrutiny Committees and any other committees. He shall be responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the Council. He shall also be responsible for the system of record keeping in relation to the Full Council's decisions (see below).
- A14 The Chief Executive must ensure that Cabinet decisions and the reasons for them are made public. He must also ensure that Council Members are aware of decisions made by the Cabinet and of those made by employees who have delegated executive responsibility.

Executive Director (Resources and Support Services)

- A15 The Executive Director (Resources and Support Services) is responsible for advising the Cabinet or Full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:
- (a) initiating a new policy;
 - (b) committing expenditure in future years to above the budget level;
 - (c) incurring interdepartmental transfers above virement limits;
 - (d) causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.
- A16 The Executive Director (Resources and Support Services) shall, in carrying out his functions, have regard to his statutory duties (which cannot be over-riden) in relation to the financial administration and stewardship of the Council arising from:
- (a) Section 151 of the Local Government Act 1972;
 - (b) The Local Government Finance Act 1972;
 - (c) The Local Government Act 2003;
 - (d) The Accounts and Audit (England) Regulations 2011 or any successor legislation.
- A17 The Executive Director (Resources and Support Services) shall be responsible for:
- (a) the proper administration of the Council's financial affairs;
 - (b) setting and monitoring compliance with financial management standards;

NEWCASTLE UNDER LYME BC FINANCIAL REGULATIONS: JULY 2014

- (c) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- (d) preparing the revenue budget and capital programme;
- (e) treasury management.

- A18 The Executive Director (Resources and Support Services), in accordance with Section 114 of the Local Government Finance Act 1988, shall report to the Full Council, Cabinet and external auditor if the Council or one of its employees:
- (a) has made, or is about to make, a decision which involves incurring unlawful expenditure;
 - (b) has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council;
 - (c) is about to make an unlawful entry in the Council's accounts.
- A19 The Executive Director (Resources and Support Services) shall nominate a properly qualified Member of staff to deputise should he be unable to perform his duties under Section 114 personally.
- A20 The Council shall provide the Executive Director (Resources and Support Services) with sufficient employees, accommodation and other resources, including legal advice where this is necessary, to carry out his duties under Section 114.

Monitoring Officer

- A21 The Monitoring Officer shall be responsible for:
- (a) reporting any actual or potential breaches of the law or maladministration to the Full Council and/or to the Cabinet and for ensuring that procedures for recording and reporting key decisions are operating effectively (in conjunction with the Head of Business Improvement, Central Services & Partnerships)
 - (b) advising all Members and employees about who has authority to take a particular decision;
 - (c) advising the Cabinet or Full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework;
 - (d) maintaining an up-to-date constitution (in conjunction with the Head of Business Improvement, Central Services & Partnerships)

Directors

- A22 Directors and their delegated representatives shall be responsible for:
- (a) Ensuring that Cabinet Members are advised of the financial implications of all proposals and that the Executive Director (Resources and Support Services) has agreed the financial implications;
 - (b) Consulting with the Executive Director (Resources and Support Services) and seeking approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.

Virement

- A23 The Full Council shall determine the limits, above which a Director may not approve virement without reference to the Full Council. The limits may be set by reference to an absolute amount or to a specified percentage of a budget head. Any virement between budget heads should **only** be made in order to cover any **unavoidable** overspendings elsewhere and must be notified to and agreed **in advance** with the Executive Director (Resources and Support Services).

Treatment of year-end balances

- A24 Carry forward to the following financial year of under or overspendings on budget headings shall only be permitted with the prior approval of the Executive Director (Resources and Support Services).

Accounting policies

NEWCASTLE UNDER LYME BC FINANCIAL REGULATIONS: JULY 2014

- A25 The Council will comply, in all cases, with the Accounts and Audit (England) Regulations 2011 and any other Regulations, Accounting Codes of Practice or external audit requirements that may replace or supplement them.
- A26 The Executive Director (Resources and Support Services) shall be responsible for selecting accounting policies and ensuring that they are applied consistently. Directors shall adhere to the accounting policies and guidelines approved by the Executive Director (Resources and Support Services).

Financial records

- A27 The Executive Director (Resources and Support Services), in consultation with Directors, shall determine all accounting procedures and the form and content of all of the Council's financial records, both manual and computerised. No introductions or amendments shall be made without his approval.

E-Commerce and the Internet

- A28 The Council is committed to maximise the benefits available from the introduction of e-commerce and the use of the Internet. Therefore all reference to documents and procedures for their use should be taken to allow for the use of electronic facilities instead of printed matter where appropriate and where approval has been given by the Executive Director (Resources and Support Services) in advance.

Final Accounts

- A29 The Executive Director (Resources and Support Services) shall prepare and publish an annual statement of accounts, in accordance with the relevant code of practice currently in force and in accordance with the statutory timetable. The Audit and Risk Committee shall approve the statement of accounts and consider the external auditor's "audit findings" report submitted to it in accordance with International Standard on Auditing 260.

B: FINANCIAL PLANNING

Policy framework

- B1 The Full Council shall:
- (a) Agree and approve the Council's policy framework and budget, the key elements of which will be the Council Plan, Community Strategy, Capital Strategy, General Fund Revenue Budget and the Capital Programme;
 - (b) Approve variations to approved budgets, where those variations increase the overall amount of the budget or are contrary to the approved policy framework;
 - (c) Approve variations to plans and strategies forming the policy framework;
 - (d) Determine the circumstances in which a decision will be deemed contrary to the budget or policy framework;
 - (e) Set the level at which Directors may reallocate budget funds from one service to another. Directors shall be responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the limits set by the Full Council.
- B2 The Chief Executive is responsible for proposing a Council Plan to the Cabinet and scrutiny before its submission to the Full Council for approval.

Council Tax

- B3 The Cabinet shall recommend, and the Full Council approve, the Council Tax to be set by the Council.

Budget strategy and preparation

- B4 The Executive Director (Resources and Support Services) shall ensure, in relation to the General Fund, that a Revenue Budget is prepared on an annual basis, together with a Medium Term Financial Strategy covering a minimum of five years beyond the current year, for submission to the Cabinet for approval. The Cabinet will recommend the budget to Full Council for approval.
- B5 The Cabinet shall, no later than the end of October each year, consider and agree the strategy to be followed in the preparation of the General Fund Revenue Budget and the Capital Programme, in particular, for the following year, but also generally for a number of years (the budget strategy). In order to achieve this it will:
- (a) Review the current capital and revenue service programmes and expenditure, taking into account the Council's corporate priorities and approved policies; partnership working, consultation with and the needs of the community;
 - (b) Analyse gaps in service provision and evaluate and prioritise all new initiatives and statutory duties requiring resources;
 - (c) Assess the capital and revenue resources available to the Council;
 - (d) Seek to match the resources in (c) to the priorities in (a) and (b).
- B6 The Cabinet will have regard to the following factors when considering and agreeing the budget strategy in respect of its review of current programmes:
- (a) Information contained in the current budget book supported by supplementary notes and supporting information; the Council's Sustainable Community Strategy, policies and business plans; the results of any best value service reviews; the latest reports on all areas of partnership working and the results of consultation with the community, businesses and other partners; including an analysis of needs and gaps;
 - (b) In the evaluation and prioritisation of new initiatives and statutory duties whether mandatory or discretionary; the level of support for each of the Council's key priorities; the capital and revenue implications; involvement of partners and the implications if not carried out;
 - (c) In respect of its assessment of available resources: the latest information concerning available capital and revenue resources in the light of the previous year's out-turn and assumptions for the following year;
 - (d) In respect of the matching of resources to priorities: new initiatives are to be weighed and prioritised both against each other and against current programmes and services.
- B7 The Executive Director (Resources and Support Services) shall advise the Cabinet and Full Council on the robustness of the revenue budget and provide all necessary information to the Cabinet to enable it to carry out the process of consideration and agreement of the budget strategy.

NEWCASTLE UNDER LYME BC FINANCIAL REGULATIONS: JULY 2014

- B8 Following agreement of the budget strategy by the Cabinet, it shall be referred to the Finance, Resources and Partnerships Scrutiny Committee for their consideration and the results of such scrutiny shall be reported back to the Cabinet, which shall reconsider the strategy in the light of any comments made.
- B9 The Cabinet shall issue guidance on the general content of the General Fund Revenue Budget and, following advice from the Executive Director (Resources and Support Services), on any assumptions to be made or particular factors to be taken into account in its preparation.
- B10 Directors shall
- (a) Assist the Executive Director (Resources and Support Services) in presenting the budget strategy to Cabinet by providing him with any supporting information or data required to enable him to adequately report to the Cabinet;
 - (b) Prepare budget estimates reflecting agreed service plans in line with guidance issued by the Cabinet. These estimates shall be based on the assumptions contained in the relevant Medium Term Financial Strategy approved by the Cabinet and shall be aggregated and summarised by the Executive Director (Resources and Support Services) and submitted by him, in that form, to the Cabinet for approval. At the same time he will recommend proposed taxation levels and the other means of financing the proposed budget, including any contributions from reserves; and
 - (c) Prepare Service Plans to feed into the financial information collated by the Chief Executive in the format approved by him.

Budget monitoring and control

- B11 The Executive Director (Resources and Support Services) shall provide appropriate financial information to enable Directors to monitor budgets effectively. He, assisted by Directors as set out in the Regulation below, shall monitor and control expenditure and income against budget allocations and report to the Cabinet on the overall position on a regular basis.
- B12 Directors shall control expenditure and income within their areas of responsibility, taking account of financial information provided by the Executive Director (Resources and Support Services). They shall report on variances within these areas and take any action necessary to avoid exceeding their budget allocation and alert the Executive Director (Resources and Support Services) to any problems of which they become aware. They shall provide the Executive Director (Resources and Support Services) with any information that he may require in order that he may report to the Cabinet upon expenditure or income compared to budget.
- B13 If a project (either of a capital or revenue nature) is proposed, for which no current provision exists in the budget, the benefits arising from the project will be identified as part of the initial proposal for the project, the business case will then be made and – in the case of approval – the project lead will be expected to monitor the realisation of the ensuing benefits.
- B14 If a capital project is proposed, it will be subject to an appraisal. The appraisal shall be in a form approved by the Cabinet but such an appraisal shall, as a minimum, set out the project's contribution towards meeting corporate objectives and service priorities, its output measures and milestones, and its cost and sources of funding. The results of this appraisal will be included in any report made to the Cabinet or Council requesting approval to carry out the scheme. Upon completion of the project, a report shall be made to the Cabinet detailing the actual performance compared with the data contained in the original appraisal.
- B15 The requirement to set out a business case which includes the expected benefits from the project or to submit capital projects to appraisal will apply in cases where the proposed cost exceeds the sum specified in the table of "Monetary Amounts". The Executive Director (Resources and Support Services) may waive the requirement in cases where he considers this to be appropriate

Maintenance of reserves

- B16 The Executive Director (Resources and Support Services) shall advise the Full Council and the Cabinet on prudent levels of reserves for the Council.

Preparation of the capital programme

- B17 The Executive Director (Resources and Support Services) shall prepare a Capital Programme on an annual basis for consideration and approval by the Cabinet and the Full Council. He shall also update the Programme

on a regular basis during each year and report thereon to the Cabinet. In considering the total amount of the capital programme the Cabinet and the Full Council shall have regard to the resources available or expected to be available, to the Council to finance such a programme over the period covered by it, including the revenue consequences of the programme. The Executive Director (Resources and Support Services) shall report to the Cabinet and the Full Council at the time that the programme is considered upon the availability of such resources.

Guidelines

- B18 Guidelines on budget preparation are issued to Members and Directors by the Cabinet following agreement with the Executive Director (Resources and Support Services). The guidelines will take account of:
- Legal requirements
 - Medium long term planning prospects
 - The Council Plan
 - Available resources
 - Risk factors
 - Spending pressures
 - Best value and other relevant government guidelines
 - Other internal policy documents
 - Cross cutting issues (where relevant).

C: RISK MANAGEMENT AND CONTROL OF RESOURCES

Introduction

- C1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

Risk management

- C2 The Audit and Risk Committee shall be responsible for approving the Council's risk management strategy and for reviewing the effectiveness of risk management. The Cabinet shall be responsible for ensuring that proper insurance exists where appropriate.
- C3 The Chief Executive shall be responsible for preparing the Council's Risk Management Strategy, for promoting the management of risk throughout the Council and for advising the Cabinet on proper insurance cover where appropriate.

Internal control

- C4 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
- C5 The Executive Director (Resources and Support Services), in conjunction with the Audit Manager, shall be responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C6 Directors shall establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Audit requirements

- C7 The Accounts and Audit (England) Regulations 2011 require every Council to undertake an adequate and effective internal audit of its accounting records and of its system of internal control.
- C8 The Audit Commission is responsible for appointing external auditors to each Council. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.
- C9 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

Preventing fraud and corruption

- C10 The Audit Manager shall be responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

Assets

- C11 Directors shall ensure that records and assets are properly maintained and securely held. They shall ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

Treasury Management

- C12 The Council adopts the clauses contained in CIPFA's "Treasury Management in the Public Services: Code of Practice" (the Code), as described in Section 5 of that Code. Accordingly, it will create and maintain, as the cornerstones for effective treasury management:
- (a) A Treasury Management Policy Statement, stating the policies, objectives and approach to risk management of its treasury management activities;
 - (b) Suitable Treasury Management Practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- The content of the Policy Statement and the TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of the Council. Such amendments will not result in the Council materially deviating from the Code's key recommendations.
- C13 The Cabinet shall be responsible for the implementation of the Council's treasury management policies and practices.
- C14 The Audit and Risk Committee shall be responsible for the regular monitoring of the Council's treasury management policies and practices and shall receive a mid-year review of treasury management activities and the annual report prior to its submission to Full Council.
- C15 The Executive Director (Resources and Support Services) shall be responsible for the execution and administration of treasury management decisions. He shall act in accordance with the Council's Policy Statement and TMPs and if he is a CIPFA Member, CIPFA's "Standard of Professional Practice on Treasury Management". He may, in connection with leasing, share the responsibility with the relevant Director.
- C16 The Full Council shall receive reports on treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year and an annual report after its close, in the form prescribed in the TMPs.
- C17 The Executive Director (Resources and Support Services) shall control all money in the hands of the Council and all investments of money and borrowings under its control shall be made in the name of the Council.

Staffing

- C18 The Full Council shall be responsible for determining how employee support for executive and non-executive roles within the Council will be organised.
- C19 The Chief Executive shall be responsible for determining the structure of services and for providing overall management to employees. He shall also be responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
- C20 Directors shall be responsible for controlling total employee numbers by:
- (a) Ensuring that an approved post exists (by reference to the establishment list) and that budget provision has been made to cover the cost of filling the post for the period contemplated before commencing the recruitment process.
 - (b) Advising the Cabinet on the budget necessary in any given year to cover estimated staffing levels
 - (c) Adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
 - (d) The proper use of appointment procedures.

Gifts and Hospitality

- C21 Every employee has a personal responsibility to be aware of and comply with the Council's Official Gifts and Hospitality Policy.

D: SYSTEMS AND PROCEDURES

General

- D1 The Executive Director (Resources and Support Services) shall:
- (a) be responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. The Executive Director (Resources and Support Services) must approve any changes made by Directors to the existing financial systems or the establishment of new systems;
 - (b) agree any changes to agreed procedures by Directors to meet their own specific service needs.
- D2 Directors shall:
- (a) ensure that their employees receive relevant financial training that has been approved by the Executive Director (Resources and Support Services);
 - (b) ensure that information is held securely and in accordance with the council's information security policies, and that systems are registered in accordance with data protection legislation;
 - (c) ensure that employees are aware of their responsibilities under Freedom of Information and Data Protection legislation;
 - (d) be responsible for the proper operation of financial processes in their own departments.

Income and Expenditure

- D3 Directors shall ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify employees authorised to act on the Director's behalf, or on behalf of the Cabinet, in respect of payments, income collection and placing orders, together with the limits of their authority. The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

Payments to Employees and Members

- D4 The Acting Head of Human Resources shall be responsible for all payments of salaries and wages to all employees, including payments for overtime, and for payment of basic and special responsibility allowances to Members.
- D5 The Acting Head of Human Resources shall be responsible for all payments of claimable allowances to Members.

Taxation

- D6 The Executive Director (Resources and Support Services) shall be responsible for advising Directors, on all taxation issues that affect the Council. Such advice shall be given in the light of guidance issued by appropriate bodies and relevant legislation as it applies. Responsibility for the maintenance of tax records, authorising tax payments, calculating tax credits due and the submission of tax returns by their due date shall be on the same basis.

Trading Accounts

- D7 The Executive Director (Resources and Support Services) shall be responsible for advising on the establishment and operation of trading accounts.

E: EXTERNAL ARRANGEMENTS

Partnerships

- E1 The Cabinet:
- (a) Shall be responsible for approving delegations, including frameworks for partnerships;
 - (b) Shall be the focus for forming partnerships with other public, private, voluntary and community sector organisations to address local needs;
 - (c) May delegate their functions – including those relating to partnerships – to employees. These are set out in the scheme of delegation that forms part of the authority's constitution. Where functions are delegated, the Cabinet remains accountable for them.
- E2 Where a delegation is made the Chief Executive or employee nominated by him shall represent the Council on partnership and external bodies, in accordance with the scheme of delegation.
- E3 The Chief Executive shall be responsible for promoting and maintaining the same high standards of conduct in partnerships that apply throughout the Council.
- E4 The Executive Director (Resources and Support Services) shall ensure that the:
- (a) Accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory;
 - (b) Overall corporate governance arrangements and legal issues are considered when arranging contracts with external bodies and if necessary, referred to the Head of Business Improvement, Central Services & Partnerships.
 - (c) Risks have been fully appraised before agreements are entered into with external bodies.
- E5 Directors shall be responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External funding

- E6 The Executive Director (Resources and Support Services) shall be responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

Work for third parties

- E7 The Cabinet shall be responsible for approving the contractual arrangements for any work for third parties or external bodies.

PROCEDURAL REGULATIONS

A: FINANCIAL MANAGEMENT

Responsibilities of the Council

- Aa1 The Full Council shall:
- (a) approve and publish Financial Regulations governing the conduct of the Council's financial affairs. The regulations shall be reviewed and amended as necessary;
 - (b) have regard to the observance of the Council's Financial Regulations and Standing Orders throughout all Services under its control.

Responsibilities of the Executive Director (Resources and Support Services)

- Ab1 The Executive Director (Resources and Support Services) shall:
- (a) ensure the proper administration of the financial affairs of the Council (s151);
 - (b) set the financial management standards and monitor compliance with them;
 - (c) ensure proper professional practices are adhered to and act as head of profession in relation to the standards, performance and development of finance employees throughout the Council;
 - (d) advise on the key strategic controls necessary to secure sound financial management;
 - (e) ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

Responsibilities of the Chief Executive and other Directors

- Ac1 Where responsibilities are attributed to the Executive Director (Resources and Support Services), ultimate authority rests with the Chief Executive, except with regard to the discharge of the responsibilities of the Executive Director (Resources and Support Services) under section 151 of the Local Government Act 1972 and section 114 of the Local Government Act 1988.
- Ac2 Every Director shall:
- (a) be responsible for the accountability and control of employees and the security, custody and control of all other resources including plant, buildings, materials, cash and stocks appertaining to his service;
 - (b) ensure that every employee under his control or person acting on the Council's behalf, shall be made aware of the contents of these regulations;
 - (c) promote the financial management standards set by the Executive Director (Resources and Support Services) in their services and monitor adherence to the standards and practices, liaising as necessary with the Executive Director (Resources and Support Services);
 - (d) promote sound financial practices in relation to the standards, performance and development of employees in their departments;
 - (e) provide on an annual basis written assurance as to the soundness of the systems of internal control they are responsible for.
- Ac3 All reports shall contain reference to any financial implications, which the item reported upon may have for the Council. This shall include whether the item is provided for in an approved budget, the proposed amount, any significant revenue consequences in future years, and the financing of any expenditure. The Executive Director (Resources and Support Services) shall approve the wording of all such references.
- Ac4 The Executive Director (Resources and Support Services) shall be consulted in all cases where an agreement or other arrangement, **in excess of the monetary amount as specified in these regulations**, with external third parties is contemplated which may have financial implications for the Council. Such consultations shall take place before such an agreement or other arrangement, is placed before the Full Council or Cabinet for its consideration, and in all cases before such an agreement or other arrangement, is formally entered into. Wherever he considers it appropriate, the Executive Director (Resources and Support Services) shall take part in any negotiations or discussions concerning such an agreement or other arrangement.

Explanatory notes

Financial management standards need to be promoted through the Council and a monitoring system needs to be in place to review compliance with them. Regular comparisons of performance indicators and benchmark standards are reported to the Cabinet and the Full Council.

The Cabinet is responsible for all decisions made within the budget set by Full Council.

The Cabinet has delegated some of its financial responsibilities to the Executive Director (Resources and Support Services). It does however retain ultimate authority, and may at any time choose to exercise it. The Executive Director (Resources and Support Services) may, in appropriate cases refer items back to the Cabinet for its consideration.

The law requires that there must be a designated employee legally responsible for the Council's financial affairs, the Section 151 officer. The Council has therefore designated the Executive Director (Resources and Support Services) as the legally responsible employee.

Financial Regulations will be drawn up by the Executive Director (Resources and Support Services) and approved by the Full Council to provide the framework and lay down the ground rules for the conduct of the Council's financial affairs. These Regulations will be regularly reviewed and revised to keep them up to date.

All of the following must enforce and comply with Financial Regulations: the Cabinet, Directors, Council Employees, and any other person or body acting on the Council's behalf - e.g. a contractor where services have been contracted out.

The financial implications of any reports submitted to the Cabinet must always be outlined in the text and agreed with the Executive Director (Resources and Support Services) in advance. All reports to be considered for inclusion in agendas must be signed off by the Executive Director (Resources and Support Services) or Head of Finance to evidence that their financial content has been approved by them. If this is not done, the report will not be placed on the agenda by the Committee Section.

The Executive Director (Resources and Support Services) should be involved in discussions, negotiations and/or arrangements with third parties where there are to be financial implications in excess of the approved monetary amount.

Financial Regulations apply to employees and Members dealing with the affairs of charities and other organisations, e.g. United Charities, etc.

Virement

- Ad1 Virement to meet an estimate variation shall not be permitted:
- (a) where the amount of the estimate variation to be met from virement exceeds the limit which has been determined by Full Council, in accordance with Financial Regulation A23, unless it has been referred to the Cabinet, or back to the Full Council if it exceeds the limits for the Cabinet;
 - (b) where the budget head or heads from which virement is proposed to be made relate to any of the following centrally controlled estimates, unless it has been referred to the Executive Director (Resources and Support Services), who shall determine whether the proposal may be dealt with in accordance with relevant Financial Regulations or whether it shall be referred to the Full Council:
 - i Capital Financing Charges;
 - ii Central Support Services recharges;
 - iii Contributions to reserves or provisions;
 - iv Any other budget head specified by the Executive Director (Resources and Support Services) or the Cabinet;
 - (c) where the saving on a budget head or heads from which virement is proposed to be made should, in the opinion of the Executive Director (Resources and Support Services), be treated as a Corporate saving;
 - (d) where the Cabinet or Full Council has already turned down the project in principle.

Ad2 Where during the course of the financial year, it is proposed to incur new or additional expenditure or to reduce income in respect of an item not provided for, or insufficiently provided for, within an approved budget, virement should be the first option, which should be considered to deal with the resulting budget variation.

Explanatory notes

Virement is administered by the Executive Director (Resources and Support Services) within the guidelines set by the Full Council; any variation from this requires Full Council approval.

The overall budget is set by the Cabinet and approved at Full Council. Directors are authorised to incur expenditure in accordance with the approved estimates. These procedures cover virement – the switching of resources between approved estimates or heads of expenditure.

A budget head is considered to be a line in the approved estimate.

Virement does not create additional overall budget liability. Directors are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Directors must plan to fund such commitments from within their own budgets.

Financial Records

Ae1 The Executive Director (Resources and Support Services) shall be consulted before the introduction of, or amendment to, any books, forms, records, administrative procedures or computerised systems used in connection with accounting for cash, income, expenditure, stocks and financial transactions generally. No such introductions or amendments shall be made without his approval.

Ae2 All of the Council's transactions, material commitments and contracts and other essential accounting information shall be recorded completely, accurately and promptly. Directors must maintain adequate records to provide a management trail leading from the source of expenditure/income through to the accounting statements.

Ae3 All financial records must be kept securely, and shall be retained for periods specified by the Executive Director (Resources and Support Services). Arrangements for the disposal of any obsolete or surplus records, including unused items, shall be agreed with the Executive Director (Resources and Support Services). Disposal of confidential waste must be made in compliance with the Council's Information Security Management Policy.

Ae4 The Executive Director (Resources and Support Services) shall keep a Cash Book or Account recording, in summary form, all receipts and payments of the Council. The Cash Book or Account shall be kept up to date and be reconciled promptly to the Council's bank accounts following the end of each calendar month.

Ae5 Records should be in electronic form where appropriate and approved by the Executive Director (Resources and Support Services).

Explanatory notes

All executive Members, finance employees and budget managers must operate within the required accounting standards and timetables

All of the Council's transactions, material commitments and contracts and other essential accounting information must be recorded completely, accurately and on a timely basis

Procedures are in place to enable accounting records to be reconstituted in the event of systems failure.

Reconciliation procedures are carried out to ensure transactions are correctly recorded.

Prime documents are retained in accordance with legislative and other requirements. A list of documents and the periods they must be kept for is available on the Intranet or from Internal Audit.

Final Accounts

- Af1 The Executive Director (Resources and Support Services) shall in accordance with the Accounts and Audit (England) Regulations 2011 or any successor legislation:
- a) prepare Final Accounts to summarise the financial transactions of the Council during each year of account and to show the financial position of the Council at the end of each year of account. Each year of account shall commence on the first of April and end on the thirty first of March;
 - b) make proper arrangements for the audit of the Council's accounts.
- Af2 Directors shall supply the Executive Director (Resources and Support Services) with any information that he requires in order to produce the Council's Final Accounts and Statement of Accounts. Such information shall be supplied in the form requested by the Executive Director (Resources and Support Services) and by the date specified by him.

Explanatory notes

The Council is required to make arrangements for the proper administration of its financial affairs and to identify an employee with the responsibility for the administration of these affairs, the Executive Director (Resources and Support Services).

The final accounts and the statement of accounts must be kept and prepared in accordance with proper accounting practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom((published by CIPFA). All data that he requests in order to produce the final accounts and the statement of accounts must be supplied promptly to the Executive Director (Resources and Support Services).

Separation of Duties

- Ag1 The task of providing information, calculating, checking and recording the sums due to or from the Council shall be separated as completely as possible from the task of collecting or paying out these sums.
- Ag2 Employees responsible for examining and checking records of cash transactions shall not themselves be engaged in any of these transactions.
- Ag3 Wherever possible, arrangements shall be made to ensure that:
- (a) the ordering of works, supplies and services;
 - (b) the acknowledgement of their receipt; and
 - (c) the examination /certification of invoices /accounts
- are carried out by different persons. The Executive Director (Resources and Support Services) shall be informed, in writing, of situations where this cannot occur in practice.
- Ag4 Each Director must notify the Executive Director (Resources and Support Services) in advance of all employees authorised to sign or certify official documents in accordance with Financial Regulations.

Explanatory Notes

The separation of duties is most important to protect the Council against the possibility of fraud, and to place its employees above suspicion. Different employees should therefore, perform the functions of ordering and paying for supplies and services, collection of sums due and the verification of such operations.

Grant and Other Claims

- Ah1 The Executive Director (Resources and Support Services) shall ensure, in conjunction with Directors that all claims for funds, including grants are made by the due date and that the grants coordinator, based in Financial Management, is notified of all grants and claims in advance and provided with actual forms, documents and supporting evidence verifying entries on the grants and claims in advance of their certification as required by the Executive Director (Resources and Support Services).
- Ah2 Officers need to have regard to the possible liability that could occur for the Council in respect of the claw back of grants. Consideration should be given to the contract being entered into, the risks involved and the likelihood and impact of any claw back occurring.

B: FINANCIAL PLANNING

Performance Plans

- Ba1 Directors and Heads of Service shall
- (a) supply to the Head of Business Improvement, Central Services and Partnerships any information, relevant to services within their areas of responsibility, required for inclusion in the Council Plan or service plans or for monitoring performance targets included in such plans, in accordance with statutory requirements and agreed timetables.
 - (b) contribute to the development of the Council Plan/service plans, corporate and service targets and objectives and performance information.
 - (c) ensure that systems are in place to measure activity and collect accurate information for use as performance indicators
 - (d) ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met and to take any such action whenever necessary.

Explanatory notes

The Council Plan and service plans should be produced so that they are consistent and in accordance with statutory provisions. Plans should meet timetables set and all performance information included in them should be accurate, complete and up to date. Plans should provide improvement targets that are SMART (specific, measurable, achievable, realistic and timed).

General Fund Revenue Budget

Format of the budget

- Bb1 Estimates shall show in convenient detail the sums required for each purpose and also under comparative headings the original estimate and the actual result for the last completed year. Estimates shall comply with the Code of Practice currently in force in relation to financial reporting and any guidance issued by the Cabinet

Revenue budget, preparation, monitoring and control

- Bb2 The timetable and procedures for estimate preparation and the detailed format of the estimates will be determined and co-ordinated by the Executive Director (Resources and Support Services).
- Bb3 The Executive Director (Resources and Support Services) shall aggregate and summarise the estimates prepared by the Directors, based on the Medium Term Financial Strategy assumptions, in order to report thereon to the Cabinet. He shall advise the Cabinet as to the robustness of the estimates and ensure that they are compiled on a 'proper' basis. When reported to Cabinet the budgets will include the relevant prudential indicators demonstrating the impact of capital expenditure on the revenue budget.
- Bb4 Items which are proposed to be included in the budget and which involve a new policy, or a significant departure from present policy or create significant financial commitments in future years, shall be brought to the attention of the Executive Management Team before being included in the budget submitted to the Cabinet. Their inclusion shall be drawn to the attention of the Cabinet in the accompanying report. No commitment to any such new policies or departures shall be incurred until the Cabinet has approved their inclusion in the budget.
- Bb5 Directors shall be authorised to incur expenditure and must collect income strictly in accordance with the estimates contained in the approved budgets relating to services within their areas of responsibility.
- Bb6 Each Director shall continuously monitor the budgets relating to services within his area of responsibility in order to determine:
- (a) that approved estimates of expenditure within those budgets are not, or are not likely to become, overspent; and
 - (b) that approved estimates of income within those budgets are likely to be matched by actual receipts of income.
- Bb7 The Executive Director (Resources and Support Services) shall be responsible for overall budget monitoring. He shall provide suitable regular reports to Directors, containing details of actual expenditure and income compared to the corresponding approved estimates, to assist them to fulfil their responsibility for controlling budgeted

expenditure and income under Procedural Financial Regulation Bb6. He shall also notify the Director in any case where he believes that an estimate, forming part of a budget for which the Director is responsible, has been or may become exceeded by actual expenditure or, in the case of an income estimate, not matched by actual income.

- Bb8 If it appears to a Director that an excess of expenditure or a shortfall in income has occurred, or is likely to occur, in relation to any of the estimates forming part of a budget for which he is responsible, he shall take immediate steps to deal with the variation from the approved estimate.
- Bb9 In order to deal with a variation from an approved estimate a Director shall:
- (a) where a variation appears likely, but has not yet occurred, immediately take action to reduce the level of activity relating to the budget head in question, thereby containing expenditure within the approved estimate; or
 - (b) after consultation with the Executive Director (Resources and Support Services), determine that the increased cost can be met from an increase in the amount of income to be received; or
 - (c) determine that the variation can be met by means of virement from another budget head or heads (in accordance with the scheme of virement set out in Procedural Financial Regulation Ad1).
- All instances of the use of Directors' authority under a, b, and c above shall be recorded in a form approved by the Executive Director (Resources and Support Services).
- Bb10 Where he is consulted by a Director with regard to any of the proposals described in Procedural Financial Regulation Bb9, for dealing with an estimate variation, the Executive Director (Resources and Support Services) shall be authorised to either approve the proposal or require it to be referred to the Cabinet for approval.
- Bb11 A Director shall not be permitted to take any of the measures described in Procedural Financial Regulation Bb9 if to do so would result in a significant reduction in the level of service provided to the general public. Any measure which would, for this or any other reason, constitute a material departure from the policies implicit in the approved budget shall be referred to the Cabinet.
- Bb12 Where a Director is unable to deal with the occurrence, or likely occurrence, of a variation from an approved budget estimate by means of any of the measures described in Procedural Financial Regulation Bb9 he shall immediately report it to the Cabinet.
- Bb13 All reports to the Cabinet concerning budget estimate variations shall contain the reason(s) for the variation from the approved estimate and the implications, if any, for future years' budgets and shall recommend that the Cabinet:
- (a) amends the approved estimate relating to the budget head in question by approving virement from another budget head or heads of an amount equivalent to the amount of the variation; or
 - (b) approves a supplementary estimate for the amount of the variation.
- Bb14 The Cabinet on receiving a report concerning budget variations shall resolve to either approve virement or a supplementary estimate.
- Bb15 Where a Director proposes to incur expenditure:
- (a) for a purpose which has not been estimated for within an approved budget; or
 - (b) which will result in an approved estimate relating to a budget head becoming overspent;
- this shall be treated as a variation from an approved estimate and all Financial Regulations relating to such variations shall apply.
- Bb16 Where it can be demonstrated that urgent Cabinet approval, outside of normal Cabinet meeting dates, is necessary for a proposal to make a supplementary estimate or approve virement the following extraordinary procedures shall apply:
- (a) The relevant Director in consultation with a Member of the Cabinet may give approval, in writing, to the proposal.
 - (b) The relevant Director should state the advice given by the Executive Director (Resources and Support Services) on the financial implications of the proposal in writing to the Member.
 - (c) The proposal shall be reported to the next meeting of the Cabinet for information.
- A copy of all such approvals shall be provided to the Head of Business Improvement, Central Services and Partnerships.

- Bb17 Directors shall ensure that performance and levels of service are monitored in conjunction with the budget and that necessary action is taken to align service outputs with budgets. In order to achieve this they shall ensure that a monitoring process is in place to review performance and levels of service and that it is operating effectively.
- Bb18 Directors shall seek to identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery. Directors shall notify the Executive Director (Resources and Support Services) of all such efficiency savings made or proposed to be made to assist in the calculation of any efficiency savings indicators.
- Bb19 Within their areas of responsibility Directors shall designate particular named employees as Budget Holders, who possess the necessary competencies for the role, in respect of cost centres or groups of cost centres. Budget Holders shall be responsible for assisting the relevant Director to discharge his responsibility in respect of budget preparation, monitoring and control as set out in these regulations. Budget Holders shall be specifically responsible only for income and expenditure that they can influence. Directors shall notify the Executive Director (Resources and Support Services) of the employees who have been so designated. The Executive Director (Resources and Support Services) shall provide Budget Holders with the financial and other data that they may require in order to carry out their responsibilities.
- Bb20 The Executive Director (Resources and Support Services) shall, in conjunction with Directors, ensure that a monitoring process is in place to review the effectiveness and operation of budget preparation and ensure that any corrective action is taken.

Explanatory notes

There is specific budget approval for all expenditure and income.

Budget holders are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Cabinet/Council for their budgets and the level of service to be delivered

A monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

The budget format must comply with all legal requirements, with CIPFA's Best Value Accounting Code of Practice and must reflect the accountabilities of service delivery.

Budget managers should be responsible only for the income and expenditure that they can influence. There is a nominated budget holder for each cost centre heading and they accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities. Budget managers follow an approved certification process for all expenditure and their income and expenditure is properly recorded and accounted for.

Performance levels in respect of services are monitored in conjunction with the budget and necessary action is taken to align service outputs and budgets.

Trading Accounts

- Bc1 Where the Cabinet so requires, Directors responsible for the operation of activities covered by Trading Accounts shall prepare annual budget estimates for those accounts (including any holding accounts). These estimates shall be referred for approval to the Cabinet.
- Bc2 The Cabinet shall set a timetable and, advised by the Executive Director (Resources and Support Services), lay down the procedures to be followed within which these estimates shall be prepared.

Other Accounts

- Bd1 Expenditure proposed to be charged to any other revenue account of the Council shall be referred to the Cabinet for approval where:
- (a) the proposed expenditure is not covered by, or is likely to exceed, any existing limit or approval applicable to expenditure to be charged to that revenue account; or
 - (b) in the opinion of the Executive Director (Resources and Support Services), the proposed expenditure is of such a nature or magnitude that it should be so referred.

Maintenance of reserves

- Be1 All reserves shall be maintained in accordance with the current applicable accounting code of practice.
- Be2 The purpose, usage and basis of transactions of each reserve established shall be clearly identified by the Full Council informed by the Executive Director (Resources and Support Services).
- Be3 Directors shall not incur any expenditure which is proposed to be met from reserves without consultation with the Executive Director (Resources and Support Services) who may require the proposal to be submitted to the Cabinet or Full Council for approval, in which case it may not be incurred until such approval has been given.
- Be4 In advising the Full Council or Cabinet upon the prudent levels of reserves for the Council, the Executive Director (Resources and Support Services) shall have regard to advice from the Council's external auditor. He shall assess the adequacy of the General Fund balances by reference to a risk assessment of items contained within the General Fund Budget or which may become a charge against it.

Explanatory notes

Reserves should be maintained in accordance with the Code of Practice on Local Authority Accounting in the UK (published by CIPFA) and agreed accounting policies. For each reserve established, the purpose, usage and basis of transactions should be clearly identified. Authorisation and expenditure from reserves by the appropriate Director will be in consultation with the Executive Director (Resources and Support Services).

No expenditure or income may be charged or credited directly to a reserve. All must be charged or credited initially to a revenue account with an appropriation (transfer) made from or to the reserve to meet the expenditure or transfer the income to it.

Capital Programme

- Bf1 Only expenditure which conforms with the statutory definition of capital expenditure, as contained in the Local Government Act 2003 or any subsequent Act or Regulations shall be treated as capital expenditure and all Financial Regulations in Section Bd shall apply to it.
- Bf2 The capital programme submitted to the Cabinet and Full Council for consideration and approval shall comprise a list of General Fund capital schemes. This shall show in respect of each scheme the amount which it is intended shall be spent in the current year, the following year and in future years.
- Bf3 Reports submitted by the Executive Director (Resources and Support Services) to the Cabinet concerning updates to the capital programme during the year shall include reference to any significant variance in estimated scheme costs from current approved estimates or instances where schemes are proposed to be added to or deleted from the approved programme. He shall also refer to the resources available, or expected to be available, to finance the programme taking account, where necessary, of any proposed amendments to it. The revenue implications of all capital schemes in the form of the whole life cost of the project shall also be reported to ensure that the impact on the revenue budget is known and appropriate provision approved. Directors shall provide, in a timely manner, any information he requires in order to compile his report.
- Bf4 The Capital Programme Review Group (CPRG) monitors and reviews the capital programme. The CPRG will be chaired by the Executive Director (Resources and Support Services) and the Cabinet Portfolio Holder for Resources and Efficiency shall be a member of the Group. The CPRG shall review progress in respect of the capital programme and shall consider all proposed new projects before the Cabinet or Full Council are requested

to add them to the capital programme and shall consider any revisions to the capital programme before a revised programme is submitted to Cabinet or Full Council for consideration or approval.

- Bf5 Before any order shall be placed or expenditure incurred relating to any capital scheme, the appropriate Director shall make a report in consultation with the Executive Director (Resources and Support Services) to the Cabinet. The report shall state the total estimated cost of the scheme and whether provision has been made for it in the approved capital programme, together with the amount of any such provision. The report should contain a business case, the detail of which will be dependent on the cost of the proposal. The report shall refer to any costs which may fall to be met from any revenue account of the Council as a result of the scheme being carried out, and to any grant or contribution, including its amount and any conditions which may be attached to such payment, which it is expected may be payable towards its cost. The Cabinet shall determine whether the scheme is to be carried out and, if so, shall approve the estimated cost of the scheme together with any other relevant financial matters relating to the scheme. No such reports shall be brought to the Cabinet unless the relevant scheme has been considered and approved for submission to the Cabinet by the Capital Programme Review Group.
- Bf6 The Cabinet may consider a new scheme for inclusion in the approved capital programme at any time. In doing so it shall:
- (a) have regard to its estimated costs, the comments of the relevant Director and the Executive Director (Resources and Support Services), the composition and total cost of the approved programme and the resources available or expected to be available to finance that programme.
 - (b) either give approval for the scheme to be included in the approved programme or determine that it shall not be included in the programme.
 - (c) in cases where approval is given to include a scheme in the approved programme, determine the estimated cost at which it is to be included.
 - (d) Have regard to the contents of any relevant model of identifying and measuring benefits or Capital Appraisal, as referred to in B14 and B15 and to any views expressed by the Capital Programme Review Group which are reported to it.
- Bf7 Where the Cabinet has determined that a scheme shall be included in the approved capital programme and has also approved the estimated cost of the scheme, it shall either:
- (a) add the scheme to the approved programme at the estimated cost amending at the same time the cost of another scheme or costs of other schemes within the programme (including the deletion of such schemes in their entirety) such that the total cost of the programme remains unaltered; or
 - (b) add the scheme to the approved programme, as above, with no amendment or deletion of any other schemes included in the programme, thereby increasing the total cost of the programme; or
 - (c) deal with the proposal by a combination of the two methods provided for at a and b above.
- Bf8 Directors shall:
- (a) be authorised to incur expenditure upon any capital scheme within their area of responsibility strictly in accordance with the approved estimate relating to it;
 - (b) continuously monitor the progress of each capital scheme within his area of responsibility, comparing actual expenditure incurred, or likely to be incurred, with the approved estimate for the scheme.
- Bf9 If it appears to a Director that an excess of expenditure has occurred, or is likely to occur, relating to a scheme within his area of responsibility, he shall immediately report the variation to the Cabinet.
- Bf10 The Cabinet on receiving a report concerning an actual or probable estimate variation shall resolve:
- (a) to reduce the extent of the scheme and approve a revised estimated cost for it in order to contain its cost within the approved estimate; or
 - (b) to deal with the variation by means of virement, by reducing the estimate relating to another scheme or schemes within the approved capital programme sufficient to cover it; or
 - (c) to approve a supplementary estimate for the amount of the variation; or
 - (d) not to proceed with the scheme.
- In determining how to deal with an estimate variation, the Cabinet shall have regard to the factors referred to in Financial Regulation Bf6, sub paragraph a.
- Bf11 No expenditure shall be incurred on any scheme which is to be financed, in whole or in part, by means of a grant or contribution from central government or another person or body until a written commitment, to the satisfaction of

the Executive Director (Resources and Support Services), has been received by the Council from the relevant government department, person, or body that it will be paid.

- Bf12 In the event of an anticipated grant or contribution not being payable or its amount being reduced to a material extent, having regard to the total cost of a scheme, or the conditions attached to its payment being materially altered, the Director responsible for the scheme shall inform the Executive Director (Resources and Support Services) and immediately report this occurrence to the Cabinet.
- Bf13 Where a shortfall of grant or contribution, or a material change in conditions, is reported to the Cabinet it shall treat it as an estimate variation and follow the procedure described in Financial Regulation Bf10.
- Bf14 In cases only of genuine emergency, where it can be demonstrated that urgent Cabinet approval, outside of normal Cabinet meeting dates, is necessary to a proposal to incur capital expenditure upon a scheme, including a request for a supplementary estimate or virement as a result of an estimate variation, the extraordinary procedure permitted by Financial Regulation Bb16 shall apply.

In all cases where the extraordinary procedure permitted by this Financial Regulation is followed, the same information and advice, which would be provided, in the form of a report, to a normal meeting of the Cabinet, shall be provided to the Cabinet Member. In particular he must be informed whether the proposed expenditure is within the sum included for the scheme within the approved capital programme.

A copy of all such approvals shall be provided to the Head of Business Improvement, Central Services and Partnerships.

- Bf15 The Executive Director (Resources and Support Services) shall determine the method of financing to be employed in respect of each capital scheme, subject to any instructions which may be given by the Cabinet.
- Bf16 Directors shall ensure that adequate records are maintained in respect of all capital contracts.
- Bf17 All claims or requests for any grant or contribution which may be payable towards capital expenditure incurred by the Council shall be made as soon as is possible. The Executive Director (Resources and Support Services) shall be responsible for the submission of all such claims or requests and for liaison with the external auditor wherever certification of a grant claim is required. However, he may, in appropriate cases, agree that another Director shall submit a claim or request, provided that the Director complies with any instructions that he may give. In such cases the Executive Director (Resources and Support Services) shall be supplied promptly with a copy of the claim or request which has been submitted. Directors shall promptly supply the Executive Director (Resources and Support Services) with any information which he may require in order to submit a claim or request within any time scale laid down by the body or person to whom the claim is to be submitted.
- Bf18 The Executive Director (Resources and Support Services) shall be responsible for the submission of all bids for Supplementary or other Credit Approvals from central government. However, he may, in appropriate cases, agree that another Director shall submit such a bid provided that the Director complies with any instructions that he may give. In such cases the Executive Director (Resources and Support Services) shall be supplied promptly with a copy of the bid which has been submitted. Directors shall promptly supply the Executive Director (Resources and Support Services) with any information that he may require in order to submit a bid within any timescale laid down.
- Bf19 No bid under any government, EU or other programme shall be made for capital grant or other resources where this may commit the Council to capital expenditure not already approved until the proposed bid has been referred to and approved by the Cabinet. The Cabinet shall consider the effect that a successful bid would have upon the capital programme, taking into consideration the resources available to finance capital expenditure and may approve any schemes involved and amend the programme accordingly. The Cabinet shall be kept informed of the progress of any bid, including any changes which may be proposed to its composition or to the amount of any external resources to be provided and shall, if it considers it to be necessary require that the bid be withdrawn. The Chief Executive or his delegated employee or the Cabinet may accept any offer, which may be made to the Council as a result of a bid submission which is within the approved capital programme budget. Full Council approval will be required for a bid that exceeds the total of the approved capital programme.
- Bf20 No lease, hire, rental or other arrangement of a similar nature which involves a charge against the Council's credit approvals shall be entered into without reference, together with the Executive Director's (Resources and Support Services) comments thereon, to the Cabinet for approval.

- Bf21 The Executive Director (Resources and Support Services) shall be consulted before any proposal is considered to either acquire or dispose of capital assets, including by way of exchange, in order that he may advise with regard to the impact of the capital control regulations upon the proposed transaction.
- Bf22 Upon completion of each capital scheme a report shall be made to the Cabinet of its costs and any other relevant matters. This report may take the form of a schedule of completed schemes, reported periodically to Cabinet, showing the relevant data for each individual completed scheme.
- Bf23 The Executive Director (Resources and Support Services) shall ensure that a Capital Strategy is produced and revised annually. He shall submit the Strategy to the Cabinet for consideration and to the Full Council for approval.

Explanatory notes

The key controls for capital programmes are: -

- ◆ ***There is specific annual approval by the Full Council for the programme of capital expenditure. During the year the Cabinet is responsible for approving additions or other changes to the programme.***
- ◆ ***A scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for approval by cabinet.***
- ◆ ***New schemes must be submitted to the Capital Programme Review Group for appraisal prior to being submitted to Cabinet or Full Council. The Group also monitors progress against the Capital Programme.***
- ◆ ***Approval by the Cabinet where capital schemes are to be financed from the revenue budget, up to a specified amount, and subject to the approval of the full council, where the expenditure exceeds this amount***
- ◆ ***Proposals for improvements and alterations to buildings must be approved by the appropriate Director***
- ◆ ***Schedules for individual schemes within the overall budget approved by the Full Council must be submitted to the Cabinet for approval (for example, minor works), or under other arrangements approved by the full council***
- ◆ ***The development and implementation of asset management plans***
- ◆ ***Accountability for each proposal is accepted by a named manager***
- ◆ ***Monitoring of progress in conjunction with expenditure and comparison with approved budget.***

C: RISK MANAGEMENT AND CONTROL OF RESOURCES

Risk management

- Ca1 Risk management is the planned and systematic approach to the identification, evaluation and control of risk. The Audit and Risk Committee shall approve a risk management Strategy for the Council and shall promote a culture of risk management awareness throughout the Council.
- Ca2 The Executive Director (Resources and Support Services) shall;
- (a) Chair the Corporate Governance Working Group, comprising of at least one representative of each Director and any other individuals he may deem appropriate. The Group shall advise the Audit and Risk Committee of any risks to the Council and shall be responsible for the review, updating and promotion of the risk management strategy. It shall propose any amendments to the Strategy that it considers necessary to the Audit and Risk Committee.
 - (b) Be responsible for developing risk management controls in conjunction with other Directors.
- Ca3 Directors shall:
- (a) Be responsible for risk management and must have regard to advice from the Chief Executive and the Executive Director (Resources and Support Services and other specialist employees (e.g. crime prevention, fire prevention, health and safety and cash handling).
 - (b) Ensure that there are regular reviews of risk within their departments.
 - (c) Complete the Corporate Strategic/Operational Risk Assessment Control documents for each service and update them annually.
 - (d) Ensure that business continuity plans are compiled and maintained in respect of all business critical systems and that comprehensive working notes - explaining those systems' mode of operation - are compiled and maintained.
 - (e) Utilise the corporate IT system for risk management (currently GRACE) to record and manage their risks and shall promptly supply any data requested for its update to the Head of Business Improvement, Central Services and Partnerships.
 - (f) Ensure that all inspections or programmes of work designed to identify or mitigate risks which are required by law or by the Council are carried out and evidence is retained to show that this has been done.
- Ca4 All reports shall contain reference to any major risks which the item reported upon may have for the Council and, where appropriate, a risk assessment in the corporate style will be appended.

Explanatory note

Procedures should be in place to identify, assess, prevent or contain material known risks and ensure these procedures are operating effectively throughout the Council.

A monitoring procedure is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls.

Risk management processes should be conducted on a continuing basis, managers should know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives. Provision may be made for losses that might result from the risks that remain through insurance.

The Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

Insurances

- Cb1 The Head of Business Improvement, Central Services and Partnerships shall be responsible for the arrangement of appropriate insurance cover through external insurance and internal funding. He shall, after such consultation as he thinks appropriate with other employees, settle all claims within individual policy excesses, and pass on all claims over individual policy excesses to the relevant insurer.

- Cb2 Directors shall:
- (a) give prompt notification to the Head of Business Improvement, Central Services and Partnerships of all new risks, properties, vehicles or any other assets which require to be insured and of any alteration affecting existing insurances;
 - (b) notify the Head of Business Improvement, Central Services and Partnerships in writing of any loss, liability or damage or any event likely to lead to a claim against the Council together with any information or explanation required by him or the Council's insurer's, and inform the police where necessary;
 - (c) ensure that all appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance;
 - (d) consult the Head of Business Improvement, Central Services and Partnerships in respect of any indemnity which the Council is requested to give;
 - (e) ensure that employees, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.
- Cb3 The Head of Business Improvement, Central Services and Partnerships shall:
- (a) keep a register of all insurances arranged by the Council and the property and risk covered by them;
 - (b) annually or at such other period as he may consider necessary, furnish Directors with details of all insurances in force affecting their Departments. Each Director shall review all such insurances, and any risks not insured against, or inadequately insured against, shall be notified immediately to the Head of Business Improvement, Central Services and Partnerships;
 - (c) ensure the adequacy of all insurances entered into by contractors of the Council. Contractors carrying out work for the Council shall have a minimum level of Public Liability insurance cover as specified by the Cabinet, unless a lower figure has been agreed in advance with the Head of Business Improvement, Central Services and Partnerships. An employee shall not authorise work to be commenced by a Contractor until the Head of Business Improvement, Central Services and Partnerships has advised such an employee that the appropriate insurances have been effected to his satisfaction.

Explanatory note

The Head of Business Improvement, Central Services and Partnerships is responsible for arranging insurance cover and for settling claims. It is the duty of Directors to notify the Head of Business Improvement, Central Services and Partnerships of all new risks and possible claims.

Procedures are in place to investigate claims within required time scales

Acceptable levels of risk are determined and insured against where appropriate.

Internal controls

- Cc1 The Council accepts that controls and control systems must be in place to ensure that its financial and other activities are carried out in a secure environment, in a manner that complies with the law and that fulfils its stewardship obligations. To achieve this, the following key controls and control objectives and systems shall be in place:
- (a) key controls shall be reviewed on a regular basis and the Council shall make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively;
 - (b) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities;
 - (c) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems;
 - (d) an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Auditing Practices Board's auditing guideline 'Guidance for Internal Auditors, CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom' and with any other statutory obligations and regulations.
- Cc2 The Executive Director (Resources and Support Services), in conjunction with the Audit Manager, shall assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

- Cc3 Directors shall:
- (a) manage processes to check that established controls are being adhered to and evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks;
 - (b) review existing controls in the light of changes affecting the Council and establish and implement new ones in line with guidance from the Executive Director (Resources and Support Services). Directors shall also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication after consultation with the Executive Director (Resources and Support Services);
 - (c) ensure that employees have a clear understanding of the consequences of lack of control.

Explanatory note

The Council is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.

The Council has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.

The Council faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.

The system of internal controls is established in order to provide measurable achievement of:

- (a) efficient and effective operations***
- (b) reliable financial information and reporting***
- (c) compliance with laws and regulations***
- (d) risk management.***

Audit requirements

Internal audit

- Cd1 The Council under delegation to the Executive Director (Resources and Support Services) shall maintain an adequate and effective continuous internal audit of all the Council's activities. Such internal audit is to be performed in accordance with the Accounts and Audit (England) Regulations 2011 and with the policy statements on internal audit issued by the Chartered Institute of Public Finance and Accountancy.
- Cd2 Internal Audit shall be independent in its planning and operation. The Audit Manager shall have direct access to the Head of Paid Service, all levels of management and to elected Members. Internal Auditors shall comply with the Public Sector Internal Audit Standards (PSIAS) as interpreted by the Chartered Institute of Public Finance and Accountancy's Application note.
- Cd3 Internal Auditors shall have the authority to:
- (a) enter at all reasonable times any Council establishment;
 - (b) have access to all records, documents, information and correspondence relating to any financial and other transaction as he considers necessary;
 - (c) evaluate the adequacy and effectiveness of internal controls designed to secure assets and data to assist management in preventing and deterring fraud;
 - (d) request explanations as considered necessary to provide assurance as to the correctness of any matter under examination;
 - (e) require any employee of the Council to produce cash, materials or any other Council property in their possession or under their control;
 - (f) access records belonging to third parties, such as contractors, when required and
 - (g) directly access the Chief Executive, the Cabinet and the Audit and Risk Committee.
- Cd4 The Audit Manager shall:
- (a) prepare the strategic and annual audit plans which will take account of the relative risks of the audit areas and submit such plans for approval to the Audit and Risk Committee;
 - (b) be notified immediately by any Director, of any circumstances which may suggest the possibility of irregularity affecting cash, stocks or other property of the Council and of the potential of any fraud or corrupt activities. The Audit Manager shall report to the Chief Executive, the Section 151 Officer, the Full Council, Audit and Risk

Committee, Cabinet, Standards Committee, or the external auditor any matter of a significant nature. Pending investigation and reporting, the Audit Manager shall take all necessary steps to prevent further loss and to secure records, information and documentation against removal or alteration;

- (c) exercise the utmost confidentiality in all matters relating to the audit of the Council's activities; and
- (d) ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

Cd5 Directors shall:

- (a) ensure that all employees within their departments are aware of the Council's fraud and corruption policy and the arrangements for "whistleblowing" contained therein;
- (b) ensure that Internal Auditors are given access at all reasonable times to premises, personnel, documents, information and assets that the auditors consider necessary for the purposes of their work;
- (c) ensure that auditors are provided with any information and explanations that they seek in the course of their work;
- (d) consider and respond promptly to recommendations in audit reports;
- (e) ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion and
- (f) ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Executive Director (Resources & Support Services) and the Audit Manager prior to implementation.

Explanatory note

The Executive Director (Resources and Support Services) by delegation is required by statute to maintain an adequate and effective internal audit of the Council in order to guard against waste and fraud and is therefore, entitled to examine all documents, records and computer files maintained by the Council. Where an irregularity is suspected it is important that the Audit Manager becomes involved as quickly as possible so that for example, the rules of evidence are not breached.

It is management's responsibility to prevent and detect fraud arising. The audit function is to investigate the surrounding circumstances and report on the adequacy of internal controls.

External audit

Ce1 The Executive Director (Resources and Support Services) shall:

- (a) ensure that external auditors are given access at all reasonable times to premises, personnel, documents, information and assets that the external auditors consider necessary for the purposes of their work;
- (b) ensure there is effective liaison between external and internal audit;
- (c) work with the external auditor and advise the Full Council, Cabinet, Audit and Risk Committee and Directors on their responsibilities in relation to external audit.

Ce2 Directors shall:

- (a) ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work;
- (b) ensure that all records and systems are up to date and available for inspection.

Explanatory note

The Audit Commission appoints the Council's external auditors. The Audit Commission prepares a code of audit practice, which external auditors follow when carrying out their audits.

Preventing Fraud and Corruption

Cf1 The Audit Manager shall:

- (a) develop and maintain an anti-fraud and anti-corruption policy;
- (b) maintain adequate and effective internal control arrangements;
- (c) ensure that all suspected irregularities are reported to the Chief Executive, the Section 151 Officer and the Audit and Risk Committee.

Cf2 Directors shall:

- (a) ensure that all suspected irregularities are reported to the Audit Manager;

- (b) instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour;
- (c) ensure that where financial impropriety is discovered, the Audit Manager is informed and after taking legal advice to ensure that sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place;
- (d) ensure that they and their employees complete the register of interests maintained by the Monitoring Officer;
- (e) ensure that they and their employees comply with the anti-fraud and anti-corruption policy and the advice provided to employees.

Cf3 The Audit Manager as Monitoring Officer shall have overall responsibility for the maintenance and operation of the whistleblowing policy.

Explanatory note

The Council will not tolerate fraud and corruption and its expectations of propriety and accountability are that Members and employees at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

The key controls regarding the prevention of financial irregularities are that: the Council has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption; all Members and employees act with integrity and lead by example; senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council or who are corrupt; high standards of conduct are promoted amongst Members by the Standards Committee; the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded; whistle blowing procedures are in place and operate effectively and that legislation including the Public Interest Disclosure Act 1998 is adhered to.

Irregularities must be reported to the Audit Manager immediately when they occur in order to ensure that, amongst other things, rules of evidence are not breached.

Assets

- Cg1 The Executive Director (Regeneration and Development), in conjunction with the Executive Director (Resources and Support Services), shall keep an Asset Register which shall record all of the material capital assets owned by the Council, together with their values. Assets shall be valued in accordance with the 'Code of Practice on Local Authority Accounting in the United Kingdom (published by CIPFA). The Asset Register shall be kept up to date and in accordance with the requirements of the Executive Director (Resources and Support Services). Directors shall supply any information required by the Executive Director (Regeneration and Development) or the Executive Director (Resources and Support Services) in order to maintain the Register.
- Cg2 The Executive Director (Regeneration and Development) shall maintain an up to date terrier of all land owned, leased or licensed by the Council and of land sold or leased off. The terrier must:
- (a) record the purpose for which the land is held and;
 - (b) record the location, extent and plan reference of the land.
- Cg3 The Executive Director (Regeneration and Development) shall ensure that an Asset Management Plan is produced and revised annually. Assisted by relevant Directors, he shall ensure that the plan is implemented and monitor performance against the targets and outputs contained in the plan.
- Cg4 Directors shall:
- (a) provide information to the Executive Director (Regeneration and Development) on an annual basis, for him to update the Asset Management Plan;
 - (b) ensure that lessees and other prospective occupiers of council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved in consultation with the Head of Business Improvement, Central Services and Partnerships and Executive Director (Regeneration and Development) has been established as appropriate;
 - (c) ensure that arrangements exist for the proper security of all buildings, stocks, furniture, vehicles, equipment, money, and any other property under their control. They must ensure that all conditions of insurance are complied with in respect of cash and valuables;

- (d) ensure that cash holdings on premises are kept to a minimum and do not exceed limits for unbanked money as set in Financial Regulation Dk4 without the express permission of the Executive Director (Resources and Support Services);
- (e) ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times. The loss of any such keys shall be reported to the Audit Manager immediately;
- (f) be responsible for conforming with the Data Protection Acts, the Government's Public Services Network (PSN) and the Government Security Classifications scheme (GSC) and maintaining proper security and privacy regarding information held in the Council's computerised and manual systems;
- (g) ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the council in some way;
- (h) ensure that all removable media supplied by external sources are checked for viruses before being used on Council equipment and that computer systems are used in line with approved policies and legislation;
- (i) ensure that any Council data stored on removable media is held on Council provided encrypted media in accordance with approved policies;
- (j) ensure that no Council asset is subject to personal use by an employee without proper authority;
- (k) ensure that all employees are aware of their responsibilities with regard to safeguarding the security of the council's computer systems, including maintaining restricted access to the information held on them and compliance with the Council's information management security and email and internet policies;
- (l) recommend sale of an asset, subject to a joint report by themselves and the Executive Director (Resources and Support Services), where land or buildings are surplus to requirements;
- (m) pass title deeds to the Head of Business Improvement, Central Services and Partnerships;
- (n) ensure that assets are identified, their location recorded and that they are appropriately marked and insured;
- (o) consult the Executive Director (Resources and Support Services) and the Audit Manager in any case where security is thought to be defective or where it is considered that special security arrangements may be needed;
- (p) record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the Executive Director (Resources and Support Services), the Cabinet agrees otherwise.

Cg5 All documents of title, deeds, investment certificates etc. shall be kept in a secure place by the Head of Business Improvement, Central Services and Partnerships.

Explanatory note

The Council holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Directors are responsible for all security matters within their Departments.

Inventories

Ch1 Directors shall ensure that all Departments and Establishments maintain inventories under their control. Inventories shall record an adequate description of furniture, fittings, equipment, plant and machinery owned by the Council, with an initial purchase value in excess of that agreed by the Council. Directors should, where they consider it appropriate, also include items where the cumulative purchase value exceeds the figure set by the Council and those items of a portable and desirable nature below this limit.

Ch2 All Directors shall notify the Executive Director (Resources and Support Services) of details of all ICT hardware equipment and software in order that he can maintain a central inventory. Directors are responsible for ensuring that only authorised software is utilised in their Departments and that no illegal copies are obtained or made operational.

Ch3 Inventories shall be in a form approved by the Audit Manager.

- Ch4 Each Director shall carry out an annual check of all items on the inventory in order to verify location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Council.
- Ch5 The Audit Manager shall have access to all Council property and to the inventories and any relevant documents.
- Ch6 The Council's property shall not be removed except in accordance with the ordinary course of the Council's business. Council property shall only be used for the Council's purposes unless specifically authorised by the appropriate Director.

Explanatory note

Directors are responsible for maintaining records of furniture, fittings and equipment under their control. The regulations cover movements, write offs and disposals of such property. The disposal of obsolete materials and equipment is normally by means of tenders to buy.

Stocks

Records

- Ci1 Each Director shall:
- (a) be responsible for the care and custody of stocks in his department. Stock accounts and records, including records of issues, write-offs and other adjustments, shall be kept by the Director in such form as may be approved by the Executive Director (Resources and Support Services);
 - (b) furnish the Executive Director (Resources and Support Services) with such documentation in connection with stock records or cost records as may be necessary for the purpose of completing the accounting and financial records of the Council. The Executive Director (Resources and Support Services), in conjunction with the Director concerned, shall determine the method to be followed in the valuation of stocks.
- Ci2 A delivery note signed by the person receiving the supplies shall be obtained in respect of every delivery of supplies at the time of delivery. All supplies shall be checked for quantity at the time delivery is made and inspected for quality and compliance with the specification as soon as possible after delivery, following which FIMS shall be immediately updated with delivery details.

Verification of Stocks

- Ci5 Annually at 31st March, or such other date as may be agreed with the Executive Director (Resources and Support Services), a complete stock taking of all items shall be carried out by a responsible employee authorised for that purpose by each Director. That employee shall be responsible for ensuring that actual physical stocks agree with the stock records. However, annual stocktakings may be waived in cases where the Executive Director (Resources and Support Services) is satisfied that a satisfactory system of continuous stocktaking is in operation.
- Ci6 Senior Managers shall:
- (a) sign all stock sheets or stock records and certify that the particulars and prices shown on them are correct;
 - (b) forward to the Executive Director (Resources and Support Services) such certificates relating to stocks as the Executive Director (Resources and Support Services) may require.

Stock Levels

- Ci7 Directors shall be responsible for ensuring that stocks are not held in excess of reasonable requirements.
- Ci8 No deficiency in stocks, and no items, which have become unserviceable, obsolete, stolen or irrecoverable shall be written off except on the authority of:
- (a) the Executive Director (Resources and Support Services) on the recommendation of the Director if the current value on the open market is not greater than that agreed by Council;
 - (b) the Cabinet on the recommendation of the Director and the Executive Director (Resources and Support Services) if the current value on the open market is greater than that agreed by Council.

Explanatory note

It is the responsibility of Directors to keep accurate records of the stocks received, held and issued by their Departments.

Directors must also ensure that actual stock levels are verified with stock records on a continuous basis or at least annually.

It is in the interests of the Council that stocks are kept at optimum level and Directors are responsible for ensuring that procedures exist to ensure this.

Intellectual property

Cj1 The Head of Business Improvement, Central Services and Partnerships shall provide advice on intellectual property procedures.

Cj2 Directors shall ensure that controls are in place to ensure that employees do not carry out private work in Council time and that employees are aware of an employer's rights with regard to intellectual property.

Explanatory note

Certain activities undertaken within the Council may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property. In the event that the Council decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the advice.

Asset disposal

Ck1 The Executive Director (Resources and Support Services) shall:
(a) issue guidelines representing best practice for disposal of assets;
(b) ensure appropriate accounting entries are made to remove the value of disposed assets from the Council's records and to include the sale proceeds if appropriate.

Ck2 Directors shall:
(a) seek advice and agreement from the Audit Manager on the disposal of surplus or obsolete materials, stocks, vehicles, plant and equipment, etc before deletion from an inventory or stock list;
(b) ensure that income received for the disposal of an asset is properly banked and coded;
(c) notify the Executive Director (Resources and Support Services) of any material surplus in stocks, etc. in excess of requirements, having a resale value. These shall be disposed of by competitive tender in accordance with the provisions in the Council's Standing Orders relating to contracts or by public auction dependant on the type of supplies and the values concerned.

Explanatory notes

It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the Council.

Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the Council, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.

Procedures protect employees involved in the disposal from accusations of personal gain.

Where the value of the asset to be written off/disposed of exceeds the amount as per the monetary amounts table this should be done in liaison with the Audit Manager. Assets below this value should be approved for write off/disposal by the relevant Business Manager or Head of Service. Managers should ensure that following the disposal of an asset all inventories are updated accordingly.

IMPREST ACCOUNTS (Petty cash)

- CI1 The Executive Director (Resources and Support Services) shall:
- (a) maintain an imprest account for making departmental petty cash advances for petty cash purposes, i.e. urgent payments;
 - (b) provide employees of the Council with cash or bank imprest accounts to meet minor expenditure on behalf of the Council and prescribe rules for operating these accounts. A receipt shall be signed in respect of each advance by the employee concerned who shall be held responsible for the cash advance received;
 - (c) determine the petty cash limit and maintain a record of all transactions and petty cash advances made, and periodically review the arrangements for the safe custody and control of these advances;
 - (d) reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.
- CI2 Directors shall ensure that employees operating an imprest account:
- (a) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained;
 - (b) make adequate arrangements for the safe custody of the account;
 - (c) provide and forward details of the expenditure with supporting receipts and vouchers to the Executive Director (Resources and Support Services) with a claim for reimbursement at times agreed with him;
 - (d) limit payments out of departmental petty cash to those items/types of expenditure specified in the rules (see Appendix A) in relation to the type of expenditure which may be met from petty cash, not exceeding the level set by Council except by special arrangement with the Executive Director (Resources and Support Services) and all payments shall be supported by a receipt and a certified voucher;
 - (e) produce upon demand by the Audit Manager cash and all vouchers to the total value of the imprest amount;
 - (f) cross through receipts to avoid duplicate use as reclaimed from petty cash;
 - (g) record transactions promptly;
 - (h) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder;
 - (i) provide the Executive Director (Resources and Support Services) with a certificate of the value of the account held at 31 March each year;
 - (j) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made;
 - (k) on leaving the Council's employment or otherwise ceasing to be entitled to hold an imprest advance, account to the Executive Director (Resources and Support Services) and the Audit Manager for the amount advanced to them and repay the Executive Director (Resources and Support Services) the balance of the advance held by them.
- CI3 Staff shall not use loyalty cards when making petty cash purchases.

Explanatory note

Advance accounts are authorised to enable petty cash and other minor expenses to be defrayed, rules in relation to the type of expenditure which may be met from petty cash can be found on the Accountancy area of the Council's intranet site.

A cash advance will be given to an authorised employee who must always be in a position to account for the full amount of the advance.

Complete and comprehensive records of all transactions should be maintained.

Staff must not use loyalty cards (such as Tesco Clubcards, Boots Advantage Cards, etc) when making petty cash purchases. These are personal to the cardholder and if used to make purchases on behalf of the Council, there are tax implications for the Council.

Treasury Management

- Cm1 All treasury management activities shall be carried out in accordance with the Council's approved Treasury Management Policy Statement. The Executive Director (Resources and Support Services) shall review the Policy

Statement annually and report to the Full Council upon any amendments that may be required to it. The Full Council must approve all such amendments.

Cm2 The Executive Director (Resources and Support Services) shall:

- (a) report to Council at any time, as he considers necessary, upon matters relating to treasury management activities. All such reports shall be made to either the Full Council or the Cabinet or the Audit and Risk Committee, as appropriate and consistent with these regulations.
- (b) compile a Treasury Management Strategy Report, to include an annual investment strategy, covering treasury management activities to be carried out during the following financial year. The report shall be submitted to the Full Council before the commencement of the year to which it relates and the Full Council must approve such a report before the year in question commences.
- (c) compile an annual report reviewing the previous year's treasury management activities. The report shall be submitted to the Audit and Risk Committee prior to being submitted to the Full Council by September 30th following the end of the year to which it relates. A mid-year report, reviewing treasury management activity to that point, shall be submitted to the Audit and Risk Committee.
- (d) compile, and the Cabinet approve, suitable Treasury Management Policies (TMPs). The Executive Director (Resources and Support Services) shall compile and maintain up to date schedules to the TMPs.
- (e) ensure that all treasury management transactions are recorded and that there is an effective division of duties between operations.
- (f) before the start of each year, ensure compliance with the Prudential Code of Practice and that the prudential indicators are compiled and approved by the Full Council.
- (g) monitor the prudential indicators and report to Full Council any deviations from them.

Cm3 All securities which are the property of or in the name of the Council or its nominees shall be held in the custody of the Head of Business Improvement, Central Services and Partnerships except in the case of externally managed funds which shall be held by an independent custodian approved by the Executive Director (Resources and Support Services).

Cm4 Loans shall not be made to third parties and interests shall not be acquired in companies, joint ventures or other enterprises without the approval of the Cabinet, following consultation with the Executive Director (Resources and Support Services).

Cm5 All trust, charitable and third party funds shall be held, wherever possible, in the name of the Council. All employees acting as trustees by virtue of their official position or otherwise shall deposit all relevant securities, etc with the Head of Business Improvement, Central Services and Partnerships. The responsible Director shall make arrangements, approved by the Executive Director (Resources and Support Services), for the secure administration of such funds and records, approved by him, shall be maintained of all transactions. All funds dealt with on behalf of such bodies shall be operated within any relevant legislation and the specific requirements of each body.

Explanatory note

Treasury Management is defined by the Chartered Institute of Public Finance and Accountancy (CIPFA) as "The Management of the Council's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks".

Apart from some arrangements in connection with leases of plant and equipment etc, all Treasury Management functions are carried out by the Executive Director (Resources and Support Services) under the direction of the Cabinet.

BANKING ARRANGEMENTS

- Cn1 The Executive Director (Resources and Support Services) shall operate any bank or giro accounts that are considered necessary. No bank or giro accounts shall be opened without the approval of the Executive Director (Resources and Support Services).
- Cn2 Payments and receipts shall be made and received electronically where approved in advance by the Executive Director (Resources and Support Services).
- Cn3 All cheques drawn on behalf of the Council shall bear the printed signature of the Executive Director (Resources and Support Services), or be signed personally by him or his designated authorised employee. Cheques in excess of the limits specified in the Monetary Amounts table must be signed personally by him or another employee designated in writing by him.
- Cn4 The Executive Director (Resources and Support Services) shall be responsible for:
- (a) making arrangements with regard to any payments from the Council's bank accounts by means of cheques or any other method;
 - (b) all arrangements concerning the amendment, stopping, opening and cancellation of cheques.
- Cn5 The Audit Manager shall be responsible for the ordering, safe custody and control and issue of cheques and for the preparation, signing and despatch of cheques.

Explanatory note

The Executive Director (Resources and Support Services) is responsible for organising the Council's banking arrangements and only authorised signatories can sign Council cheques.

The Council is moving towards making as many transactions as possible via electronic means. In doing this the controls in relation to electronic systems have to be considered to ensure that risks are managed and minimised and the possibility of fraud is not increased by using the electronic systems.

To combat the possibility of fraud, close supervision must be exercised over the supply, custody, preparation, signing and despatch of cheques. Procedures for amending, stopping, opening and cancellation of cheques must be tightly controlled. There is a presumption against the opening of cheques, and a clear policy is in place to address this.

STAFFING

- Co1 The Executive Director (Resources and Support Services) shall ensure that budget provision exists for all existing and new employees included on the approved establishment list. The budget will not include vacancies for which there is no budget provision.
- Co2 The Acting Head of Human Resources shall:
- (a) Compile and keep up to date an establishment list. A unique reference number shall identify each post included on the list. The list shall show, for each post, the grade applicable to that post and the name of the employee currently filling that post. (Where a post is not presently filled, substituting "vacant" for the employee's name shall indicate this). The list shall be set out according to the Council's current departmental structure;
 - (b) act as an advisor to Directors on areas such as National Insurance and pension contributions, as appropriate.
 - (c) Compile and keep up to date a Corporate Workforce Development Plan, which shall be approved by the Cabinet.
 - (d) Compile and keep up to date a Pay Policy Statement in accordance with Section 38 of the Localism Act 2011. This Statement will be submitted annually to Full Council for approval and published on the Council's internet site.
- Co3 Directors shall:
- (a) ensure that the personnel estimates are an accurate forecast of staffing levels and are equated to an appropriate revenue budget provision (including on-costs and overheads);

- (b) monitor employee activity to ensure adequate control over such costs as sickness (where the Council's Absence Management Procedures must be applied), overtime, training and temporary employees (the procedures for the employment of agency staff, issued by the Acting Head of Human Resources must be followed where such staff are to be engaged);
- (c) ensure that the personnel estimates are not exceeded without due authority and that they are managed to enable the agreed level of service to be provided;
- (d) ensure that the Executive Director (Resources and Support Services) is immediately informed if the personnel estimate is likely to be materially over- or underspent;
- (e) ensure that employees are appointed only to posts included in the Council's establishment list and for which adequate budget provision has been made to meet the costs of employing such employees;
- (f) have regard to the Corporate Workforce Development Plan;
- (g) follow the Council's recruitment procedures;
- (h) apply the Council's Capability Procedures in relation to individual posts and staff occupying those posts.

Explanatory notes

In order to provide the highest level of service, it is crucial that the Council recruits and retains high calibre, knowledgeable employees, qualified to an appropriate level.

The key controls for staffing are that:

- ◆ ***an appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched;***
- ◆ ***procedures are in place for forecasting staffing requirements and cost;***
- ◆ ***controls are implemented that ensure that staff time is used efficiently and to the benefit of the Council and***
- ◆ ***checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.***

D: FINANCIAL SYSTEMS AND PROCEDURES

General

- Da1 The Executive Director (Resources and Support Services) shall make arrangements for the proper administration of the Council's financial affairs, including to:
- (a) issue advice, guidance and procedures for employees and others acting on the Council's behalf;
 - (b) determine the accounting systems, form of accounts and supporting financial records;
 - (c) establish arrangements for audit of the Council's financial affairs;
 - (d) approve any new financial systems to be introduced and approve any changes to be made to existing financial systems.
- Da2 Directors shall ensure:
- (a) that accounting records are properly maintained and held securely;
 - (b) that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Audit Manager;
 - (c) in respect of any financial system employed by incorporating appropriate controls, that:
 - (a) all input is genuine, complete, accurate, timely and not previously processed;
 - (b) all processing is carried out in an accurate, complete and timely manner;
 - (c) output from the system is complete, accurate and timely.
 - (d) that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice;
 - (e) that all systems are documented and employees required to operate them are trained in their operation;
 - (f) that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained;
 - (g) that no existing financial system shall be changed or new system introduced without consulting the Executive Director (Resources and Support Services).

Delegation

- Db1 Directors shall supply lists of authorised employees, with specimen signatures and delegated limits, to the Executive Director (Resources and Support Services), together with subsequent variations, in respect of payments, income collection and placing orders.

Information Security

- Dc1 Directors shall take all necessary action to ensure compliance with the Council's Information Security Management Policies, including to:
- (a) ensure that there is a documented and tested disaster recovery plan to allow critical information system processing to resume quickly in the event of an interruption;
 - (b) ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information shall be securely retained, electronically at an alternative location;
 - (c) ensure that where, appropriate, computer systems are registered in accordance with data protection legislation and that employees are aware of their responsibilities under that legislation;
 - (d) ensure that relevant standards and guidelines issued by the Executive Director (Resources and Support Services) via the Information Security Group are observed;
 - (e) ensure that software and computer equipment including all mobile computer equipment and telephony are protected from loss and damage through theft, vandalism, etc; and
 - (f) comply with the copyright, design and patents legislation, in particular to ensure that only software legally acquired and installed by the Council is used on its computers, that employees are aware of legislative provisions and that in developing systems due regard is given to the issue of intellectual property rights
 - (g) ensure that all unwanted ICT equipment is returned to ICT for secure disposal.
- Dc2 Directors shall have regard to the requirements of the Public Services Network (PSN) and the Government Security Classification Scheme (GSC)) in relation to information security and shall take all necessary action to ensure compliance with the directives in all respects, as notified to them by the Executive Director (Resources and Support Services) and the Head of Customer and ICT Services.

Explanatory notes

The key controls for systems and procedures are:

- (a) basic data exists to enable the Council's objectives, targets, budgets and plans to be formulated**
- (b) performance is communicated to the appropriate managers on an accurate, complete and timely basis**
- (c) early warning is provided of deviations from target, plans and budgets that require management attention**
- (d) operating systems and procedures are secure**

The Government has published a Code of Connection (CoCo) which all public authorities who transmit or receive data to or from central government departments must comply with. The Code sets out standards and procedures relating to information security which must be complied with, otherwise the Council will not be permitted to exchange electronic data with any government departments. It is, therefore, absolutely essential that the Council complies with the Code in all respects.

Income and Expenditure

Recording and notification of sums due

- Dd1 The collection of all monies due to the Council shall be under the control of the Executive Director (Resources and Support Services).
- Dd2 The Executive Director (Resources and Support Services) in conjunction with the Director concerned shall make and maintain adequate arrangements to ensure the proper recording of all sums due to the Council and for its prompt collection and the custody, control, and deposit, of all money received, and for the prompt and proper accounting of such money.
- Dd3 Directors shall ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded
- Dd4 The Head of Business Improvement, Central Services and Partnerships, or Directors where appropriate, shall inform the Executive Director (Resources and Support Services) as soon as possible of all monies due to the Council under contracts, leases, tenancy agreements, licenses, agreements for sales of property and any other agreements involving the receipt of monies by the Council. They shall also review leases, tenancy agreements, licences and any other agreements, which involve the receipt of money, at regular and reasonable intervals. The Executive Director (Resources and Support Services) shall have the right to inspect any documents or other evidence in connection with such matters.
- Dd5 The Executive Director (Resources and Support Services) shall be informed whenever significant expenditure is likely to occur in an area of activity that generates VAT exempt income and whenever a new or a one-off source of VAT exempt income is to be generated.
- Dd6 Cash payments in excess of £2,000 will not be accepted by the Council. Other payments in excess of £2,000 that are not paid directly to the bank shall only be received at the Civic Offices or Guildhall via the payment machines or the designated cashier.
- Dd7 All Directors shall ensure that employees involved in handling payments are aware of and comply with the Money Laundering Guidance.
- Dd8 All claims for reimbursements, contributions, grants etc. shall be made by the Executive Director (Resources and Support Services), or by arrangement with him, by the appropriate Director. Any information required for the completion of such claims shall be supplied promptly to the Executive Director (Resources and Support Services) or to his Grant Coordinator by the Director concerned. All such claims shall be made promptly and by the due dates and the Executive Director (Resources and Support Services), or other Director, where the claim was made by them, shall ensure that all monies due to the Council are received.

Separation of Duties

- De1 Directors shall ensure that the responsibility for cash collection should be separated from that:
- (a) for identifying the amount due;
 - (b) for reconciling the amount due to the amount received.

Receipts

- Df1 Employees shall only give a receipt for money received on behalf of the Council on the official receipt form or in the event of electronic transactions by providing a receipt transaction number, no other form of receipt shall be used. Where a receipt is not required for a payment, no receipt will be issued but a separate record shall be kept of all such payments.
- Df2 Every transfer of money from one employee to another shall be evidenced in the records of the Departments concerned. The receiving employee must sign for the transfer and the transferor must retain a copy.

Money Received

- Dg1 Income shall not be used to cash personal cheques or other payments.
- Dg2 Where cheque payments are presented personally, the receipting employee shall ensure that a cheque guarantee card supports such payments. They shall also ensure:
- (a) that the card holder signs the cheque in the presence of the receipting employee, who must ensure that the signature corresponds with that on the cheque card;
 - (b) that the code number shown on the cheque guarantee card is the same as that shown on the cheque;
 - (c) that the receipting employee personally writes the card number on the reverse of the cheque;
 - (d) that the amount of the payment does not exceed the limit shown on the face of the card;
 - (e) that the card expiry date has not passed.

Exceptions to this process will only be allowed where there is an account raised for the debt or with the written approval of the Executive Director (Resources and Support Services).

- Dg3 All cheques received shall be made payable to "Newcastle Under Lyme Borough Council". All bank payments must be into the Council's General Fund Account or other account if specified by the Executive Director (Resources and Support Services).
- Dg4 Receipts, in excess of £10,000, and any bank payments from unknown or overseas banks shall be evaluated and evidenced to ensure the legitimate source of the funds.

Payment by Credit and Debit cards

- Dh1 Directors shall consult with the Executive Director (Resources and Support Services) before introducing facilities for payment by credit or debit cards.
- Dh2 All operational and commission costs relating to facilities for payment by credit and debit cards are to be met from the budget of the department offering the facilities, payments made by credit cards will be subject to the charge agreed by Cabinet.
- Dh3 Payments shall only be collected for credit income at establishments authorised by the Executive Director (Resources and Support Services) and on systems approved by him. This includes payments over the Internet via the Council's website which will be permitted subject to the approval of the Executive Director (Resources and Support Services). Credit income includes council tax, community charge, business rates and debtors accounts.
- Dh4 Payments will not be accepted by this method where the Council acts as a collecting agent on behalf of another organisation unless all associated processing fees are met by the body concerned.
- Dh5 Where the cardholder is present for payment by credit and debit cards, the receipting employee shall ensure that:
- (a) the card holder signs the receipt in the presence of the receipting employee, who must ensure that the signature corresponds with that on the credit/ debit card or that the pin number is validated;

- (b) that the amount being paid has been authorised independently through the bank's terminal where the amount exceeds the level set by Council for credit cards and debit cards;
- (c) the cardholder is given a receipt from the authorising terminal as proof of payment and as well as the official receipt from the Council;
- (d) that the expiry date on the card is still valid;
- (e) payment by this method should be rejected if the card has expired, the signature is not comparable, or the PIN is not recognised.

Exceptions to this process will only be allowed with the written approval of the Executive Director (Resources and Support Services).

Dh6 A cash back facility shall not be available.

Dh 7 The Council must comply with the Payment Card Industry (PCI) Data Security Standards (DSS) and ensure the security of sensitive customer information. This specifically relates to merchant receipts produced from payment card machines. All staff involved in taking debit or credit card payments must adhere to the Council's Procedure for the Handling of Merchant Receipts and Customer Card Details.

Direct Debit Collection

Di1 Payments of sums due may be collected by mean of Direct Debit only with the prior approval of the Executive Director (Resources and Support Services)

Di2 The Revenues Manager shall:

- (a) process direct debit transactions for all departments in the Council (with the exception of Leisure Gym memberships);
- (b) process Direct Debit information within 48 hours (excluding weekend and bank holidays);
- (c) during processing, identify issues that will prohibit the collection of monies;
- (d) rectify any issues that will stop payment on the Direct Debit mandate;
- (e) set up Direct Debits on the customer's account;
- (f) set up Direct Debit collections to be made on 1st or 15th of the month for sundry debtors, on the 3rd, 15th or 25th of the month for Council Tax and on the 3rd of the month for National Non-Domestic Rates;
- (g) transmit claims to the bank and collect all of the returns reports, forwarding to Departments where necessary;
- (h) carry out recovery procedures for all departments in the Council (with the exception of Leisure Gym memberships) to ensure arrears are collected.

Di3 The Head of Leisure and Cultural Services (in respect of Direct Debit Collection arranged through the Leisure departmental system) shall:

- (a) ensure that Leisure and Cultural Services have a unique originators number;
- (b) process Direct Debit information within 48 hours (excluding weekend and bank holidays);
- (c) during processing identify issues that will prohibit the collection of monies;
- (d) rectify any issues that will stop payment on the Direct Debit mandate;
- (e) set up Direct Debits on the member's account;
- (f) set up Direct Debit collections to be made on 1st or 15th of the month;
- (g) request BACS and AUDDIS returns to identify customer arrears and automatically update membership database (where applicable);
- (h) request reports on payments collected and payments defaulted;
- (i) ensure arrears are collected.

Security

- Dj1 Directors shall:
- (a) hold securely unused receipts, tickets and other records of income. Used receipts, tickets and other records of income shall be held securely for the appropriate period as specified by the Executive Director (Resources and Support Services);
 - (b) lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.

Banking

- Dk1 Directors shall ensure, by arrangement with the Executive Director (Resources and Support Services), that all money received on behalf of the Council in any Department or Establishment is deposited with the Executive Director (Resources and Support Services) (except where by agreement with him the money is to be deposited directly with the Council's bankers).
- Dk2 For the purpose of paying money to the Council's bankers, the Executive Director (Resources and Support Services) shall provide a paying in book for the use of the employee; no other paying in stationery shall be used.
- Dk3 Every employee paying money to the Council's bankers shall enter on a paying in slip and on the counterfoil or duplicate, particulars of such payment, including in the case of each cheque paid in:
- (a) the amount of the cheque;
 - (b) some reference (such as the number of the receipt given or the name of the debtor) which will connect the cheque with the debt or debts in discharge or partial discharge of which it was received.
- Dk4 All money shall be deposited not less than weekly or such longer periods as may be arranged with the Executive Director (Resources and Support Services). Except that whenever receipts in hand exceed the amount set by Council, or such other sum as may be specified by the Executive Director (Resources and Support Services), they shall be deposited without delay.
- Dk5 Money collected and deposited shall be reconciled to the Council's bank account on a regular basis by an employee not involved in the collection or banking process.

Records

- DI1 The Executive Director (Resources and Support Services) shall agree arrangements for the collection of all income due to the Council and approve the procedures, systems and documentation for its collection. Every employee who receives money on behalf of the Council shall comply with these arrangements.
- DI2 All official receipt forms, books or tickets shall be in a form approved by the Executive Director (Resources and Support Services). All such forms, books or tickets and licenses for which fees are chargeable, shall be ordered, controlled and issued to all departments by the Head of Customer and ICT Services. All receipts and issues thereof shall be properly recorded and acknowledged and controlled to the satisfaction of the Executive Director (Resources and Support Services).
- DI3 Directors shall, as soon as possible after the 31st March in each year, and in all cases within the timescale set, supply to the Executive Director (Resources and Support Services) schedules of all amounts outstanding where a debtors account has not been raised, in excess of the amount set by Council, or such other sum as specified by the Executive Director (Resources and Support Services), relating to their department for the previous financial year. Such schedules shall be in a form prescribed by the Executive Director (Resources and Support Services).

Issue of Debtors Accounts

- Dm1 Directors shall:
- (a) promptly notify the Executive Director (Resources and Support Services), in a form approved by him, of all sums due. Debtors accounts shall be raised by the Executive Director (Resources and Support Services) in all cases unless arrangements have been agreed in writing between him and the relevant Director for accounts to be sent out directly from Departments/ Establishments. In these cases a copy of each account must be forwarded to the Executive Director (Resources and Support Services);
 - (b) assist the Executive Director (Resources and Support Services) in collecting debts that they have originated, by providing any further information requested by the debtor;
 - (c) take all practical steps to satisfy themselves as to the correct VAT treatment of their income and shall consult with the Executive Director (Resources and Support Services) when in doubt.

- Dm2 Debtors accounts shall not normally be issued for amounts less than a limit to be determined by the Council. In such cases Directors shall arrange for payment to be made before supplies/ services are supplied unless alternative arrangements are agreed with the Executive Director (Resources and Support Services).
- Dm3 There shall be no Cancellation of accounts except by full payment or final write off.
- Dm4 A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.

Recovery procedures

- Dn1 The Executive Director (Resources and Support Services) will establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- Dn2 Directors shall assist the Executive Director (Resources and Support Services) in carrying out these recovery procedures by providing any information or assistance requested.

Write offs

- Do1 No debtor's account or part thereof due to the Council shall be written off unless authorised as follows:
- (a) for accounts not exceeding the financial limit established by the Council, by the Executive Director (Resources and Support Services) in consultation with the appropriate Director;
 - (b) for accounts exceeding the financial limit established by the Council, by resolution of the Cabinet on the recommendation of the Executive Director (Resources and Support Services) in consultation with the appropriate Director.
- Do2 The Executive Director (Resources and Support Services) shall:
- (a) make appropriate accounting adjustments following write off action;
 - (b) define timescales within which write off action must occur;
 - (c) adhere to the requirements of the Accounts and Audit (England) Regulations 2011 in relation to write offs.

Fees & Charges

- Dp1 All fees and charges levied or made shall be in accordance with the Council's current approved scale of charges and the law.
- Dp2 Directors shall review at least annually all fees and charges for which they are responsible and report to the Cabinet which shall approve or otherwise the proposals.
- Dp3 Directors shall have regard to the Charging Policy when setting fees and charges.

Changes in Sources of Revenue

- Dq1 Any proposal made by a Director concerning recommended charges for new or significant variations to existing sources of revenue shall be subject to a report to the Cabinet which shall include the comments of the Executive Director (Resources and Support Services).

Explanatory notes

Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying supplies or services as this improves the Council's cashflow and also avoids the time and cost of administering debts.

Collection and Accounting for Income

Directors, in consultation with the Executive Director (Resources and Support Services), are responsible for establishing and maintaining the financial organisation necessary to ensure proper and accurate recording of sums due to the Council, and for the prompt collection and banking of such monies.

Local authorities are limited as to the amount of VAT they can incur on expenditure that is connected with income generating activities that are exempt of VAT. Activities that fall into this category are: cremation; sports lessons and land transactions (i.e. sales of land, commercial rents, hire of rooms, letting of market stalls and long term hire of sports facilities). The Financial Management Section has to monitor expenditure on such activities to ensure that it remains within limits set by H.M. Revenue and Customs. Where an employee is aware that significant expenditure (i.e. over and above normal running costs) is to occur on one of the above categories, he should contact the Executive Director (Resources and Support Services). Employees should also contact the Executive Director (Resources and Support Services) when the Council is to sell land or when a new source of VAT exempt income is to be generated e.g. new industrial units.

Where cash is received or people are present when making a payment a receipt is issued. In the case of non cash payments, or where the person is not present i.e payment through the post, over the telephone or internet, receipts are issued if requested or a transaction number is provided

Issue of Debtors Accounts

The limit set by the Council below which it is considered uneconomic to normally issue a debtors account is shown in the monetary amounts table. Accounts currently raised directly are crematorium, cemetery accounts and car park penalty charge notices. The Executive Director (Resources and Support Services) still needs to be informed of the details for possible recovery action, write off information and year end information on accounts outstanding.

VAT

Particular care must be taken in the preparation of debtors accounts to ensure compliance with VAT regulations, given the ability of H M Revenue and Customs to impose fines for non compliance on both the Council and in extreme cases individual employees. If an employee has any doubt about the VAT liability in relation to a particular debtor's account he should contact the Executive Director (Resources and Support Services).

Debtor Account Write Offs

The limit set by the Council, to operate from the adoption of these Financial Regulations, above which Directors must seek Cabinet approval is set in the monetary amounts table. Below this the Director needs the approval of the Executive Director (Resources and Support Services).

New Projects

Where a new project is going to bring in additional income or an existing project is changing significantly, i.e. being upgraded to provide a better level of service, the repercussions on income shall be reported to the Cabinet.

The Charging Policy sets out the principles to be applied in setting fees and charges and these should be followed when doing this.

Requisitioning and Ordering of Work, Supplies and Services

- Dr1 Every employee and Member of the Council has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council, in accordance with appropriate codes of conduct.
- Dr2 Each order must conform to the guidelines approved by the Full Council on procurement. Standard terms and conditions must not be varied without the prior approval of the Executive Director (Resources and Support Services).
- Dr3 Requisitions, orders and associated terms and conditions shall be made via the FIMS except where Dr10 applies. They shall be issued for all works, supplies and services except for:
 - (a) supplies of public utility services;

- (b) periodical payments, e.g. rent;
 - (c) petty cash purchases; and
 - (d) other exceptions agreed and authorised in writing by the Executive Director (Resources and Support Services).
- Dr4 No other order shall be recognised by the Council and orders produced by FIMS will be raised automatically following the approval of the requisition. Orders may be printed for despatch to suppliers or transmitted to them electronically (the latter being the preferred method).
- Dr5 Requisitions shall be initiated on the FIMS and shall clearly indicate:
- (a) the nature of the purchase;
 - (b) the quantity required;
 - (c) any contract or agreed prices relating to the purchase;
 - (d) in relation to contracts, the amount of retention money to be withheld;
 - (e) the delivery date when specified and location; and
 - (f) the charge code.
- Dr6 The approval of a requisition shall be by an employee authorised by the Director and via the FIMS. Approval of a requisition shall lead to its conversion into an order against which, if all details match and goods have been received and recorded as such on the FIMS, payment will be made automatically on receipt of the invoice. No other approval will be required.
- Dr7 Requisitions and orders in excess of £50,000 shall require authorisation by the Chief Executive or the Executive Director (Resources and Support Services).
- Dr8 The Director shall:
- (a) ensure that only those employees authorised by him approve requisitions electronically, or in the event of the FIMS not being available sign emergency orders;
 - (b) maintain an up-to-date list of such authorised employees identifying in each case the limits of their authority which is to be stated on the completed online Civica new user form;
 - (c) notify all authorisations in writing to the Executive Director (Resources and Support Services) by way of completing the online Civica new user form;
 - (d) ensure that unique numbered official orders are used for all supplies and services. (Other than the exceptions specified in Dq3);
 - (e) ensure that requisitions and orders are only used for supplies and services provided to the Council for its own use or that of approved partnerships. Employees must not use official requisitions or orders to obtain supplies or services for their private use;
 - (f) ensure that product information is inserted and maintained regularly within the FIMS for which they are responsible and that the correct tax codes are applied to products.
- Dr9 The authoriser of the requisition or order must be satisfied that the supplies and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Value for money should always be achieved. The Director is responsible for the control and security of unused order books retained for emergency purposes within his service.
- Dr10 Where, as a consequence of the situation of using the Council's Business Continuity Procedure, supplies or services have to be ordered verbally (without using FIMS) a confirmatory order, marked as such, shall be issued as soon as possible.
- Dr11 Where, goods are ordered from a safe Internet site and subject to settlement at a later date, an official order number shall be quoted and a confirmatory order, marked as such, shall be issued promptly.
- Dr12 Each order shall conform with Standing Orders relating to contract procedures and to any other relevant directions of the Council with respect to central purchasing, standardisation of supplies and materials and any other matters.
- Dr13 No commitment to purchasing items where there is an approved corporate purchasing policy, even if provided for in an approved budget, shall be undertaken without prior agreement with the appropriate section to ensure that the policy is complied with. No commitment to purchasing items where there is an approved purchasing officer responsible for that type of product shall be undertaken without prior agreement with the relevant officer to ensure that any agreement is complied with, e.g. printing & publicity and stationery (other than that used in connection with a specialised system or equipment). In particular all proposed procurement of Information and

NEWCASTLE UNDER LYME BC FINANCIAL REGULATIONS: JULY 2014

Communications Technology equipment must be approved by the Head of Customer and ICT Services in advance including arranging demonstrations relating to that equipment.

- Dr14 All product groups shall have designated owners and only they shall update and maintain the FIMS for those products. All product owners shall identify the correct VAT codes against the products. Where product catalogues and market places are identified and are available electronically these shall be used in preference to manual sources.
- Dr15 Orders shall clearly indicate:
- (a) the nature of the purchase;
 - (b) the quantity required;
 - (c) any contract or agreed prices relating to the purchase;
 - (d) the delivery dates where specified and location;
 - (e) the charge code in the case of manual orders and
 - (f) the address to which an account must be sent, which shall be the central address for invoices.
- Dr16 The issue of "open" orders will not be permitted unless prior written approval has been obtained from the Executive Director (Resources and Support Services).
- Dr17 Directors shall ensure that the department obtains value for money from purchases by taking appropriate steps to obtain competitive prices for supplies and services of the appropriate quality.
- Dr18 The limits will be those as specified by the Cabinet that apply to quotations in respect of orders for works, supplies and services as set out in these regulations in the monetary amounts table.
- Dr19 In the absence of any good reason to the contrary, which should be clearly indicated on file, the lowest quotation shall be accepted.
- Dr20 In cases where the minimum requirements as set out in Dq18 have not been satisfied, the reason for non compliance shall be clearly indicated on the copy order and invoice.
- Dr21 If the works, supplies or services to be supplied consist of emergency repairs to or parts supplied in an emergency for existing machinery or plant, written quotations may not be required.
- Dr22 Where orders of a repetitive nature occur and it is likely that the total value will exceed the monetary amount as specified in these regulations in any twelve-month period Financial Regulations and Standing Orders in relation to contracts shall apply.
- Dr23 Directors shall ensure that:
- (a) loans, leasing or rental arrangements are not entered into without prior agreement from the Executive Director (Resources and Support Services). This is because of the potential impact on the Council's borrowing powers, to protect the Council against entering into unapproved credit arrangements and to ensure that value for money is being obtained;
 - (b) two authorised employees are involved in the ordering, receiving and payment process. A different employee from the person entering the electronic requisition, should approve it, which will then become an order. A different employee from the person who requisitioned and approved the online order should be involved in the payment process.
- Dr24 Regard should be had to the content of the Council's Procurement Strategy and its Commissioning Framework for the Third Sector in applicable cases.
- Dr25 Only authorised employees of the Council may approve requisitions or orders for goods and services.

Contracts

- Ds1 All contracts for supplies or work carried out on behalf of the Council shall be subject to the Council's Standing Orders.

Works contracts

- Ds2 Each Director shall:
- (a) keep a register of Contracts in a form approved by the Executive Director (Resources and Support Services). The Head of Business Improvement, Central Services and Partnerships shall notify the relevant Directors and the Audit Manager as soon as possible, after any contract or subcontract has been made;
 - (b) continually monitor expenditure under a contract and take such action, as he considers necessary to prevent the final contract sum exceeding that approved unless he certifies such excess is unavoidable. If the final contract sum appears likely to exceed the approved sum, this must be reported to the Cabinet and approval obtained for the additional spending before further payment can be made.
- Ds3 Payments to a contractor shall be made on receipt of an invoice, where interim measurements are to be authorised for payment by the Director, the details of which shall be requested prior to agreement of the submission of the invoice.

Completion of Contracts

- Ds4 The final invoice on completion of any contract shall not be paid until the appropriate employee or consultant has produced to the Audit Manager a detailed statement of account, all relevant documents required and the provisions of Financial Regulations Ds13 and Ds14 are satisfied.
- Ds5 The Audit Manager shall, to the extent that he considers necessary, examine final accounts for contracts and be entitled to make all such enquiries and receive all such explanations as he may require in order to satisfy herself/himself as to the accuracy of the accounts. The Audit Manager shall notify, in writing, the appropriate Director (or private architect, engineer, consultant as appropriate) that the examination is complete and that the final payment, less retention can be issued.
- Ds6 Directors shall report to the Cabinet on the final total cost of the contract giving reasons for any variations from the original approved contract amount. This may be done via the schedule of completed schemes referred to in Financial Regulation Bf22.
- Ds7 Where completion of a contract is delayed, the Head of Business Improvement, Central Services and Partnerships shall be informed by the Director concerned in order that he may take appropriate action in respect of any claim for liquidated damages.
- Ds8 Directors shall request payment of retention monies in writing from the Audit Manager when they are due.

Goods and materials contracts

- Ds9 Each Director shall continually monitor expenditure under a contract and take such action as he considers necessary to prevent the contract sum exceeding approved budget limits where these are applicable.

General

- Ds10 Except after consultation with the Head of Business Improvement, Central Services and Partnerships an employee shall not authorise work to be commenced or goods to be supplied where such work or goods are to be the subject of a formal contract, entered into between the Council and the Contractor until the Head of Business Improvement, Central Services and Partnerships has advised such employee that the contract has been signed by the contractor and that the appropriate insurances and bonds have been effected to his satisfaction and the Executive Director (Resources and Support Services) is satisfied that the contractor is financially competent to undertake the contract.
- Ds11 The Business Improvement, Central Services and Partnerships shall be responsible for keeping in secure custody all contract documents, including plans, specifications, bills of quantities, bonds etc.

Variations to Contracts

- Ds12 Subject to the provisions of the contract and Financial Regulations Ds2b and Ds9, every variation, addition to or omission from, a contract duly authorised shall be notified in writing to the Contractor by the responsible Director. Such authorisations shall, wherever practical be given before the variation etc. is carried out.

- Ds13 No variation order or instruction shall be issued which would cause the expenditure on a project to exceed the amount authorised in relation to that project by the Cabinet under Financial Regulation Dr9 without first seeking and obtaining Cabinet approval.
- Ds14 Claims from contractors in respect of matters not clearly within the terms of an existing contract shall be referred to the Head of Business Improvement, Central Services and Partnerships for consideration of the Council's legal liability before a settlement is reached.

Explanatory notes

Clearly defined standard procedures for the ordering of supplies and services are essential. Directors are responsible for ensuring that they have appropriate authority to incur expenditure on behalf of the Council and for clearly defining those employees who have authority to approve requisitions and orders on behalf of the service. With the introduction of the new FIMS the approval of the requisition will be the stage at which an order will be automatically raised and issued, Payment of the invoice following the goods receipting will be completed automatically if all aspects match. In the event of a system failure it will be necessary to return to a manual ordering system and requisition authorisers under the electronic FIMS will need to sign manual orders. The details of such emergency orders will be uploaded into the FIMS as soon as possible following its revival. Reference to written confirmation orders relates to the despatch of electronic orders where possible in preference to paper copies.

Reference in the regulations is made to authorising the requisition on the FIMS and the order in the case of emergency manual orders.

All invoices must be sent to the central creditors processing team, not to departments or outlying council buildings.

The Council enters into many contracts for the supply of supplies and services and the carrying out of various direct labour works. The Regulations, together with Contract Standing Orders, are designed to ensure that the Council receives value for money under the contractual arrangements and has appropriate legal recourse in the event of a supplier failing to meet contractual conditions.

It is the responsibility of the Director to arrange for the monitoring, verification and certification of contract payments. The Executive Director (Resources and Support Services) relies on Directors informing him if account payments are to be held back.

The scope for variations to a contract will normally be governed by the terms of the contract. Directors must ensure that the terms are adhered to and/or the supplier/contractor is notified, in writing, of all variations.

Directors must ensure that the appropriate Capital and Revenue budgetary approvals (in accordance with Sections B of these regulations) exist where substantial variations to contracts have occurred.

Only Council employees can approve requisitions or orders for goods or services. Interim or agency staff or consultants or other persons who are not directly employed may not perform this function.

Paying for Work, Supplies and Services

- Dt1 The Executive Director (Resources and Support Services) shall:
- (a) make all payments on behalf of the Council, with the exception of payments out of advance accounts. The normal method of payment from the Council shall be by BACS or other instrument or approved method, drawn on the Council's bank account by the Executive Director (Resources and Support Services). The use of direct debit shall require the prior agreement of the Executive Director (Resources and Support Services);
 - (b) provide advice and encouragement on making payments by the most economical means, preferably electronic. Directors shall encourage suppliers of supplies and services to receive payment by the most economical means, preferably electronic, for the Council. It is essential, however, that payments made by direct debit have the prior approval of the Executive Director (Resources and Support Services).
- Dt2 Every invoice submitted to the Executive Director (Resources and Support Services) for payment shall be scanned electronically and paid where it matches the goods received amount on the order details on the FIMS. Where a match is not made, the invoice shall require further approval prior to payment in the form approved by the

NEWCASTLE UNDER LYME BC FINANCIAL REGULATIONS: JULY 2014

Executive Director (Resources and Support Services). The invoice will be forwarded to the appropriate department to enable it to be coded before requiring authorisation by the user's Manager.

- Dt3 Directors shall ensure that the department maintains and reviews periodically a list of employees approved to authorise invoices.;
- Dt4 In cases where there is no electronic matching of the invoice to the order within the FIMS, the Director whose authorised employee approved the relevant requisition shall be responsible for certifying that the account is properly payable by the Council. He shall submit it to the Creditors and Purchasing Section as soon as possible and in all cases not later than fifteen working days after its receipt, unless he has established that he cannot certify the account given the requirements of Financial Regulation Dt7. Where he cannot certify an account within the fifteen-day period he shall promptly take all action necessary to permit him to certify the account as soon as possible. Where an invoice is disputed, he shall notify the Executive Director (Resources and Support Services) to that effect as soon as practicable.
- Dt5 Every employee should be aware of and comply with "The Late Payment of Commercial Debts (Interest) Act 1998" and the corporate requirement for all invoices to be paid within 30 days of receipt unless different terms are mutually agreed with the supplier. The Council has signed up to the government's "Prompt Payment Code" and, therefore, all practicable action should be taken to ensure that its terms are complied with.
- Dt6 The Executive Director (Resources and Support Services) shall:
- (a) make payments from the Council's funds on the Director's certification by authorised employees that the expenditure has been duly incurred in accordance with financial regulations;
 - (b) make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
 - (c) Make payments where electronic matching of invoices within the FIMS has taken place once the authorised officer has approved and updated FIMS for receipt of the goods and services.
- Dt7 The approval of an invoice for payment via the FIMS, or certification if a manual system is used, shall mean:
- (a) that Standing Orders and Financial Regulations have been complied with;
 - (b) that the receipt of the invoice has been registered and matched immediately to the electronic order, ;
 - (c) that the works, supplies, or services have been carried out or received to the correct quantity and quality and approved as in accordance with the specification and that the prices and discounts (if any) are correct and in accordance with the contract, tenders, quotation or order and the FIMS is updated to reflect this. The system shall only be updated to record receipt of goods and services received if the authorised employee is satisfied with them. Such updating shall take place as soon as practicable by the authorised employee;
 - (d) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method;
 - (e) that where, in exceptional circumstances, payment has to be made to a supplier/ contractor in advance of the receipt of the supplies or the work being carried out, the Head of Business Improvement, Central Services and Partnerships and the Chief Executive shall be notified if those supplies/services fail to be provided following payment;
 - (f) that the net amount of the invoice can be met from within an approved estimate;
 - (g) that the invoice is arithmetically correct;
 - (h) that the invoice has not previously been passed for payment;
 - (i) that all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule;
 - (j) that appropriate entries have been made in inventories, stock records, and the asset register as required;
 - (k) that where the invoice includes VAT, it meets the requirements of H M Revenue and Customs, and it is correctly calculated on the account;
 - (l) that in the case of charges for gas, electricity, and water, any standing charges are correct, consumption is charged on the correct tariff and that the consumption recorded is reasonable in the light of previous and present experience;
 - (m) For non ordered items Directors shall indicate on the FIMS against the appropriate invoice, the expenditure headings to which the invoice should be properly charged and details of the contract against which expenditure is chargeable;
 - (n) that there are no outstanding credit notes which are to be applied against the invoice;
- Dt8 All amendments to an invoice, above or below the agreed tolerance levels as approved by the Executive Director (Resources and Support Services), shall be agreed with the supplier in writing by the employee making the

amendment. Such amendments shall be made in ink and signed by the employee making the amendment and initialled by the certifying employee if a different person, stating briefly the reason for the amendment if it is not obvious. An employee shall not add any additional item or items to an invoice rendered by a supplier. VAT shall not be adjusted, the invoice must be returned to the supplier for amendment or a credit note obtained.

- Dt9 All payments are to be made to subcontractors, as defined by Inland Revenue regulations where the subcontractor is in possession of a valid current registration card or certificate. All suppliers' accounts submitted to the Executive Director (Resources and Support Services) for payment must show that the card or certificate has been examined to ensure that the relevant deductions will be made.
- Dt10 Invoices shall not be made out by employees of the Council, except where the payment to be made is in respect of a recurring payment, or another payment for which the supplier will not issue an invoice. In all such cases the invoice made out shall be in a form approved by the Executive Director (Resources and Support Services).
- Dt11 The Director shall ensure that all invoices are stamped with the date received in the department. Invoices shall be forwarded to the Executive Director (Resources and Support Services) for electronic scanning and for matching with the originating order in the. All invoices received shall be registered within the FIMS to indicate their date of receipt. Payment will only be made if goods/ services received has been updated on the FIMS or otherwise certified by a responsible officer. The Executive Director (Resources and Support Services) may where he considers it appropriate, agree alternative arrangements to these procedures;
- Dt12 Each Director shall:
- (a) notify the Executive Director (Resources and Support Services) immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision; and
 - (b) as soon as possible after the 31st March in each year, supply to the Executive Director (Resources and Support Services) schedules of all outstanding accounts for which orders have not been matched within the FIMS, over the amount specified by Cabinet or such other sum as may be specified by the Executive Director (Resources and Support Services), in respect of the previous financial year. Such schedules shall be in a form, prescribed by the Executive Director (Resources and Support Services).
- Dt13 The Executive Director (Resources and Support Services) shall have the right to carry out such additional checks as he considers appropriate in respect of an invoice, either before or after it is paid. In addition, he shall have the right to satisfy himself that the proper procedure laid down as to the authorising and ordering of supplies and services and the examination of accounts has been properly carried out in the spending department. All explanations and information regarding such invoices and all books and documents relating to them and facilities for inspecting supplies provided or work done shall be provided to him.
- Dt14 All payments which include VAT shall be supported by a VAT invoice or receipt.
- Dt15 Payments may be made by means of corporate credit cards. All cardholders must be approved by the Executive Director (Resources and Support Services). Where such cards are used, the current Corporate Credit Card Procedures and Terms and Conditions of Use relating to corporate credit cards, issued by the Audit Manager, must be complied with.
- Dt16 Goods and services may also be acquired by means of Procurement Cards (P-Cards). All cardholders must be approved by the Executive Director (Resources and Support Services). Card use will be subject to procedures and terms and conditions of use laid down by the Executive Director (Resources and Support Services), which must be complied with.
- Dt17 Only employees of the Council may approve payments in respect of goods and services.

Explanatory note

Except for payments out of advance accounts and via authorised corporate credit cards, the Executive Director (Resources and Support Services) makes all payments on behalf of the Council.

Invoices will be received, scanned and registered in the FIMS where they will be paid if they match with an order and the goods/ services are noted as received. In the event that they do not match to orders or receipt of goods and services has not been noted they will be queried with the relevant department and which will be required to approve the invoice for payment, to update FIMS with the receipt of goods/services.

The procedures and checks to be carried out on invoices are set out in the Financial Regulations. Directors are required to check the accuracy and validity of invoices payable by the Council. They must also ensure that only employees authorised by them certify invoices for payment.

Accurate treatment of VAT on invoices is essential; especially as H M Revenue and Customs can impose fines on the Council for non-compliance with VAT regulations. In extreme cases, H M Revenue and Customs can impose fines on individual employees. Guidance on the correct treatment of VAT can be obtained from the Council's VAT manual, which has been issued to all departments.

The Executive Director (Resources and Support Services) will agree procedures with Directors on the records to be maintained at departmental level.

The Executive Director (Resources and Support Services) will carry out pre and post payment checks, as he considers necessary.

The Executive Director (Resources and Support Services) needs to be informed as to the details of outstanding accounts or creditors (reserves) in order that the year end accounts can be finalised.

Certification – this refers to the checking and approval of invoices manually.

Approval – computerised – this refers to the matching of invoices to order details on the FIMS following the system being updated to confirm receipt of the goods and/or services.

Where corporate credit cards are used, the relevant procedures and terms and conditions applicable to their use must be complied with.

Only Council employees can approve payment in relation to goods and services. Interim or agency staff or consultants or other persons who are not directly employed may not perform this function.

It is important that the Council pays its suppliers promptly. It has, by law, to comply with a requirement to pay them within 30 days of receipt of their invoice (provided there is no dispute) and the Council itself aims to pay within 10 days (apart from utilities invoices and those from large national and international firms). In addition, the Council has signed up to the government's "Prompt Payment Code". This says that we will pay suppliers on time, within their terms without changing them retrospectively and without altering the length of payment for small firms on unreasonable grounds. We must also give clear guidance to suppliers about our payment procedures, have a disputes/complaints system and communicate this to them and we must advise them promptly if there is a reason why an invoice will not be paid.

Payments to Employees and Members

- Du1 The Acting Head of Human Resources shall make arrangements to:
- (a) pay all salaries, wages, pension benefits, compensation, Members allowances and other emoluments to existing and former employees, properly payable by the Council on the due date;
 - (b) record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions;
 - (c) pay Members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- Du2 Directors or their authorised employee shall confirm and certify the correctness of information for all appointments, resignations, dismissals, absences from duty, suspensions, secondments, transfers, and changes in remuneration (other than normal increments), of employees. The information shall then be notified to the Acting Head of Human Resources in order that records of employment and conditions of service can be maintained.
- Du3 The Acting Head of Human Resources shall:
- (a) as soon as possible arrange for the necessary adjustment of any information received under Dt2 that may affect the salaries, wages or emoluments of any employee or former employee;
 - (b) provide advice and encouragement to secure payment of salaries, wages and Members allowances by the most economical means.

- Du4 Directors shall notify the Acting Head of Human Resources of all matters affecting the payment of items referred to in Dt1 and Dt2 above as soon as possible and in the prescribed form, subject to special arrangements agreed by the Acting Head of Human Resources; and in particular of:
- (a) absences from duty for sickness or other reason, apart from approved annual, compensatory and flexitime leave with pay;
 - (b) changes in remuneration, other than normal increments and pay awards and agreements of general application;
 - (c) information necessary to maintain records of service for pension, income tax, national insurance, etc.
- Du5 Directors shall:
- (a) ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule;
 - (b) ensure that appointments of all employees are made in accordance with the Council's policies and the approved establishments, grades and rates of pay and that adequate budget provision is available.
- Du6 All time records shall be in a form approved by the Acting Head of Human Resources and shall be certified by the appropriate Director, or his designated employee. Timesheets shall be forwarded to the Acting Head of Human Resources in accordance with a timetable prescribed by him.
- Du7 The Executive Director (Resources and Support Services) shall impose such checks on wage records, as he considers desirable.
- Du8 A Director may certify payment of overtime to employees on spinal column point 35 and above only where prior approval has been obtained from the relevant Cabinet Portfolio-holder
- Du9 Directors shall:
- (a) ensure that adequate and effective systems and procedures are operated, so that:
 - payments are only authorised to bona fide employees,
 - payments are only made where there is a valid entitlement,
 - conditions and contracts of employment are correctly applied,
 - employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness;
 - (b) send an up-to-date list of the names of employees authorised to sign records to the Acting Head of Human Resources, together with specimen signatures;
 - (c) give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. HM Revenue and Customs apply a tight definition for employee status, and in cases of doubt, advice should be sought from the Executive Director (Resources and Support Services) and the Acting Head of Human Resources;
 - (d) ensure that payments are only allowed through the PAYE system ;
 - (e) ensure that the Acting Head of Human Resources is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

Allowances to Members, Travel and Subsistence

- Du10 Members shall submit claims for travel and subsistence allowances within two months of the date of the meeting or duty to which the claim relates and, in any event, within one month of the year-end.
- Du11 All claims by Members of the Council shall be made in a form approved by the Executive Director (Resources and Support Services). Claims shall be certified by the Member concerned as a true and correct record and certified as correct by the Head of Business Improvement, Central Services and Partnerships or his designated employee.

Travelling and Subsistence Allowance

- Du12 Directors shall:
- (a) certify travel and subsistence claims. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Council, ensuring that cost-effective use of travel arrangements is achieved;

(b) be responsible for the arithmetical check of travelling and subsistence claims, the accuracy of the mileage claimed, the validity of the journeys undertaken and for ensuring compliance with the Council's car allowance regulations, car leasing scheme and such other decisions of the Council as may be appropriate.

Du13 The Executive Director (Resources and Support Services) shall rely on the certification of employees authorised by each Director and shall be empowered, to pay, on behalf of the Council, all claims so certified. All claims by Employees of the Council shall be made in a form approved by the Executive Director (Resources and Support Services).

Du15 Employee's claims must be submitted promptly and those submitted more than six months after the expenses were incurred, will only be paid with the express approval of the Executive Director (Resources and Support Services).

Explanatory notes

Employee costs are the largest item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by the full council.

The Acting Head of Human Resources is responsible for the payment of employees on behalf of the Council. Directors are responsible for notifying and certifying to the Acting Head of Human Resources all information necessary to ensure the correct payment of salaries, wages, etc.

There is a presumption against the payment of overtime to employees on spinal point 35 and above. However, the regulation allows exceptions to the rule in extreme circumstances

The Executive Director (Resources and Support Services) will pay allowances to Members in accordance with the procedures laid down by regulation Dt11. This regulation is subject to review in the light of any detailed regulations issued by the DCLG.

Directors are responsible for checking the accuracy and validity of employees' claims for travelling and subsistence allowances and for certifying the claims for payment.

Taxation

Dv1 The Acting Head of Human Resources shall complete all HM Revenue and Customs returns regarding PAYE.

Dv2 The Executive Director (Resources and Support Services) shall:

- (a) complete a monthly return of VAT inputs and outputs to HM Revenue and Customs;
- (b) provide details to HM Revenue and Customs regarding the construction industry tax deduction scheme;
- (c) provide details to HM Revenue and Customs regarding the Council's liability under Section 53 of the Income and Corporation Tax Act 1970.

Dv3 Directors shall:

- (a) ensure that the correct VAT liability is attached to all income due and that all VAT recovered on purchases complies with HM Revenue and Customs regulations;
- (b) ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements;
- (c) ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency;
- (d) follow guidance on taxation issued by the Executive Director (Resources and Support Services)

Explanatory notes

Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all employees to be aware of their role. The Executive Director (Resources and Support Services) has made

arrangements for the Acting Head of Human Resources to provide taxation help in respect of payments to Employees and Members.

Trading Accounts

- Dw1 Except where specifically stated, these financial regulations apply to the activities of trading services.
- Dw2 Directors shall:
- (a) consult with the Executive Director (Resources and Support Services) where a trading activity wishes to enter into a contract with a third party where the contract expiry date exceeds the arrangement previously agreed by the Council. In general, such contracts should not be entered into unless they can be terminated within the main agreement period without penalty;
 - (b) observe all statutory requirements in relation to trading activities, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts;
 - (c) ensure that the same accounting principles are applied in relation to trading accounts as for other services;
 - (d)
- Dw3 All proposals to establish alternative delivery vehicles (for example community interest companies) shall be subject to consultation with the Executive Director (Resources and Support Services) who shall advise on the financial implications of the proposals, including with regard to taxation, and in relation to the overall financial position of the Council and his comments shall be incorporated in any reports to members thereon.

Explanatory notes

Trading accounts have become more important as local authorities have developed a more commercial culture. The best value accounting code of practice identifies when authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost.

E: EXTERNAL ARRANGEMENTS

Partnerships

- Ea1 Where appropriate, partnerships shall only be entered into with organisations which, in the opinion of the Chief Executive, Executive Director (Resources and Support Services) and the relevant Executive Director:-
- (a) are aware of their responsibilities under the Council's financial regulations and standing orders in relation to contracts;
 - (b) ensure that risk management processes are in place to identify and assess all known risks;
 - (c) ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise;
 - (d) agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences;
 - (e) communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.
- Ea2 The Executive Director (Resources and Support Services) shall:
- (a) advise on effective controls that will ensure that resources are not wasted;
 - (b) advise on the key elements of funding a project; they include:
 - a scheme appraisal for financial viability in both the current and future years approved by Cabinet;
 - risk appraisal and management ;
 - resourcing, including taxation issues;
 - audit, security and control requirements;
 - carry-forward arrangements.
 - (c) ensure that the accounting arrangements are satisfactory.
- Ea3 Directors shall:
- (a) maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Executive Director (Resources and Support Services)
 - (b) ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared and a pre partnership questionnaire completed as part of an overall evaluation of the partnership controls. This will form part of the control document that shall be approved by the Executive Management Team prior to seeking Cabinet approval;
 - (c) ensure that such agreements and arrangements do not impact adversely upon the services provided by the Council;
 - (d) ensure that all agreements and arrangements are properly documented;
 - (e) provide appropriate information to the Executive Director (Resources and Support Services) to enable a note to be entered into the Council's statement of accounts concerning material items.
- Ea4 Regard shall be had to the content of the Council's Code of Practice for Partnerships.

Explanatory notes

Partnerships are likely to play a key role in delivering positive outcomes and in helping to promote and improve the well being of the area. Councils are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Councils will still deliver many services themselves, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.

Councils will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Councils will be measured by what they achieve in partnership with others.

The main reasons for entering into a partnership are:

- (a) the desire to find new ways to share risk;***
- (b) the ability to access new resources;***
- (c) to provide new and better ways of delivering services;***
- (d) to forge new relationships.***

A partner is defined as either:

-
- (a) *an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project; or*
(b) *a body whose nature or status give it a right or obligation to support the project.*

Partners participate in projects by:

- (a) *acting as a project deliverer or sponsor, solely or in concert with others;*
(b) *acting as a project funder or part funder;*
(c) *being the beneficiary group of the activity undertaken in a project.*

Partners have common responsibilities:

- (a) *to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;*
(b) *to act in good faith at all times and in the best interests of the partnership's aims and objectives;*
(c) *be open about any conflict of interests that might arise;*
(d) *to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;*
(e) *to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature;*
(f) *to act wherever possible as ambassadors for the project.*

Clear reasons must be provided to Cabinet where the Council is the accountable body in the partnership and yet the regulations in Ea1 are not adopted by the partners.

External funding

Eb1 The Executive Director (Resources and Support Services) shall:

- (a) ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts;
(b) ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements;
(c) ensure that audit requirements are met.

Eb2 Directors shall:

- (a) ensure that funds are acquired only to meet the priorities approved in the policy framework by the Full Council;
(b) ensure that the key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are understood;
(c) ensure that all claims for funds are made by the due date;
(d) ensure that the project progresses in accordance with the agreed project plan, timetable or framework and that all expenditure is properly incurred and recorded.

Explanatory notes

External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Councils are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies, such as the National Lottery, provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall plan.

Work for third parties

Ec1 The Executive Director (Resources and Support Services) shall give advice with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Ec2 Directors shall:

- (a) ensure that the approval of the Cabinet is obtained where necessary before any negotiations are concluded to work for third parties;
(b) maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Executive Director (Resources and Support Services);
(c) ensure that appropriate insurance arrangements are made;
(d) ensure that the Council is not put at risk from any bad debts;

- (e) ensure that no contract is subsidised by the Council except where there are justifiable reasons acceptable to the Executive Director (Resources and Support Services);
- (f) ensure that, wherever possible, payment is received in advance of the delivery of the service;
- (g) ensure that the relevant department/unit has the appropriate expertise to undertake the contract;
- (h) ensure that such contracts do not impact adversely upon the services provided for the Council;
- (i) ensure that all contracts are properly documented; and drawn up using guidance provided by the Head of Business Improvement, Central Services and Partnerships/the Business Improvement Manager and that the formal approvals process is adhered to;
- (j) ensure that proposals are costed properly in accordance with advice provided by the Executive Director (Resources and Support Services);
- (k) provide appropriate information to the Executive Director (Resources and Support Services) to enable a note to be entered into the statement of accounts.

Explanatory note

Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is within the law.

RULES IN RELATION TO THE TYPE OF EXPENDITURE WHICH MAY BE MET FROM PETTY CASH

The above Financial Regulations set out the basic procedures for the operation of petty cash imprests (Section Cm 1 and Procedural Regulations). However, there is no guidance in the regulations as to the type of expenditure which it is permissible to meet from petty cash. Accordingly, these Rules fill that gap by setting out what can be purchased out of petty cash and what cannot.

These Rules are made under the authority of Procedural Regulation Cl1(a) and, therefore, must be followed by all Council employees, as if they form part of the Regulations themselves.

Firstly it should be understood that the following general principles apply:

- The spending of public money, even where small sums are involved, can give rise to controversy about what it has been spent on. It is not in anyone's interest to bring this about by purchasing items which might be perceived as inappropriate.
- All items purchased must be for the benefit of the Council. This is clearly set out in Procedural Regulation Dr8 in relation to requisitions and orders for goods and services, which says: "*Directors shall ensure that requisitions and orders are only used for supplies and services provided to the Council for its own use or that of approved partner organisations. Employees must not use official requisitions or orders to obtain supplies or services for their private use*". These principles apply to purchases out of petty cash.

Accordingly, it is not permitted to purchase out of petty cash any items which fit the following description:

1. Any items which are for the personal use or benefit of a member of staff or groups of staff
2. Any items which are for the personal use or benefit of some other person, unless providing the item is part of the service to which the purchase is to be charged
3. Items which could be requisitioned and ordered in the normal way, where there is no urgency involved
4. ICT hardware and software, including mobile phones, CDs, memory sticks, etc

It is recognised that there may be some cases when an item might contravene these rules but nonetheless be appropriate in particular circumstances. Accordingly, such items falling into categories 1 to 3 should receive prior approval from the Executive, an Executive Director or a Head of Service (senior officer approval). This should be evidenced by one of these officers signing the "passed by" section of the petty cash voucher in addition to the usual person. Retrospective approval is not permitted. Any proposed purchase must be agreed with one of these senior officers before it takes place. Where no such approval is obtained, the purchase must not be made. ICT hardware and software can **only** be approved by ICT Services and should never be purchased via petty cash unless prior approval has been received from them.

To aid in identifying items which must not be purchased out of petty cash without senior officer approval, the schedule set out below gives examples of the types of expenditure where such approval is required. This list is for guidance and cannot be a definitive one, however, and it should not be assumed that because a proposed purchase is not listed it is acceptable. If there is any doubt about the appropriateness of a particular purchase, this can be checked with Financial Management or Internal Audit before seeking senior officer approval.

It should also be remembered that Financial Regulations set a £100 limit on the amount of any purchase out of petty cash.

Staff **must not** use loyalty cards (such as Tesco Clubcards, Boots Advantage Cards, etc) when making petty cash purchases. These are personal to the cardholder and if used to make purchases on behalf of the Council, there are tax implications for the Council.

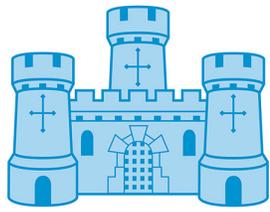
Items which should not be purchased out of petty cash without the prior approval of a senior officer	
Item	Examples
Domestic appliances	Kettles, toasters, microwave ovens
Crockery and cutlery, cooking utensils, kitchen ware	
Food and Meals	Sandwiches, crisps, cakes, pies, ice creams, takeaway meals, meals in cafes or restaurants
Beverages	Fruit juice, coffee, tea ***
Alcoholic drinks	
Christmas and other decorations	Christmas trees, lights, streamers, tinsel, retirement banners, 50 years etc banners
Gifts for individuals (staff and others)	Leaving cards, sickness cards, bereavement cards, other cards, flowers, retirement gifts
Travel and subsistence payments	Car park tickets, train tickets

*** It is permitted to purchase these if there is no council provided drinks machine which can be accessed to provide refreshments for meetings with external parties. Such ingredients must only be used to provide refreshments for meetings.

DEFINITIONS/ GLOSSARY OF TERMS

BACS	Bankers Automated Clearing Services. A system for making payments directly from one bank account to another.
BUDGET HEAD	Every line in the detailed budget book represents a budget head
BUSINESS MANAGER	Means an employee of the Council at the Fourth Tier level, i.e. immediately below the level of Head of Service, currently comprising Business Managers, plus any other employee who may be designated to act in a Business Manager role by the Council.
CASH FIGURES	The cash limits approved by the Cabinet to apply to these Regulations exclude VAT recoverable by the Council
COMMITTEE	Where appropriate this includes Sub Committees and working parties
DIRECTOR	Means an employee who reports directly to the Chief Executive (excluding any employee in the Chief Executive's department) (currently termed Executive Directors) and the Chief Executive and shall include other such appropriate employees as may be designated by the Council as employees, or any employee authorised by a 'Director' to carry out such duties as delegated to the Head of that Service or to a Business Manager within the Service, to whom the definition shall apply. Where Directors are referred to by their specific designation, e.g. Chief Executive, the same meaning applies.
FIMS	Financial Information Management System that incorporates the general ledger and the purchase to pay system, presently Civica Financials
GRANT COORDINATOR	A Member of Accountancy responsible for collating information from Directors in respect of grants due in, payment claims and their supporting evidence
HEADS OF SERVICE	Means an employee of the Council at the Third Tier level, i.e. immediately below the level of Director, currently comprising Heads of Service, plus any other employee who may be designated to act in a Head of Service role by the Council.
INVOICE/ ACCOUNT	The terms invoice and account in relation to payments are interchangeable.
SCRUTINY COMMITTEES	Comprises the following Overview and Scrutiny Committees: Finance, Resources and Partnerships; Economic Development and Enterprise; Cleaner, Greener and Safer; Active and Cohesive Communities.
SECTION 151 OFFICER	The Officer designated by the Council to act in accordance with Section 151 of the Local Government Act 1972 in relation to the financial administration and stewardship of the Council.
SERVICE/ DEPARTMENT	The terms service and department are interchangeable
VIREMENT	Means the permission to spend more money on one budget head to cover unavoidable overspending when this is matched by a corresponding reduction on another head, or heads or combination of heads.

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NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

ANTI-FRAUD & ANTI-CORRUPTION FRAMEWORK

2014-15

NEWCASTLE UNDER LYME BOROUGH COUNCIL

**ANTI-FRAUD AND ANTI-CORRUPTION
FRAMEWORK**

CONTENTS

	Page No
1.0 INTRODUCTION	3
2.0 OUR POLICY	3
3.0 OUR STRATEGY	4
4.0 EXPECTED BEHAVIOUR	4
5.0 CULTURE	5
6.0 IDENTIFYING PROBLEMS	5
7.0 REPORTING SUSPICIONS	5
8.0 INVESTIGATIONS	6
9.0 IMPLEMENTING THIS FRAMEWORK	6
10.0 REVIEW AND DEVELOPMENT OF THIS FRAMEWORK	7
Appendix A – Nolan Principles	8
Appendix B – Possible indicators of Fraud	9

ANTI-FRAUD AND ANTI-CORRUPTION FRAMEWORK

1.0 INTRODUCTION

Theft, fraud, corruption and bribery are criminal offences. Newcastle Borough Council is committed to protect public funds and ensure that all Council activities are carried out in accordance with the principles of openness, honesty and integrity. The Council has a zero tolerance of such offences and offenders.

In carrying out its functions and responsibilities the Council is fully committed to deterring theft, fraud, corruption and bribery whether it is attempted on or from within the Council; and is committed to an effective anti-fraud and corruption strategy designed to:-

- limit, as far as possible, the opportunities to commit fraudulent acts – **prevention**;
- enable any such acts to be **detected** at an early stage; and
- deal with any subsequent **investigations** in a prompt, thorough and professional manner.

2.0 OUR POLICY

Newcastle Borough Council does not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor will it accept bribes or improper inducements, or allow employees or elected members to do so.

Using a third party as a conduit to channel bribes to others is also a criminal offence. The Council does not, and will not, engage indirectly in or otherwise encourage bribery, nor does it wish to be associated with any organisation that does or has done so. Specifically, this extends to our agents, suppliers, contractors and partner organisations, whether such criminal conduct is associated with business on the Council's behalf or not.

Where there is evidence of theft, fraud, corruption and bribery, the Council will investigate the matter promptly, and will take all appropriate actions to deal with the perpetrators.

This includes, but is not confined to, taking disciplinary action against employees and elected members, and pursuing criminal prosecution on all possible occasions. The Council will not be deterred by threats of adverse publicity or to persons or property, and will publicise cases of successful legal action against perpetrators.

This policy can only be varied with the collective written agreement of the Chief Executive, the Section 151 Officer and the Monitoring Officer.

The Council and all elected members and employees will comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the

Council operates.

All employees and elected members must follow the policy, and do everything they can to support and promote it. In doing so, they may find the Nolan Principles a valuable aid – see Appendix A.

Different rules and procedures apply to benefits fraud.

There are also specific provisions for money laundering, because of the legal requirement to report this to the National Crime Agency in a closely-defined way.

3.0 OUR STRATEGY

The Council's strategy for implementing its policy consists of five elements:

1 Prevention:

Rules and procedures that make it hard for wrongdoing to take place;

An open, honest culture (explicitly based on the Nolan Principles: see Appendix A) which encourages good behaviours and discourages bad practice;

2 Detection:

Systems that include strong internal checks;

Staff who are alert to the possibility of wrongdoing, and know how to respond to it to minimise losses and maximise the chance of effective action against the perpetrators;

A whistleblowing procedure that allows employees and others to report concerns about the Council;

3 Investigation:

A fraud response plan that sets out how the Council will address any suspected fraud professionally, fairly, efficiently and effectively;

4 Recovery:

The Council will recover losses from perpetrators where possible, and inform insurers under any relevant policy.

5 Retribution:

Procedures to act promptly and effectively to deal with all perpetrators

4.0 EXPECTED BEHAVIOUR

Members and employees must lead by example, acting with integrity at all times and following all legal requirements, rules, procedures and good practice. The Nolan Principles (Appendix A) provide an excellent structure for all actions.

Members and employees must report suspected fraud, corruption or other irregularity **immediately** to the Audit Manager. The only exception is benefits fraud, which they should report to the Benefits Fraud Officer

The Council expects all individuals and organisations (e.g. suppliers, contractors,

service providers) with whom it comes into contact will act with integrity in all dealings with the Council. It will consider what actions are appropriate where they fail to do so, including cancelling contracts.

5.0 CULTURE

All managers must promote an environment in which employees know and understand that dishonest acts will be detected and investigated. They must therefore:

- Always behave in line with the Nolan Principles.
- Participate in in-house training covering fraud, fraud detection and fraud prevention.
- Ensure staff understand that internal controls are designed and intended to prevent and detect fraud.
- Encourage staff to report suspected theft, fraud, corruption or money laundering directly to those responsible for investigation.
- Provide employees with an environment in which they can report suspicions of wrongdoing without fear of retribution.

The Internal Audit and Human Resources Sections will provide support to achieve this.

6.0 IDENTIFYING PROBLEMS

The essence of many theft, fraud, corruption and bribery issues is that no-one recognises them happening. And it can be difficult to be vigilant and observant while being a good and supportive colleague.

In the best organisations, there is a very open culture, in which every employee, at every level, welcomes challenge and curiosity. The most junior staff can ask the most senior why they are doing things in a particular way, and the senior colleague willingly explains because this encourages engagement and learning throughout the organisation.

Appendix 2 gives a number of common fraud indicators. None of them prove wrongdoing – though all are cause for managerial concern. An employee who never takes a holiday may be concealing fraud: but, equally, they may be struggling with parts of their job, and desperately need support.

Therefore, managers finding any of these behaviours should be concerned, and should probe the issues – but they should not assume that fraud or corruption are involved. There may simply be problems to work on and resolve.

Again, in the best organisations, managers treasure their employees, and work hard to support them and enable them to do their jobs and develop themselves to their fullest potential.

7.0 REPORTING SUSPICIONS

If any employee suspects that theft, fraud, corruption or bribery are happening within the Council, or in any activity where the Council has a leading role or responsibility, they should report their suspicions, either to their line manager or through the Council's Whistleblowing Procedure.

Managers should report all such cases to the Audit Manager, and accept advice on the steps to take over the suspicions in accordance with the fraud response plan.

8.0 INVESTIGATION

All investigations will be carried out in accordance with the Fraud Response Plan, unless they relate to Benefits fraud or money laundering, in which case these will be dealt with in accordance the specific guidance that relates specifically to these areas of work.

9.0 IMPLEMENTING THIS FRAMEWORK

The Chief Executive is ultimately responsible for preventing and detecting theft, fraud, and corruption.

The Corporate Governance Working Group, led by the Section 151 Officer is responsible for developing, reviewing and maintaining an anti-fraud and corruption policy, and for advising on effective internal controls to prevent wrongdoing.

The Chief Executive, Executive Directors and Heads of Service must ensure that all staff follow this strategy, supported by the Council's Internal Audit and Human Resources functions.

The Audit Manager will report on compliance to the Audit and Risk Committee.

All managers are responsible for preventing and detecting fraud. They must, with support from Internal Audit and Human Resources, ensure that they operate effective mechanisms in their area of control to:

- Prevent theft, fraud and corruption
- Promote employee awareness (All staff have a responsibility to prevent, detect and report on any fraud or suspected fraud)
- Assess the risk of fraud
- Take prompt action in line with the Fraud Response Plan when they suspect or are alerted to possible theft, fraud or corruption

There are a number of policies already in place within the Council for preventing, detecting, managing and reporting theft, fraud and corrupt conduct; these include but are not limited to:

- Codes of Conduct for employees and members
- Standing Orders
- Financial Regulations
- Registers of Interests, Gifts and Hospitality
- Disciplinary Rules and Procedures
- The Whistle-blowing Policy
- Fraud Response Plan
- Procurement Strategy
- Risk Management Strategy
- Recruitment procedures (pre-employment vetting, references, etc)

- Anti Money Laundering Policy
- Information Security Management Policies

Copies of all the policies listed above are available on the Councils intranet under the A-Z of strategies and policies.

10 REVIEW AND DEVELOPMENT OF THIS FRAMEWORK

It is important to keep this framework up-to-date with developments in the law and professional practice. The Audit Manager will therefore coordinate at least an annual review, and report this to the Audit and Risk Committee.

Should any urgent need arise that requires updates to the existing framework then, this will be conducted promptly rather than at the year end.

Appendix A – Nolan Principles

The seven principles of public life;

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.

These principles apply to all aspects of public life. The Nolan Committee set them out for the benefit of all who serve the public in any way.

Appendix B – Possible indicators of Fraud

Listed below are a number of common fraud indicators. None of them prove wrongdoing – though all are cause for managerial concern;

- unusual employee behaviour (e.g. a supervisor who opens all incoming mail, refusal to comply with normal rules and practices, fails to take leave, managers by-passing subordinates, subordinates by-passing managers, living beyond means, regular long hours working, job dissatisfaction/ unhappy employee, secretiveness or defensiveness),
- Key documents missing (e.g. invoices, contracts),
- Inadequate or no segregation of duties,
- Absence of controls and audit trails,
- Inadequate monitoring to ensure that controls work as intended (periodic testing and evaluation),
- Excessive variations to budgets or contracts,
- Bank and ledger reconciliations are not maintained or cannot be balanced,
- Excessive movements of cash or transactions between accounts,
- Numerous adjustments or exceptions,
- duplicate payments or large payments to individuals,
- Unauthorised changes to systems or work practices,
- lack of rotation of duties,
- Policies not being followed,
- Post Office boxes as shipping addresses,
- Lowest tenders or quotes passed over with minimal explanation recorded,
- splitting up requirements to get under small purchase requirements or to avoid prescribed levels of review or approval,
- Vague specifications,
- Excessive hours worked by key staff, and
- lack of common sense controls such as changing passwords frequently, requiring two signatures on cheques or restricting access to sensitive areas.

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ICT Strategy

Contents

1.	Introduction	3
2.	What has been achieved so far	3
3.	The Purpose of the Strategy	4
4.	Addressing the Challenges Ahead.....	4
	The Five Principles.....	4
5.	Key Themes of the Strategy	5
6.	The Key Themes	5
	Theme 1: ICT Governance	5
	Theme 2: Enabling Change	7
	Theme 3: Enabling Flexible Service Delivery	9
	Theme 4: Value for Money.....	10
7.	Links to Other Strategies and Policies	11
8.	Glossary of Terms	12

1. Introduction

Public service organisations face a challenging time on many fronts including reduced government funding and increasing customer expectations of service delivery to match their ever changing needs. Information and Communication Technology (ICT) is vital to the delivery of cost effective, efficient services to the residents of the Borough; whether directly as part of front line services or supporting behind the scenes. Information technology not only contributes to organisational success, but is also a driving force for change and innovation.

The ICT Strategy ('The Strategy') supports and underpins the delivery of the four priorities of the Council Plan. These are:

A co-operative Council delivering high quality, community-driven services
A clean, safe and sustainable Borough
A Borough of opportunity
A healthy and active community

2. What has been achieved so far

The current ICT Strategy was approved in 2008. Since then, ICT has undertaken significant work that has had positive impacts on service delivery and changed how ICT is both delivered for the organisation and perceived as a service.

Significant achievements have included:

- a) The merger of ICT and Customer Services to form a single department, which has enabled customer focused solutions to be developed, utilising technology for the benefit of residents.
- b) Significant efficiencies and cost savings through the reduction of software applications and suppliers.
- c) The replacement of legacy systems which has improved service delivery for both staff, suppliers and the public through greater integration and joined up working.
- d) Improved business continuity to ensure that in the event of disruption to normal working arrangements, the Council can still provide its major services to the public.
- e) Compliance with national security standards, such as the Public Services Network Code of Connection (PSN) which ensure that data is kept securely and that the Council can share information with other public sector bodies such as Central Government.

- f) Significant changes in the way that users are able to use ICT through the development of remote access and agile working facilities, underpinned by the introduction of up to date infrastructure.
- g) Delivery of a significant number of corporate and departmental projects that have enabled services to become more flexible and deliver customer focused outcomes for the residents of the Borough.

3. The Purpose of the Strategy

The Strategy provides high level guidance in describing how ICT will continue to support the needs of the Council in delivering its Council Plan and aims to build on some of the themes identified in the previous Strategy.

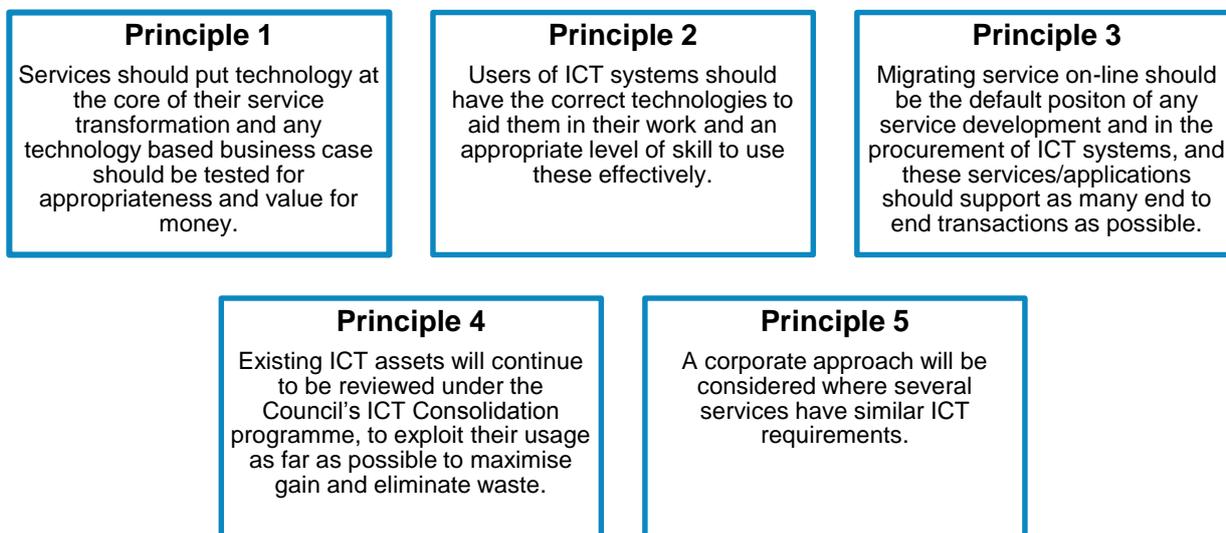
It is therefore a document that will be refined and updated as the Council's needs develop and change in the coming years. The Strategy will not capture every ICT related project which must be undertaken in order to enable the delivery of the ICT service and Council's objectives. Rather, this document will act as a baseline from which the ICT service will manage its efforts over the coming years.

The Strategy is based on nationally recognised best practice guidelines and follows the ITIL Framework for IT Service Management. ICT have already begun including ITIL practices in day to day operations and this is set to continue.

4. Addressing the Challenges Ahead

The Council is facing challenging times with financial pressures being at the forefront of every aspect of its future business. Therefore ICT will aim to maximise the investment in existing technology and assets; reduce the number of assets it has and ensure that technology solutions are affordable and efficient. In all cases, the following Principles will be applied.

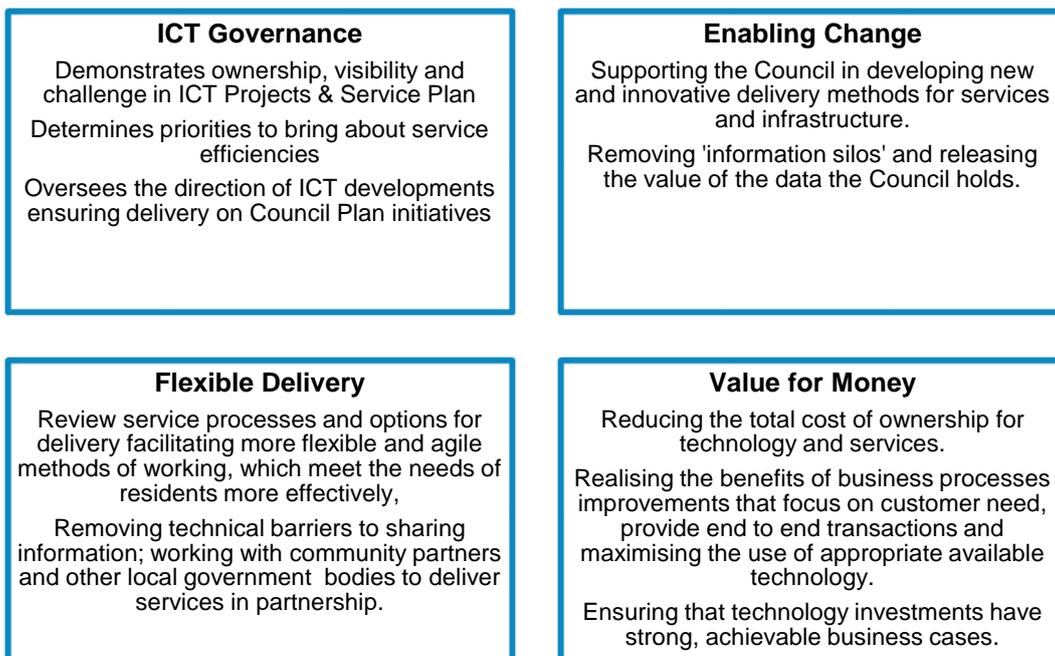
The Five Principles



5. Key Themes of the Strategy

The Strategy focuses on four key themes which are designed to work alongside existing corporate policies such as Information Security, Customer Standards and Access and Business Continuity. The Principles detailed in Section 4 will be applied throughout these themes. The themes are deliberately focused on delivering ICT for the business and the customers it serves and are not based on any particular technology initiative.

The four key themes are:



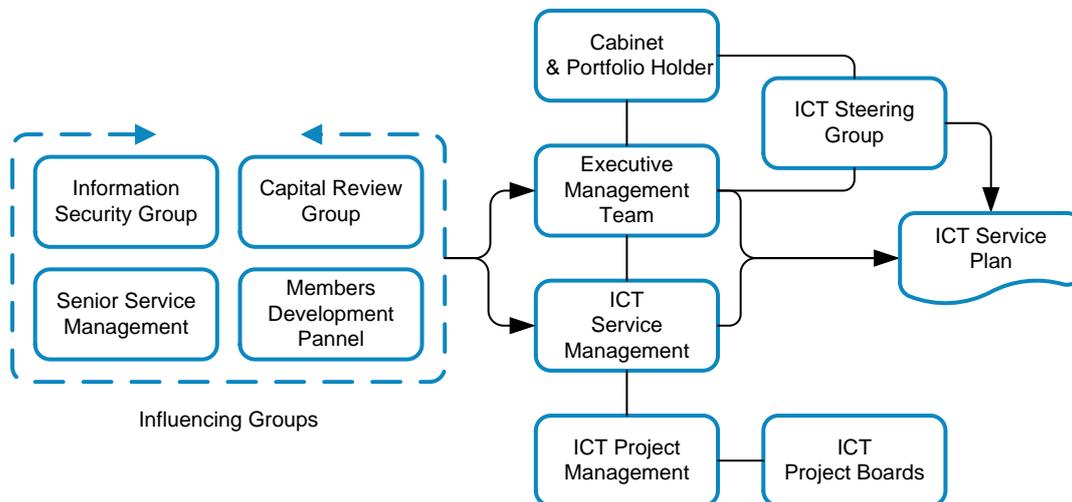
6. The Key Themes

Theme 1: ICT Governance

This theme recognises that the effective management of ICT resources is vital to aid decision making. Effective governance sets the objectives of ICT, challenges the ICT work plan and determines the priority of initiatives to bring about effective service delivery.

How this will be delivered:

The Council's ICT Service Plan is managed by the ICT service, both at an operational and strategic level. The ICT Service Plan, and associated work plans, are the drivers for the service and consequently form part of ongoing performance measurement and progress monitoring of projects at team meetings and individual meetings.



a) **Cabinet & Portfolio Holder**

Cabinet is made up of Elected Members from the majority political party and takes decisions about what the Council should do. Cabinet Members are also Portfolio Holders and each service within the Council is allocated a Portfolio Holder. The Portfolio Holder ensures that the work of the service they are responsible for contributes to the overall aims and direction of Cabinet.

b) **The ICT Steering Group**

The role of the ICT Steering Group is fundamental to obtaining ownership and visibility from strategic leaders in challenging the priorities for ICT Projects and the content of the ICT Service Plan within the context of delivering the Council Plan.

c) **Executive Management Team**

The Council’s Executive Management Team ensures that ICT’s resources are directed to the areas which are of most benefit and importance to service delivery. They are also responsible for authorising business cases for technology developments and work with relevant supporting teams to ensure that benefits are realised.

d) **ICT Service Management**

ICT’s Management team ensures that the authority continues to comply with local, legislative or governmental requirements; that projects are delivered as anticipated and that a robust ICT Service is provided that supports the needs of the business.

e) **The ICT Service Plan**

ICT completes a detailed service plan which outlines the work programme for the coming year. This is compiled from business needs identified across all departments and the ICT Service plan is not finalised until other service areas have completed their individual service plans. The ICT Service Plan is a fluid document which supports and co-ordinates with other areas of the organisation at both a strategic and operational level.

f) **ICT Project Boards**

Project boards ensure that technology related initiatives are delivered within the scope of the business case and that any deviation from the anticipated outcomes is mitigated and the business case continuously reviewed. The principles of 'Prince 2' project management methodology is embedded in all ICT projects.

The governance arrangements for ICT are designed to work alongside the Council's existing Committees and working groups such as Members Development Panel, Information Security Group, etc. These arrangements are intended to simplify processes, ensure that ICT is responsive to change, that services work collaboratively and that resources are focused on addressing the most important areas of need.

Theme 2: Enabling Change

The Council will need to find new and innovative ways of providing services which strive to match increasing and changing customer demand with decreased resources. Clearly, the promotion of the benefits ICT can bring is not solely in the remit of the ICT Steering Group. Services themselves must take a leading role in ensuring that their ICT applications are fit for purpose and are being used effectively.

ICT has the capability to enable departments to challenge the ways in which services are delivered; to target these more effectively and to look at how technology can provide alternative and potentially more effective delivery methods.

To enable change within the organisation ICT will need to:

- a) Provide strategic and operational guidance to the organisation regarding available solutions;
- b) Bridge the gap between the technical and business needs;
- c) Provide effective ICT Project Management;
- d) Be responsive and receptive to business needs;
- e) Assist service areas in identifying solutions and developing effective business cases; and
- f) Work with community partners and third sector organisations to achieve common goals and aspirations.

How this will be delivered:

a) **Business Relationship Management**

ICT Staff will meet regularly with individual services to discuss ICT developments, ideas and progress. This will enable the ICT team to match technical delivery to operational need and support departments in open, plain english, business focused discussions.

b) **Effective Project Management**

Due to the highly technical nature of ICT projects, ICT has a specialist project management function that works with and supports the project owner throughout the life of a project. This function ensures that new initiatives are delivered on time, on budget, and in line with the business case. Effective project management is essential in ensuring that ICT continues to learn from previous projects which can then influence future initiatives and ensures that resources are directed appropriately and efficiently. ICT project staff will continue to develop their skills to enable them to respond to new demands.

c) ***Improved Supplier Representation***

The Council has a considerable portfolio of software and solutions at its disposal. ICT will aim to improve how it works with suppliers to ensure that the Council maximises the value of systems currently in place and challenge suppliers to offer more innovative and flexible contract models that better suit the Council's shifting needs.

d) ***Empowering Users***

ICT Staff will support service areas so that the workforce has the confidence and competence to respond to new demands using technology. Users will be encouraged to self-help and greater participation in technology will be encouraged through the introduction of open discussion forums, focusing on particular requirements.

Similarly, ICT Staff will support the Council's Elected Members to gain the skills they need to access information and communicate effectively using technology.

e) ***Rapid Service Development***

ICT Staff will support services in rapidly trialing technology driven solutions on a limited scale that allow new ideas to be tested prior to creating a full business case. The ideas may not represent the final solution, but will test the principles and feasibility of a proposal, utilising re-usable technology that avoids excessive up-front expenditure.

f) ***The Customer Journey Programme***

The Customer Journey programme aims to improve customer satisfaction in service provision by developing choice in the ways Council services can be accessed. This is part of a wider integrated approach which will see web services increasing, enabling more online, end to end transactions and greater integration with back office systems. As the Council faces unprecedented change, this programme will become increasingly important as ICT's Project Managers look to work with service areas to offer innovative ways of increasing service efficiency and developing strong business cases for change.

Theme 3: Enabling Flexible Service Delivery

The future model of face to face service delivery for the Council is likely to be provided through shared physical spaces with partner organisations, designed for end-to-end service delivery regardless of service provider.

In order to achieve this delivery model the ICT Team will need to:

- a) Support the design of services which facilitates service delivery from any location;
- b) Ensure that staff have access to the correct technology (hardware and software) to maximise opportunities for agile working;
- c) Provide Elected Members with appropriate tools that both support and add value to their roles within their communities;
- d) Look at how technology can be used to encourage collaboration across multiple locations; and
- e) Ensure the capability of the Council's core ICT infrastructure is not dependent upon centralised physical locations.

How this will be delivered:

a) ***Distribution of ICT Infrastructure***

ICT Staff will work with the Council's Facilities Management team to rebalance the locations of the Council's infrastructure across the Borough. This will ensure that the Council has the flexibility to access technology services wherever they are required.

ICT Staff will also look to alternative delivery methods such as shared or cloud based services wherever suitable solutions exist that would be both economically and operationally beneficial to the Council and its residents in the long term.

b) ***Increase mobile technology for service delivery***

ICT Staff will work with other Council services to identify areas where new mobile technology can be introduced to ease the burden of service delivery and maximise efficiency to support areas such as field workers and operational services. ICT will also work with services to identify any barriers to effective agile working and where appropriate, corporately identify solutions that allow these barriers to be overcome.

c) ***Conversion of Documents to Electronic Format***

ICT Staff will work with the Council's services to develop a long term strategy for the handling of information; the conversion of current and historical data into an electronic format to support agile practices and the adoption of records management processes.

d) ***Develop technologies to improve communication and aid working together***

ICT Staff will work with service areas to introduce new technologies that enable and simplify staff working together and sharing consistent information and avoiding duplication. ICT will also work to ensure that existing systems are being used to their best potential and that the Council maximises its existing investment in software and infrastructure.

Theme 4: Value for Money

Significant inroads have been made in reducing the cost of providing technology whilst not decreasing the overall level of service offered to users through the ICT Consolidation programme. ICT continues to ensure that it obtains value for money in any procurement it undertakes and in its day to day operations. However additional benefits can also be realised through the work ICT can do in supporting departments to ensure their business processes deliver direct benefits to customers through the use of appropriate available technology.

In order to achieve this ICT will need to:

- a) Maximise the investment made in existing infrastructure and software;
- b) Consolidate applications where possible and look to open-source alternatives where available;
- c) Work with suppliers and partners to identify new opportunities and minimise costs;
- d) Ensure strong financial controls and service management is in place;
- e) Ensure that investments in new ICT infrastructure and applications deliver best value; and
- f) Ensure that 'invest to save' opportunities are recognised and acted upon.

How this will be delivered:

a) ***Application Consolidation***

ICT Staff will revisit opportunities identified during its ICT Consolidation programme, with increased emphasis on the financial implications of maintaining infrastructure and software, which duplicates functionality or is no longer fit for the Council's needs. ICT will also work to identify potential software sharing opportunities where common solutions add value to the work of the Council and enhance the customer experience.

b) ***Embracing Open-Source Alternatives***

ICT Staff will actively seek out 'open source' alternatives to commercial applications, which are of benefit to the authority, reduce cost and meet a business need. ICT will however ensure that wherever open source systems are used, the indirect costs of making a such a solution work do not outweigh the costs involved in deploying a commercial alternative.

c) ***Enhanced monitoring of software***

ICT Staff will enhance its current software management processes to monitor usage of applications across the authority and ensure that commercially licensed software is deployed in the most appropriate places.

d) *Delivery Alternatives*

ICT Staff will continue to look at alternatives to traditional purchasing and installation methods, such as Software/Infrastructure as a Service, where there is a quantifiable long term benefit to the authority and such services conform with the Council's security requirements.

e) *Exploitation of existing assets and development of new solutions*

ICT Staff will encourage and support services in redesigning their delivery methods to embrace technology, both new and existing, as a way of reducing their financial costs. Whilst this particular initiative may result in difficult decisions regarding the resourcing of services, wherever possible, ICT will support the redesign of delivery methods to ensure that quality services continue to be offered to the residents of the Borough.

f) *Staff Development*

The Council continues to invest in ensuring that ICT staff have the tools and training they require to do their jobs effectively. The ICT Team utilises the Skills for the Information Age (SFIA) framework to measure performance and identify skills gaps.

7. Links to Other Strategies and Policies

The Strategy is a key document which supports or is influenced by the following:

- Council Plan
- ICT Service Plan
- Procurement Strategy
- Members ICT Protocol
- Information Security Policies
- Asset Management Strategy
- Capital Strategy
- Carbon Management Plan
- Co-Operative Strategy
- Communications Strategy
- Customer Standards & Access Strategy

- Data Protection Policy
- Energy Efficiency and Climate Change Strategy

Internally, the ICT Team have a number of key technical procedures and policies, such as the ICT Desktop Strategy, which are directly influenced by the overarching ICT Strategy but are not specifically contained as a part of this document. These policies and procedures are frequently reviewed to ensure that they continue to meet the requirements of the authority and include the latest technological advancements. Such reviews are conducting in line with the overall principals and themes of this Strategy.

8. Glossary of Terms

Agile Working Facilities Facilities that allow staff to deliver services directly to a customer or carry out their normal duties from any location, but with the same level of service as would be experienced in a traditional Council building.

Back Office Systems Systems that are not directly accessible by customers or suppliers but support the Council's services and contribute towards or generate an outcome for said customers or suppliers.

Business Continuity A defined set of preparatory activities intended to ensure that the Council's critical business functions will continue to operate in a serious incident or disaster that might otherwise have disrupted them.

Cloud Based Services Software or systems which are available to Council staff or customers, but are not run from computers that are physically owned or operated by the Council.

Consolidation Programme The ICT programme which has looked at the functionality of individual applications and assessing where there are areas of duplication and opportunities for systems to be retired.

End to End Transactions Customer focused transactions that are initiated electronically and then processed without the need for manual intervention in order to achieve the desired outcome.

Infrastructure Physical items of computer hardware, including servers, personal computers, storage and networking devices that underpin the delivery of ICT.

ITIL Framework The Information Technology Infrastructure Library Framework is a set of practices for IT service management that focuses on aligning IT services with the needs of business.

Legacy Systems An old method, technology or application that is part of a previous or

outdated computer system.

Open Source

An item of software provided under a free license that can be re-distributed, used or developed by anyone without incurring the costs associated with traditional commercial solutions.

Remote Access

A service which allows staff and suppliers to gain access to internal Council software and systems from a remote location, as if they were in their normal place of work.

Shared Software Services

Software applications that are unique to the business of the Council, but are shared with other neighbouring authorities to deliver a particular service.

Skills for the Information Age

The Skills Framework for the Information Age (SFIA) Framework is the world's most popular way of describing and measuring the skills and knowledge of information technology professionals.

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APPENDIX 17

ROLES OF COUNCILLORS

BOROUGH COUNCILLORS

Main Purpose:

- To participate constructively and effectively in the good governance of the Borough and the local area.
- To contribute actively to the formation and scrutiny of the Borough Council's policies, priorities, plans, strategies, budget and service delivery.
- To represent effectively the interests of the Ward for which elected and deal effectively with enquiries and representations from local people.
- To lead on proposals relating to the best interests and sustainability of the local community.
- To represent the Borough Council on outside bodies, especially in the local area, as required.

Key Duties:

- To fulfil all requirements of an elected Member of the Borough Council, including compliance with all the relevant Codes of Conduct, and participation in those decisions and activities reserved to the Full Council.
- To participate effectively as a member of any scrutiny, regulatory, area or other committee.
- To participate actively and effectively on local outside bodies, providing two-way communication between the Borough Council and the relevant bodies.
- To develop and maintain a sound working knowledge of the Borough Council's policies and practices generally and, in particular, in relation to services, plans and policies affecting committees to which appointed and the local area.
- To participate in the scrutiny or performance review of the services provided by the Borough Council, including the scrutiny of policies and budgets, and their effectiveness in achieving the strategic objectives of

the Borough Council, whether through the Borough Council and Scrutiny Committee meetings or other means.

- To participate effectively in all relevant consultative processes with the local community and with other organisations (including the County and Parish/Town Councils).
- To represent the Borough Council to the local community and the local community to the Borough Council through all appropriate means.
- To develop and maintain good and effective working relationships with the Borough Council's Executive, the Scrutiny Committee and Officers of the Borough Council.
- To develop and maintain a working knowledge of the organisations, services, activities and other matters which affect and impact upon the local community.
- To contribute effectively to the Council's corporate policies and in particular the Community Safety and Anti-Poverty policies and strategies in the local area.
- To participate actively and effectively in any political group of which the Councillor is a member.

Accountability:

The tasks and duties outlined in this role description relate to the political and representational role of a Member of the Borough Council. Accountability for Members' performance is through the political and electoral process.

MEMBER OF THE CABINET WITHOUT PORTFOLIO

Main Purpose:

- To be a member of the Executive and Cabinet.
- To shadow a particular portfolio(s) of the Borough Council's corporate priorities or service provision and monitor the achievement of the Borough Council's Performance Plan and targets.
- To undertake, in addition, all the duties specified in the Borough Councillor's role description.

Key Duties:

- To be a shadow spokesperson for particular corporate or service portfolio(s).
- To shadow and contribute to the preparation of strategies and plans for the particular corporate or service area and set appropriate objectives and targets.
- To shadow and contribute to the preparation of the budget to support the strategies and plans.
- To contribute to the community planning process which will inform and structure the strategies and plans.
- To contribute to the achievement of Best Value.
- To contribute to the development and formulation of partnerships to support and assist in the effective delivery of strategies and plans.
- To contribute to the implementation of approved policies and strategies and ensure their effective delivery.
- To act as liaison between the Cabinet and Scrutiny Committee(s) so as to ensure clear and effective channels of communication (NOTE: *this role is to be carried out in conjunction with any other Cabinet Member Without Portfolio*).

NOTE: 'Contribute' should at some or all times be taken to be in the context of constructive opposition.

Functions:

- To contribute to the Cabinet's considerations and recommendations.

- To meet regularly (within or without Cabinet), as appropriate, with other members of the Cabinet, the Chief Executive, Chief and other officers to consider and recommend action within approved policies and strategies.
- To ensure regular contact with non-Executive Councillors, community representatives and other local stakeholders and to take account of their views in shaping recommendations on policies, strategy and budgets.
- To contribute effectively to the Borough Council's scrutiny process by attendance at, and reporting to, Scrutiny Committees, the Borough Council, and any other appropriate meetings or forums, and responding to questions and proposals on the particular service or corporate area as appropriate to an opposition spokesperson.
- To represent the Borough Council on countywide, regional and national bodies, or at related events or conferences as approved.

Accountability:

The tasks and duties outlined in this role description relate to the political and representational roles of a Member of the Borough Council. Accountability for Members' performance is through the political and electoral process.

MEMBER OF THE CABINET WITH PORTFOLIO

Main Purpose:

- To be a member of the Executive and Cabinet.
- To be the Lead Member in relation to a particular portfolio of the Borough Council's corporate priorities or service provision and to ensure that the Borough Council's Performance Plan targets are achieved.
- To undertake, in addition, all the duties specified in the Borough Councillor's role description.

Key Duties:

- To be the principal spokesperson for the particular corporate priorities or service areas comprised in the portfolio.
- To lead in the preparation of strategies and plans for the particular corporate priorities or service areas in the portfolio and set appropriate objectives and targets.
- To lead in the preparation of the budget to support the strategies and plans.
- To lead in the community planning process.
- To contribute to the achievement of Best Value in the particular corporate or service areas in the portfolio.
- To lead in the development and formulation of partnerships to support and assist in the effective delivery of strategies and plans.
- To lead in the implementation of approved policies and strategies and ensure their effective delivery.
- To respond to consultation by Chief Officers in respect of decisions delegated to them within the corporate or service areas comprised in the portfolio.

Functions:

- To contribute effectively to the Cabinet's considerations and recommendations.
- To meet regularly (within or without Cabinet), as appropriate, with members of the Executive, the Chief Executive, Chief and other officers

to consider and recommend action within approved policies and strategies.

- To ensure regular contact with non-Executive Councillors, community representatives and other local stakeholders and to take account of their views in shaping recommendations on policies, strategy and budgets.
- To contribute effectively to the Borough Council's scrutiny process by attendance at, and reporting to, Scrutiny Committees, the Borough Council, and any other appropriate meetings or forums, and responding to questions and proposals on the particular service or corporate areas within the portfolio.
- To develop and maintain a working knowledge of the organisations, services, activities and other matters which affect and impact upon the local community.
- To contribute effectively to the Community Safety and Anti-Poverty policies and strategies in the local area.
- To participate actively and effectively in any political group of which the Councillor is a member.

Accountability:

The tasks and duties outlined in this role description relate to the political and representational roles of a Member of the Borough Council. Accountability for Members' performance is through the political and electoral process.

LEADER OF A MINORITY GROUP

Main Purpose:

- To provide leadership to a minority party of the Borough Council.
- To ensure effective, positive and constructive opposition to the Borough Council's majority party.
- To undertake, in addition, all the duties specified in the Borough Councillor's role description.

Key Duties:

- To provide overall leadership to and be a spokesperson for a minority party of the Borough Council.
- To provide, as appropriate, alternatives or amendments to the Borough Council's policies, strategies and budgets and proposed amendments thereto.
- To lead the minority party in the effective scrutiny of the Borough Council's policies, strategies and budgets; the performance against targets and objectives set, and the achievement of Best Value.

Functions:

- To lead effectively a minority party in opposition to the majority party at the Borough Council, Scrutiny Committees, committees or by other means.
- To meet regularly with his/her group members to ensure good communications and to inform effective opposition.
- To maintain effective relationships with the Leader of the Borough Council, members of the Cabinet, the Chief Executive, Chief and other officers, and to meet them, as required, to ensure he/she is sufficiently and effectively briefed on service and relevant corporate areas and any other relevant issues.
- To nominate Council Members of his/her group to serve on Scrutiny Committees, committees and, if appropriate, local outside bodies.
- To take personal responsibility for 'shadowing' one or more corporate or service areas or portfolios of the Borough Council's activity.
- To appoint Council Members of his/her group to 'shadow' particular corporate or service areas of the Borough Council's activity.

- To ensure effective contact with community representatives and other local stakeholders, as appropriate, and represent their views in ensuring effective opposition to the majority party.
- As requested by the Borough Council, to represent the Council on Borough-wide, regional and national bodies and national and international events relating to, or organised by, those bodies.

Accountability:

The tasks and duties outlined in this role description relate to the political and representational roles of a Member of the Borough Council. Accountability for Members' performance is through the political and electoral process.

**LEADER OF THE BOROUGH COUNCIL AND
CABINET LEADER**

Main Purpose:

- To chair the Cabinet.
- To lead in the development of the Borough Council's policy, strategy and budget proposals.
- To lead in the overall control and development of the Borough Council, within the agreed policy, strategy and budget framework.
- To lead in developing the Borough Council's partnerships with other organisations within and outside the Borough.
- To undertake, in addition, all the duties specified in the Borough Councillor's role description and the Cabinet Member's role description.

Key Duties:

- To provide overall leadership to the Borough Council.
- To undertake, within the confines of the existing law, responsibility for the development and delivery of the Borough Council's overall strategy, policy, budget and service provision.
- To provide the political lead on proposals for new policies and strategies or changes to approved policies and strategies, to meet changing demands.
- To act as the principal political spokesman for the Borough Council at local, regional, national and international level.
- To respond to consultation by Chief Officers in respect of decisions delegated to them within the corporate or service areas comprised in the portfolio.

Functions:

The Leader has overall responsibility for ensuring the effective functioning of the Cabinet and Executive, the proper and effective provision of scrutiny and an effective representational role for all Borough Councillors, together with leading on the local, regional and national interests of the Borough Council. In carrying out this overall responsibility, he/she will:

- Provide an overall cohesive corporate and strategic direction for the Borough Council.

- Recommend to the Borough Council the adoption of appropriate policies, strategies and budget provision to meet the changing demands on the Borough Council.
- Ensure the effective delivery and development of strategies and policies to meet changing demands on the Borough Council and the duty of Best Value.
- Ensure effective arrangements for consultation and community planning.
- Ensure the Borough Council's corporate policies are communicated effectively.
- Ensure effective liaison with other political groups within the Borough Council.
- Represent the Borough Council on Borough, County, regional and national bodies and events relating to or organised by those bodies (including international events).

Accountability:

The tasks and duties outlined in this role description relate to the political and representational roles of a Member of the Borough Council. Accountability for Members' performance is through the political and electoral process.

CHAIRS OF COMMITTEES

Main Purpose:

- To chair one of the Council's regulatory committees.

Key Duties:

- To ensure he/she is sufficiently and effectively briefed on the appropriate service areas and issues pertaining to the Regulatory Committee.
- To ensure he/she is sufficiently and effectively briefed on the Council's Standing Orders for the conduct of meetings.
- To ensure effective consideration by the Committee of recommendations, proposals and reports of the Chief Executive and Chief Officers appertaining to the responsibilities of the Committee.
- To preside over the procedure of the Committee and ensure compliance with the Council's Standing Orders.
- To be a spokesperson for the particular committee (e.g. Planning).
- To contribute to the preparation of strategies and plans for the particular service or corporate area within the Committee's remit.
- To contribute to the preparation of the budget to support the strategies and plans of the Committee.
- To contribute to the achievement of Best Value.
- To contribute to the development and formulation of partnerships to support and assist in the effective delivery of strategies and plans.
- To contribute to the implementation of approved policies and strategies.
- To be consulted by Chief Officers in relation to decisions delegated to them.

Functions:

- To preside over meetings of the Committee.
- To contribute to the Committee's considerations and recommendations.
- To meet regularly and as appropriate with other Members of the particular committee and other officers to consider and recommend actions within approved policies and strategies.

- To contribute effectively to the Borough Council's scrutiny process by attendance at, and reporting to, Scrutiny Committees, the Borough Council and any other appropriate meeting or forum.
- To represent the Borough Council on Countywide, regional and national bodies, or at related events or conferences.

Accountability:

The tasks and duties outlined in this role description relate to the political and representational roles of a Member of the Borough Council. Accountability for Members' performance is through the political and electoral process.

CHAIR OF SCRUTINY COMMITTEES

Main Purpose:

- To chair the Council's Scrutiny Committees.

Key Duties:

- To ensure he/she is sufficiently and effectively briefed on the appropriate service areas and issues pertaining to the Scrutiny Committee.
- To ensure he/she is sufficiently and effectively briefed on the Council's Procedure Rules for the conduct of meetings.
- To ensure effective scrutiny of the proposals and decisions of the Cabinet within the remit of the Committee and to ensure effective consideration by the Committee of recommendations, proposals and reports of the Chief Executive and Chief Officers appertaining to the responsibilities of the Committee.
- To preside over the procedure of the Committee and ensure compliance with the Council's Procedure Rules and to ensure fair debate.
- To be a spokesperson for the Committee.
- To assist in the scrutiny of strategies and plans of the Council.
- To assist in the scrutiny of the budget.
- To contribute to the achievement of Best Value.
- To scrutinise the implementation of approved policies and strategies.

Functions:

- To preside over meetings of the Committee.
- To contribute to the Committee's considerations and recommendations.
- To represent the Borough Council when requested on Countywide, regional and national bodies, or at related events or conferences.

Accountability:

The tasks and duties outlined in this role description relate to the political and representational roles of a Member of the Borough Council. Accountability for Members' performance is through the political and electoral process.

CHAIR OF STANDARDS COMMITTEE

Main Purpose:

- To chair the Council's Standards Committee.

Key Duties:

- To ensure he/she is sufficiently and effectively briefed on the Council's Code of Conduct and related protocols.
- To ensure he/she is sufficiently and effectively briefed on the Council's Procedure Rules for the conduct of meetings.
- To preside over the procedure of the Committee, to ensure compliance with the Council's Procedure Rules and to ensure fair debate.
- To assist in ensuring that the Council adheres to the highest standards of probity in all of its transactions.
- To assist in promoting and maintaining high standards of conduct by Councillors and co-opted Members.
- To undertake any necessary training.

Functions:

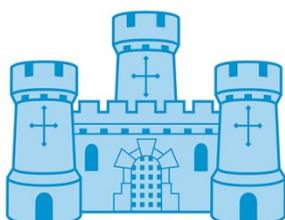
- To preside over meetings of the Committee.
- To contribute to the Committee's considerations and recommendations.
- To represent the Borough Council when requested on Countywide, regional and national bodies, or at related events or conferences.

Accountability:

The tasks and duties outlined in this role description relate to the political and representational roles of a Member of the Borough Council. Accountability for Members' performance is through the political and electoral process.

Updated November 2014

APPENDIX 18



NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

CODE OF CONDUCT FOR MEMBERS - 2015

1. Application

- 1.1 This Code of Conduct applies to you whenever you are acting in your capacity as a Member of the Borough Council of Newcastle under Lyme, including:
- a. At formal meetings of the Council, its committees and sub committees and its Cabinet and Cabinet committees
 - b. When acting as a representative of the Authority
 - c. In taking any decision as a Cabinet member or Ward Councillor
 - d. In discharging your functions as a Ward Councillor
 - e. At briefing meetings with officers
 - f. At site visits
 - g. When corresponding with the Authority other than in a private capacity
- 1.2 When carrying out their public role, members should always have regard to the seven principles of public life;
- a. **Selflessness** – you must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family or close associates.
 - b. **Integrity** – you must not place yourself under a financial or other obligation to outside individuals that might seek to influence you in the performance of your official duties. You should exercise independent judgement and declare all interests and relationships.
 - c. **Objectivity** – you must act and take decisions impartially, fairly and on merit, using the best evidence without discrimination or bias.
 - d. **Accountability** - you are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.
 - e. **Openness** – you should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.
 - f. **Honesty** – you should be honest and truthful.
 - g. **Leadership** – your own behaviour should exhibit leadership, actively supporting and demonstrating this, being willing to challenge poor behaviour where ever it occurs.

2. Behaviour

2.1 As a member you should;

- a. behave in such a way that a reasonable person would regard as respectful,
- b. not act in a way which a reasonable person would regard as bullying or intimidation,
- c. not seek to improperly confer an advantage or disadvantage on any person,
- d. use the resources of the council in accordance with its requirements,
- e. not disclose information which is confidential or where disclosure is prohibited by law,
- f. respect the impartiality of officers and not to influence them inappropriately.

3. Registration of interests

3.1 Within 28 days of this Code being adopted by the council, or the members election or the co-opted member's appointment (where that is later), Members must register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.

3.2 Upon the re-election of a member or the re-appointment of a co-opted member, councillors must within 28 days re-register with the Monitoring Officer any interest's in Appendices A and B.

3.3 Members must register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

3.4 Members need not register any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if made public, could lead to the councillor or a person connected with the councillor being subject to violence or intimidation.

4. Declaration of interests at meetings

4.1 Disclosable Pecuniary Interests

4.1.1 Where a matter arises at a meeting which relates to an interest in Appendix A members must declare their interest and not participate in a discussion or vote on the matter.

4.2 Other declarable interests

4.2.1 Where a matter arises at a meeting which relates to or affects an interest in Appendix B or a financial interest of the councillor, a friend, relative or close associate (and it is not a Disclosable Pecuniary Interest as defined in appendix A), councillors must declare the interest.

4.2.2 Where the matter affects the declarable interest of more than the majority of people in the area that will be affected by the decision and a reasonable member of the public would think the councillor's view of the public interest would be adversely affected, the councillor must not vote on the matter. They may speak on the matter only if members of the public are also allowed to speak at the meeting.

4.2.3 Where a matter arises at a meeting which is a sensitive interest as defined under paragraph 3.4 above, councillors do not have to declare the nature of their interest but must follow the rules regarding non-participation.

5. Dispensations

5.1 On a written request made to the council's monitoring officer, the council may grant a councillor a dispensation to participate in a discussion and/or vote on a matter at a meeting where they would otherwise not be allowed to if the council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

6. Gifts and Hospitality

6.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £10 which you have accepted as a Member from any person or body other than the Authority.

6.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality

6.3 This duty to notify the Monitoring officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose

APPENDIX A

Disclosable Pecuniary Interests (DPIs)

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

The duties to register, disclose and not to participate in respect of any matter in which a Member has a DPI are set out in Chapter 7 of the Localism Act 2011.

DPIs are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

INTEREST	PRESCRIBED DESCRIPTION
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority)
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the area of the relevant authority
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	Any tenancy where (to the Member's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant authority has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either – (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in

	which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class
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For this purpose:

'the Act' means the Localism Act 2011

'body in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person has a beneficial interest

'director' includes a member of the committee of management in an industrial or provident society

'land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

'Member' includes a co-opted Member

'relevant authority' means the Member's Authority

'relevant period' means the period of 12 months ending with the day on which a Member gives a notification for the purposes of Section 30(1) or 31(7) as the case may be, of the Act

'relevant person' means the Member or any other person referred to in Section 30(3)(b) of the Act

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

APPENDIX B

Councillors must register:

- 1 any body of which the councillor is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- 2 any body -
 - a. exercising functions of a public nature;
 - b. directed to charitable purposes; or
 - c. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the council is a member or in a position of general control or management;
- 3 any gifts or hospitality worth more than an estimated value of £10 which the member has received by virtue of his or her office.

APPENDIX 18 (Annex 1)

SEVEN PRINCIPLES OF PUBLIC LIFE: CHANGES TO DEFINITIONS

In its recent report 'Standards Matter: A Review of Best Practice in Promoting Good Behaviour in Public Life', the Committee on Standards in Public Life has redefined some of the definitions of the seven principles of public life. This follows research with the public into whether the principles, first articulated in 1996, were still valid and, if so, whether the 1996 definitions reflected public understanding of what was meant by each principle.

Under the Localism Act 2011, a Council's Code of Conduct must be based on the seven principles. In some cases, authorities have included the definition of the principles as part of their preamble to the Code, so may wish to update their Codes to reflect these revised definitions in due course, though it should not have any direct impact on the types of behaviour which are caught under a local Code.

The revised principles are as follows:

Principle	Revised description
Preamble	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
Selflessness	Holders of public office should act solely in terms of the public interest.
Integrity	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

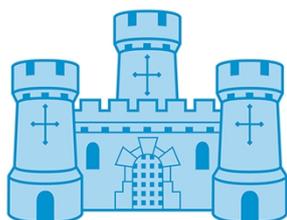
Openness	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.
Honesty	Holders of public office should be truthful.
Leadership	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

What's changed?

1. The definition of **selflessness** has been considerably shortened. The second part of the original definition – about not taking decisions solely for the benefit of yourself, friends or family – has now been included under 'integrity'. This, as the first principle, now means that the opening statement is short and to the point and reinforces the notion of people in public life acting solely in the public interest.
2. By contrast **integrity** has not been expanded to include the wording relating to personal benefit. It also not has a specific statement about the need to declare and resolve any relationships. This underpins the importance of the need to declare interests and, where necessary, remove oneself from the decision-making process to protect the public good.
3. The definition of **objectivity** has been expanded to define what is meant by taking a decision 'on merit' – that is it should be evidence-based, avoid discrimination and be unbiased.
4. The definition of **accountability** remains largely unchanged, though there has been a slight adjustment to the wording.
5. The definition of **openness** has been strengthened, with a much greater emphasis on information being withheld only where there are clear legal reasons to do so. Previously, it had merely stated that one should be as open as possible and restrict information only when the wider public interest demands it. Since the original definition was drawn up, the 'transparency landscape' has clearly changed with the advent of the Freedom of Information and Data Protection Acts which now set out a much clearer legal framework within which to operate.
6. The definition of **honesty** has undergone the most radical change. This had previously been defined in terms of declarations of interest, and therefore overlapped with 'selfishness' and 'integrity'. However, its definition now relates to truthfulness – in line with public understanding of what they felt was meant by the principle of 'honesty'.
7. The definition of **leadership** has been widened. It is now no longer simply about leading by example but places greater emphasis not only on active promotion of standards but also on actively challenging poor behaviour.

Updated May 2014

APPENDIX 18 (Annex 2)



NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

GUIDANCE FOR ELECTED MEMBERS ON PERSONAL USE OF SOCIAL NETWORKING AND OTHER THIRD PARTY WEBSITES (INCLUDING BLOGS, MICROBLOGS AND PERSONAL WEB SPACE)

Introduction

The Internet provides a number of benefits in which Council elected members may wish to participate. From rediscovering old school friends on *Facebook* to keeping up with other people's daily lives on *Twitter* or helping to maintain open access online encyclopaedias such as *Wikipedia*.

However, when someone clearly identifies their association with the Council and/or discusses their work, as a Councillor they are expected to behave appropriately when on the Internet, and in ways that maintain confidentiality and are consistent with the Council's values and policies.

The guidance sets out the principles which Council officers as well as Members are expected to follow when using the Internet. It applies to blogs, to microblogs (e.g. *Twitter*), professional/political forums, professional/political/social networking sites and to other personal web-space. The Internet is a fast moving technology and it is impossible to cover all circumstances. However, the principles set out in this document should always be followed.

The intention of this note is not to stop elected Members from conducting legitimate activities on the Internet, but serves to flag-up those areas in which conflicts can arise.

1. Principles

The Council's reputation as a local authority is crucial. The public must be able to trust the integrity of our elected representatives. To this end, Newcastle-under-Lyme Borough Council elected members:

- **Should not** engage in activities on the Internet which might bring the Council into disrepute;
- **Should** act in a transparent manner when putting information on-line that is related to their work as a councillor;

- **Should not** use the Internet in any way to attack or abuse colleagues, elected Members or the Council's partners;
- **Should not** post unreasonable, inappropriate, abusive, derogatory or offensive comments on the Internet that could be detrimental to their role as an elected representative of the Council.

2. Social Networking Sites

- 2.1** Social networking sites provide a great way for people to maintain contact with friends and colleagues. However, through the open nature of such sites, it is also possible for third parties to collate vast amounts of information.

All elected members should be mindful of the information they disclose on social networking sites. They should act in a manner which does not bring the council into disrepute or break the law (e.g. the Data Protection Act 1998).

2.2 Consideration towards other elected Members or members of staff when using social networking sites

Social networking sites allow photographs, videos and comments to be shared with thousands of other users. However, it will normally not be appropriate to share Council-related information in this way.

For example, there may be an expectation that photographs taken at a Council-related event will not appear publicly on the Internet, both from those present and perhaps those not at the event. Or the Council may have objections. Members should be considerate to their colleagues in such circumstances and should not post information when they have been asked not to. They should also remove information about a colleague if that colleague asks them to do so.

Under no circumstances should unreasonable, inappropriate, abusive, derogatory or offensive comments be made about Council staff, elected Members or colleagues from partner organisations on the Internet. This may amount to cyber-bullying or be damaging to the Council's relations with partners.

3. Blogging and microblogging

Many bloggers use their personal blogs, and increasingly their microblogs (such as *Twitter*), to discuss their work or role as an elected representative.

This guidance note is not intended to restrict this, as long as confidential information is not revealed, and no comments are made that could damage the Council's reputation or could be unreasonable, inappropriate, abusive, derogatory or offensive to staff and elected members or the council's partners. However, it is recommended that use of such sites should be proportionate and not excessive.

Blogs, microblogs or other personal websites which do not identify the blogger as a Council member, do not discuss the Council and are purely about personal matters would normally fall outside this guidance.

If a blog makes it clear that the author is an elected member of the Council, it should include a simple and visible disclaimer such as *“these are my personal views and they may not necessarily reflect the views of Newcastle-under-Lyme Borough Council”*.

Personal blogs, microblogs and websites should never reveal confidential information about the Council. If in doubt about what might be confidential, Members should consult the Monitoring Officer.

Personal blogs, microblogs and websites should not be used to attack or abuse staff, other elected Members or employees of partner organisations and the privacy and the feelings of others should be respected. If an elected Member acts unlawfully on a blog or microblog, for example, by posting something defamatory, they will be held personally liable. Disclosure of data relating to an individual person would be a potential breach of the Data Protection Act.

If a Member thinks something on their blog, microblog or website gives rise to concerns about a conflict of interest, and in particular concerns about impartiality or confidentiality, this must be discussed with the Monitoring Officer.

Members should bear in mind concerns about confidentiality, conflicts of interest or commercial sensitivity.

A ‘quick guide’ is attached at Appendix A to this Annex.

Further information is available from the Local Government Association at www.local.gov.uk

Updated May 2014

BLOGGING QUICK GUIDE

Blogging and social networking are effective methods for councillors to interact with constituents and support local democracy. Used effectively, they can engage those who would not normally have access to local councillors and politics.

As a Council Member, you should think about what you say and how you say it, in just the same way as you would when making statements in person or in writing.

You will also need to think about whether you are seen to be, or give the impression that you are acting in your official capacity as a Councillor. To make sure you comply with the Code of Conduct (the Code) and to ensure your use of online media is well received:

Do

- set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog;
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views;
- be aware that the higher your profile as a Councillor, the more likely it is you will be seen as acting in your official capacity when you blog or network;
- ensure you use Council facilities appropriately; if you use a Council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity;
- be aware that by publishing information that you could not have accessed without your position as a Councillor, you will be seen as acting in your official capacity;
- make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine political expression is less likely to be viewed as disrespect.

Don't

- blog in haste;
- post comments that you would not be prepared to make in writing or face to face;
- use Council facilities for personal or political blogs.

When the Code may apply

Bear in mind the Code when you blog or use social networking sites. You should pay particular attention to the following paragraphs of the Code:

- Disrespect
- Bullying
- Disclosure of confidential information
- Disrepute
- Misuse of authority resources

However, it is difficult to give definitive advice on the application of the Code as each blog and social networking page is different. The content of a blog or other social networking tool and the circumstances surrounding its creation will determine whether or not it might be covered by the Code.

Ethical use of online social media is not limited to what is covered in the Code. Members are encouraged to respect the **Seven General Principles of Public Life (see Annex 1 to Appendix 18)**. While your conduct may not be a breach of the Code, it may still be viewed as less than exemplary and attract adverse publicity for your office and authority.

Updated May 2014

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LOCALISM ACT 2011
THE RELEVANT AUTHORITIES
(DISCLOSABLE PECUNIARY INTERESTS)
REGULATIONS 2012

Every Member (*a member of the authority and including a co-opted Member*) is required to register and disclose certain interests and those of their partner (*partner includes your spouse, civil partner or person with whom you are living as if they were your spouse or civil partner*) where they are aware of the existence of such interests.

I _____ (full name in block capitals please)

a Member of the Borough Council of Newcastle-under-Lyme / _____ Town or Parish Council / co-opted Member
(please delete as appropriate and/or insert name of Parish/Town Council)

give notice that I have set out below under the appropriate headings my disclosable pecuniary interests, and those of my wife/husband/civil partner, which are required to be declared under the above Regulations and in accordance with the Members' Code of Conduct adopted by the Council.

SUBJECT AND PRESCRIBED DESCRIPTION	MEMBER'S INTEREST	WIFE/HUSBAND/CIVIL PARTNER'S INTERESTS
EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION Any of the above carried on for profit or gain		

SUBJECT AND PRESCRIBED DESCRIPTION	MEMBER'S INTEREST	WIFE/HUSBAND/CIVIL PARTNER'S INTERESTS
<p>SPONSORSHIP</p> <p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period¹) in respect of any expenses incurred by you in carrying out your duties as a Member, or towards your election expenses.</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>		
<p>CONTRACTS</p> <p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest²) 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>		

¹ *the period of 12 months ending with the day on which you give a notification of its existence*

² *a firm in which you or your partner is a partner or body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest; and 'director' includes a member of the committee of management of an industrial and provident society*

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SUBJECT AND PRESCRIBED DESCRIPTION	MEMBER'S INTEREST	WIFE/HUSBAND/CIVIL PARTNER'S INTERESTS
<p>LAND</p> <p>Any beneficial interest in land³ which is within the area of the relevant authority</p> <p><i>(This will normally be your home address)</i></p>		
<p>Licences</p> <p>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer</p>		
<p>Corporate Tenancies</p> <p>Any tenancy where (to your knowledge):</p> <ul style="list-style-type: none"> (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest 		

³ ***'land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or receive income***

SUBJECT AND PRESCRIBED DESCRIPTION	MEMBER'S INTEREST	WIFE/HUSBAND/CIVIL PARTNER'S INTERESTS
<p>Securities</p> <p>Any beneficial interest in securities⁴ of a body where:</p> <ul style="list-style-type: none"> (a) That body (to your knowledge) has a place of business or land in the area of the relevant authority; and (b) Either: <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class 		

⁴ *'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society*

SENSITIVE INTERESTS

An interest is sensitive if you and the Monitoring Officer agree that its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation. The nature of your sensitive interest will not appear in the published Register of Interests but it may be recorded that you have a sensitive interest.

If it becomes apparent to you at a meeting of the relevant authority that you have a disclosable pecuniary interest in a matter which is to be or is being considered at the meeting that is not included on your Register of Interests then: (a) you must disclose the interest to the meeting; and (b) unless the interest is the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Section 34 of the Localism Act sets out a number of offences relating to the notification and disclosure of disclosable pecuniary interests, participating in matters in which you have a disclosable pecuniary interest and knowingly or recklessly providing false or misleading information in relation to your disclosable pecuniary interests. All of these offences are subject to criminal penalties which include a fine of up to £5,000 and disqualification from being a councillor for up to five years.

FULL NAME:	
MEMBER'S SIGNATURE:	
DATE:	

Notes:

This form must be returned within 28 days of the adoption of the Code of Conduct by the Council or within 28 days of your election appointment to office. You must register your Disclosable Pecuniary Interests in the Register maintained under Sections 30(3) and 235(2) of the Localism Act 2011 and provide written notification of details to the Council's Monitoring Officer.

Classification: NULBC **UNCLASSIFIED**

You must within 28 days of becoming aware of any change to the interests specified above provide written notification to the Monitoring Officer of that change.

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APPENDIX 18 (Annex 4)

DISPENSATIONS PROCESS AND FORM

1. Introduction

1.2 This guide explains:

- (a) the purpose and effect of dispensations
- (b) the procedure for requesting dispensations
- (c) the criteria which are applied in determining dispensation requests and the terms of dispensations.

2. Purpose and effect of dispensations

2.1 In certain circumstances Council Members or co-opted Members may be granted a dispensation from restrictions under Section 31(4) of the Localism Act. Section 31 relates to pecuniary interests in matters considered at meetings or by a single Member. Such dispensation then enables Members to take part in Council business where this would otherwise be prohibited by Section 31(4).

3. Process for making requests

3.1 Any Councillor who wishes to apply for a dispensation must fully complete the form at Appendix A to this Annex and submit it to the Monitoring Officer at least 5 working days before the meeting for which the dispensation is required. Applications may be accepted within a shorter period in exceptional circumstances at the sole discretion of the Monitoring Officer.

3.2 In order to avoid delay Councillors must ensure that they give full details of the grounds for their request and submit it to the Monitoring Officer as soon as they become aware that a dispensation is necessary.

3.3 A request for dispensation must be made on an individual basis. Group applications are not permitted.

4. Consideration by the Monitoring Officer

4.1 The Monitoring Officer will consider requests for a dispensation in the order in which they are received having regard to the criteria set out in paragraph 6.

4.2 In the case of a Disclosable Pecuniary Interest, the Monitoring Officer, after consultation with the Chair of the Standards Committee and the Independent Person(s), may grant a dispensation if they consider that either:

- (a) without the dispensation the number of persons prohibited by Section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business (i.e. the meeting would be inquorate);

- (b) considers that without the dispensation, the representation of different political groups on the body transacting any particular business would be so unbalanced as to alter the likely outcome of any vote relating to the business;
 - (c) considers that granting the dispensation is in the interests of persons living in the authority's area;
 - (d) considers that without the dispensation each member of the authority's Executive would be prohibited by Section 31(4) from participating in any particular business to be transacted by the authority's Executive; or
 - (e) considers that it is otherwise appropriate to grant a dispensation.
- 4.3 The provisions of paragraph 4.2 shall also apply in the same way in the case of an Ordinary Pecuniary Interest, subject to the substitution of "the Code of Conduct" for "Section 31(4) of the Localism Act 2011" in that paragraph.
- 4.4 The terms of any dispensation shall be in accordance with paragraph 7.
- 4.5 The Monitoring Officer will notify the Councillor of her decision and reasons in writing at the earliest opportunity and in any event within 2 working days of the decision.
- 4.6 If the Monitoring Officer does not fully grant the dispensation requested by the Councillor, she will refer the request to the Standards Committee as soon as is reasonably practicable.
- 5. Consideration by the Standards Committee**
- 5.1 The Standards Committee will consider requests for a dispensation referred by the Monitoring Officer in the order in which they were received by the Monitoring Officer, having regard to the criteria set out in paragraph 6.
- 5.2 Meetings of the Standards Committee will normally be open to the public and any Councillor who has submitted a request will have the opportunity to attend and made representations in support of their application
- 5.3 In the case of a Disclosable Pecuniary Interest, the Standards Committee may grant a dispensation if they consider that:
- (a) without the dispensation the number of persons prohibited by Section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business (i.e. the meeting would be inquorate)
 - (b) without the dispensation the representation of different political groups or the body transacting any particular business would be so unbalanced as to alter the likely outcome of any vote relating to the business
 - (c) granting the dispensation is in the interests of persons living in the Council's area
 - (d) without the dispensation each member of the Council's Executive would be prohibited by Section 31(4) of the Localism Act 2011 from participating in any particular business to be transacted by the Council's Executive; or
 - (e) it is otherwise appropriate to grant dispensation.

- 5.4 The provisions of paragraph 5.3 shall also apply in the same way in the case of an Ordinary Pecuniary Interest, subject to the substitution of “the Code of Conduct” for “Section 31(4) of the Localism Act 2011” in that paragraph.
- 5.5 The terms of any dispensation shall be in accordance with paragraph 7.
- 5.6 The Monitoring Officer will notify the Councillor of the Committee’s decision and reasons in writing at the earliest opportunity and in any event within 2 working days of the decision.
6. **Criteria for determination of requests**
- 6.1 In reaching a decision on a request for a dispensation the Monitoring Officer or the Standards Committee (as appropriate) will take into account:
- (a) the nature of the Councillor’s prejudicial interest
 - (b) the need to maintain public confidence in the conduct of the Council’s business
 - (c) the possible outcome of the proposed vote
 - (d) the need for efficient and effective conduct of the Council’s business and any other relevant circumstances.
7. **Terms of dispensations**
- 7.1 Dispensations may be granted:
- (a) For one meeting; or
 - (b) For a period not exceeding 12 months.
- 7.2 Dispensations may allow the Councillor:
- (a) to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
 - (b) to participate in any vote, or further vote, taken on the matter at the meeting(s).
- 7.3 If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held, unless directed otherwise by the Chair of the meeting or the Councillor wishes to withdraw.
8. **Disclosure of decision**
- 8.1 Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.
- 8.2 A copy of the dispensation will be kept with the Councillor’s Register of Interests.

Updated May 2014

**The Borough Council of Newcastle-under-Lyme
Standards Committee
Dispensation Request Form**

Please give full details of the following in support of your application for a dispensation. You should refer to the accompanying guidance.

If you need any help completing this form please contact the Monitoring Officer.

Your Name	
Decision-making body in respect of which you require a dispensation	
Details of your membership of that body	
The business for which you require a dispensation (refer to agenda item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 12 months) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body	Yes/No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes/No
Full reasons why you consider a dispensation is necessary (use the continuation sheet if required)	
Continuation sheet	

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Signed: Dated:

Please send your completed form to:

**The Monitoring Officer
The Borough Council of Newcastle-under-Lyme
Civic Offices
Merrial Street
Newcastle-under-Lyme
Staffordshire
ST5 2AG**

or by email to: liz.j.dodd@newcastle-staffs.gov.uk

You will normally receive notification of the Monitoring Officer's decision within 2 working days of the decision.

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APPENDIX 19

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

Code of Conduct for Employees

1. Ethical Standards

- 1.1 Local government employees are expected to abide by the highest ethical principals, giving the highest possible standard of service to the public, and where it is part of their duties, providing appropriate advice to Councillors and fellow employees with impartiality. Employees are expected, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

2. Disclosure of Information

- 2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public.
- 2.2 Committee agendas and most reports and background papers are required by law to be available for public inspection. Detailed guidance is available from the Democratic Services Manager or the Committee Section. Obstruction of a member of the public who wishes to exercise these rights is a criminal offence.
- 2.3 The public are specifically excluded from certain proceedings of Committees or other meetings associated with the business of the Council. No employee shall communicate to the public the content of such proceedings or any document relating to the Authority, unless required by law or expressly authorised by the Chief Executive to do so. Employees making unauthorised communications may become subject to disciplinary action.
- 2.4 Employees should exercise caution and care not to disclose commercially sensitive information. Guidance should be sought from the appropriate Executive Director or the Head of Central Services.
- 2.5 Employees should not use any information obtained in the course of their employment for personal gain or benefit either for themselves or others, nor should they pass it on to others who might use it in such a way.
- 2.6 Personal information received by an employee from a Councillor 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.
- 2.7 Employees have a duty to maintain confidentiality and must not disclose any information obtained in the course of their employment to any third party for any unauthorised reason. In particular, employees must not disclose personal information about any individual without

the appropriate authority to do so. A disclosure which complies with the requirements of the Whistleblowing Policy will be regarded as authorised disclosure.

3. Political Neutrality

- 3.1 Employees serve the authority as a whole. 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.
- 3.2 Employees whose duties require them to advise political groups must do so in ways which do not compromise their political neutrality.
- 3.3 All employees must follow the policies and decisions of the authority and must not allow their own personal or political opinions interfere with their work.
- 3.4 Where an employee holds a politically restricted post, the restrictions imposed by the Local Government and Housing Act are deemed to be incorporated in their contract of employment.

4. Relationships

4.1 Councillors

- 4.1.1 Employees are responsible to the authority through its management structure. Some employees have a specific role to give advice to councillors and senior officers. All employees are responsible for carrying out the authority's work and are expected to follow the advice of those officers who have a specific advisory role, eg Section 151 Officer or Monitoring Officer. Mutual respect between employees and councillors is essential.

4.2 The Local Community and Service Users

- 4.2.1 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 the community.

4.3 Contracts, Grants or Property Matters

- 4.3.1 Orders and contracts must be awarded on merit, by fair competition against other tenders, and special favour must not be shown to businesses operated or controlled by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
- 4.3.2 Employees involved in awarding contracts or 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 a contractor who is engaged or who is proposed to be engaged by the Authority, must declare that relationship to the appropriate manager and record the relationship in the Register of Disclosures of Pecuniary Interests

(held by the Head of Central Services in the Chief Executive's Directorate) as soon as practicable.

4.3.3 Employees must also disclose and record in the Register any interest of themselves or their spouse/partner (if living together) in the following:

- Any grant made by the Council;
- Any tenancy of or contract for the purchase of any property in the ownership of the Council;
- The receipt as landlord of Housing Benefit in respect of a property in the Borough.

4.4 **The Press and the Media**

4.4.1 Employees must not deal direct with the press or the media unless they are required to do so in the course of their work or they have been expressly authorised by an appropriate manager.

4.4.2 All enquiries for information or comment on issues affecting the work of the Council must be referred to the Communications Manager.

4.4.3 Any article, publication, or interview given on aspects of Council policy or activity must be properly authorised.

5. **Appointments and Other Employment Matters**

5.1 **Appointments**

5.1.1 Employees involved in appointments should ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. These principles and the Council's procedures are detailed in the Council's Recruitment, Selection and Induction Code of Practice which supplements the Corporate Training which is available to all employees involved in the Recruitment and Selection process.

5.1.2 In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her. [Candidates for any appointment with the Council when making an application, must disclose on the job application form whether they are related to any member of the Council or to any Council employee.] Deliberate omission to make such a disclosure will disqualify the candidate and if the omission is discovered after appointment, they will be liable to dismissal.

5.1.3 Elected Members and Executive Directors must disclose to the Authority any relationship known to exist between themselves and a candidate for an appointment of which they are aware.

5.1.4 **Canvassing of and Recommendations by Members**

- (1) Canvassing of Members of the Council or any committee of the Council directly

or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment. This requirement shall be included in any form of application for an appointment or otherwise be drawn to the attention of applicants.

(2) A Member of the Council shall not solicit for any person any appointment under the Council, but this shall not preclude a Member from giving a written testimonial for submission to the Council with an application for a job.

(3) A Member of the Council shall not permit his name to be used as a reference by any person applying for a lease or tenancy of any house or other property belonging to the Council.

5.1.4 Relatives of Members or Officers

(1) A candidate for any appointment under the Council who knows that their spouse/partner or any relation is currently employed by the Council or is a Member of the Council shall when making an application for employment, disclose that relationship. A candidate who fails to disclose such a relationship shall be disqualified from the appointment and if appointed shall be dismissed without notice. Every Member or officer of the Council participating in an interview panel shall disclose to the panel any relationship known to them to exist between themselves and any person whom they know is a candidate for the appointment being considered.

(2) The substance of this Standing Order shall be included in any form of application for employment or otherwise be drawn to the attention of applicants.

(3) In any case in which a senior officer has power to engage an employee they shall not appoint any relative to such position without first referring the proposed appointment to the Chief Executive or in the case of the Chief Executive, the Executive Director of Resources and Support Services..

(4) For the purpose of this Standing Order "senior officer" means any officer of the Council authorised by their Executive Director to appoint staff.

5.2 **Discipline, Promotion and Pay Adjustments**

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

5.3 **Giving of References**

5.3.1 If requested to supply a reference, employees should note that they owe a duty of care in negligence to the person receiving it and also to the subject of the reference and must therefore:

- Ensure the reference is factual, fair and balanced
- Wherever possible, confine their comments to facts only
- Avoid making professional judgements unless they feel qualified to do so

- Avoid statements of pure opinion
- Generally avoid 'pro forma' references

Note: Sending a reference by fax is generally more secure than by email

5.3.2 Employment references

Only Executive Directors and Senior Managers are authorised to give employment references for employees of the Council. These should:

- be in writing only (ie no oral references either in person or by telephone)
- be on the Council's official headed paper
- be marked 'PRIVATE AND CONFIDENTIAL – GIVEN IN CONFIDENCE'
- include the following disclaimer:

“This reference is strictly confidential and is given only for the purposes for which it is requested. It is given on the strict understanding that no liability shall arise on the part of Newcastle-under-Lyme Borough Council and its employees, out of or in connection with any reliance placed upon it by you or by any third party”.

5.3.3 References other than employment references, ie personal/character references

Employees who wish to provide a personal/character reference for a person who is a Council employee must:

- ensure it is clearly marked 'PERSONAL REFERENCE'
- give their home address, not the Council's address
- ensure it is not written on the Council's official headed paper

6. Outside Commitments

6.1 Private Work

6.1.1 "Private work" includes all work, voluntary, or paid employment (including the involvement in any business) other than work undertaken for the Council.

6.1.2 It is not intended to prevent employees from engaging in other work but to ensure that no conflict of interest arises. Any Executive Director must have good reason for not approving the work. Employees are permitted to undertake private work provided:

- It does not affect their effectiveness in the performance of, or conflict with, their duties with the Council
- The work is not carried out in Council time, on the Council's premises or using the Council's materials or equipment
- Employees who work in specific categories of activity, such as professional services or property development, must take particular care to avoid any possible conflict of interest and must only conduct private business outside the boundary of the Borough areas in order to demonstrate that no conflict of interest can be alleged or inferred.

6.1.3 All communications from the Council in connection with any private work being undertaken by an employee will be made by letter to the employee's home address. The employee must not contact staff in connection with the matter other than by letter addressed to the appropriate Executive Director. If it is necessary for the employee to speak to staff either directly or by telephone, this must be done outside the employee's paid working hours.

6.1.4 Employees must obtain the approval of the Executive Director for this Service before undertaking any private work and must record each commission, tranche or element of work in the Register of Private Work which is kept for this purpose in their department. If approval is not given, the work must not be undertaken. Every employee should contact the Executive Director for advice before deciding to engage in or carrying out any work.

6.1.5 Approvals must be requested and approved on a job specific basis and reviewed/reconfirmed by the relevant Executive Director annually.

6.1.6 Instances of employees undertaking private work which requires the Council's approval and which is not entered in the Register will be treated as "gross misconduct" under the terms of the Council's disciplinary procedure.

6.2 **Intellectual Property**

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

6.2.2 Intellectual property is a generic term that includes inventions and patents, creative writings and drawings. If these are created by the employee during the course of employment then as a general rule they belong to the Council.

6.2.3 Advice on intellectual property procedures is available from the Legal Services Manager.

6.3 **Information Technology and Data Security**

6.3.1 Employees must ensure that they follow the Council's procedures and adhere to the Information Security Management policy in relation to the use and storage of computers and the proper management of computer held information in relation to the Data Protection Act.

7. **Personal interests**

7.1 Employees must declare to their line manager (in writing) any non-financial interests that they consider could bring about conflict with the authority's interests.

7.2 Employees must declare to an appropriate manager any financial interests which could conflict with the authority's interests.

7.3 Employees should declare to an appropriate manager membership of any organisation not open to the public with formal membership and commitment of allegiance and which has secrecy about rules and/or membership and/or conduct (eg, a Masonic lodge).

- 7.4 On no account must employees be directly involved in the processing of any matter or application in which they or their spouse or partner or any close relative have a personal interest.
- 7.5 Employees must declare to their line manager (in writing), any non-financial interests that they consider could bring about conflict with the Council's interests. This may include membership of outside bodies in a personal capacity. In such cases employees should be mindful not to place themselves in a situation where their involvement or working contribution could compromise their continuing professional duty to the interests of the Council.
- 7.6 As part of their official duties, an employee may be required to serve on an outside body. In such cases employees will be expected to represent and promote the Council's interests and policies as the circumstances dictate and as far as this is consistent with their duties as a member of the outside body.

8. Equality issues

- 8.1 All employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated fairly and not to be discriminated against.
- 8.2 Employees should note that cases of racial or sexual harassment are deemed to be gross misconduct under the Council's Disciplinary Procedure.

9. Separation of Roles During Tendering

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 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.
- 9.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 9.5 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.

10. Corruption

- 10.1 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.
- 10.2 Employees who are in receipt of or affect the receipt of Housing Benefit and/or other related benefits (i.e. Income Support, Unemployment Benefit, Incapacity Benefit, etc.) must be aware that the obtaining of such benefits by deception would be considered as theft against the Authority as the employer and would therefore constitute Gross Misconduct under the Council's Disciplinary Procedure.
- 10.3 Employees must provide their employing department with details of their home address or in cases where more than one address is frequented the address that they normally class as their home. This does not include c/o addresses unless there are special circumstances which management have been made aware of and are satisfied with. Similarly, changes of name should also be notified to the employing department.
- 10.4 The Council is committed to the highest possible standards of openness, probity and accountability. In line with this commitment it encourages employees with serious concerns about any aspect of the Council's work to come forward and voice those concerns. The Council's Anti-Fraud and Corruption Strategy makes it clear that employees do so without fear of reprisals. The Whistle Blowing Policy is intended to encourage employees to raise serious concerns within the Council rather than overlooking a problem or raising them with external bodies first. Polices are available on the Intranet and from Internal Audit.

11. Use of Financial Resources

- 11.1 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 authority.
- 11.2 Employees should be aware of and must adhere to the Council's Standing Orders and Financial Regulations.
- 11.3 An employee who becomes aware of any contravention of these rules and regulations must report the matter immediately to their line manager or, if appropriate, they should contact some other responsible officer to ensure that the matter is brought to the Council's attention.
- 11.4 An employee must not use any of the Council's resources whether financial or physical assets for any purpose other than Council business.

12. Gifts and Hospitality

12.1 Introduction

12.1.1 The following procedures must be followed when offers of gifts or hospitality are made to members and employees of the Borough Council.

12.1.2 The public have the right to expect the highest standards of conduct, integrity and probity in the public service. Holders of public office must not place themselves under any financial or other obligations to individuals or organisations that might influence them in the performance of their official duties. In addition, public servants must be open in their dealings. There should be no hidden motive for the decisions or actions they take and information should be restricted only when wider public interest demands.

12.1.3 Local government employees may not accept any fee, reward or gift other than their proper remuneration for doing their job (Local Government Act 1972).

12.1.4 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community.

12.2 Legal Position

12.2.1 It is a criminal offence for a Council employee corruptly to solicit or accept any gift or consideration as an inducement or reward. If the gift or consideration is from someone holding or seeking a contract with the Authority, it is deemed to have been received corruptly unless the employee proves to the contrary. It is also a criminal offence for Council employees to accept any fee or reward other than their proper remuneration. Accepting any gift or consideration in the knowledge or belief that it is intended as an inducement or reward is an offence whether the employee receiving it is actually influenced or not. **Generally, all offers of gifts or hospitality should therefore be refused unless they are of an extremely minor nature.**

12.3 General Principles

12.3.1 It is important that the Council maintains a good relationship with other agencies, local businesses and the community. In attempting to promote this, employees will, from time to time, be faced with decisions as to whether or not to accept gifts and hospitality.

12.3.2 In some circumstances a rigid refusal may cause unnecessary offence. However, it is vital to dispel the impression of improper influence being exerted over the Council. It may be more acceptable to join in hospitality being offered to a group than to an individual employee.

12.3.3 Commonsense is the general principle governing the acceptance of gifts and hospitality. Employees should consider the nature and scale of the gift, the hospitality being offered and the surrounding circumstances including the relationship between the donor and the Council.

12.3.4 The main criterion in accepting hospitality is whether the decision can be fully justified to the Council and to the public.

12.3.5 Although it is impossible to cover every situation, the following guidelines should help employees to reach an objective decision where necessary.

12.4 **Gifts**

12.4.1 All offers of gifts from agencies or people who provide, or might provide, goods, works or services to the Council, or who need a decision from the Council (eg, planning applications) must be refused tactfully.

The only exceptions to the rule are:

- Modest promotional gifts such as calendars, diaries or office stationery
- Small gifts of token value on the conclusion of courtesy visits to an organisation's premises

12.4.2 More expensive promotional gifts or, for example, bottles of spirits or wine, must be refused.

12.4.3 Gifts sent by post or left at an employee's place of work must be properly returned with a polite letter. If this is not possible, the gift can be handed to the Mayor's Charity and an explanatory note sent to the donor.

12.5 **Hospitality**

12.5.1 Invitations or free tickets to attend social functions or sporting events should **only** be accepted when the occasion is part of community life or the Council should be seen to be represented. **Such offers are acceptable only when they are clearly required as part of the conduct of Council business.**

12.5.2 It is, of course, not always possible or desirable to reject offers of hospitality on a modest scale. A working lunch of modest standard to enable parties to continue to discuss business and the offer of limited hospitality when visiting an organisation on Council business would be acceptable.

12.5.3 When hospitality has to be declined, those making the offer should be courteously, but firmly informed of the procedures and standards operating within the Council.

12.5.4 Employees may accept hospitality through attendance at conferences and courses, with the prior approval of the Executive Director for their Service or the Chief Executive and providing this would not compromise a purchasing decision.

12.5.5 Prior approval of your Executive Director or the Chief Executive should be sought before accepting invitations to attend receptions, luncheons and promotional events.

12.5.6 To avoid jeopardising the integrity of subsequent purchasing decisions, the cost of approved visits to inspect equipment including software demonstrations should be met by the Council. Particular care should be taken to avoid accepting any hospitality offered by tenderers when undertaking such visits.

12.6 **Procedure for Acceptance/Refusal**

- 12.6.1 The acceptance of gifts or hospitality other than those approved by the Council may be treated as serious misconduct which will be dealt with under the Council's disciplinary procedure. In certain circumstances, this could ultimately lead to prosecution.
- 12.6.2 For their own protection, employees if in doubt about their particular circumstances should seek advice from their Executive Director or, if necessary, Chief Executive.
- 12.6.3 A central register is maintained by the Democratic Services Manager recording all gifts and hospitality offered and action taken.
- 12.6.4 All offers of gifts or hospitality, even if they are refused, (apart from the exceptions detailed above) must be recorded in the Register.

13. **Prevention of Money Laundering**

- 13.1 The Proceeds of Crime Act 2002 and the UK Money Laundering Regulations 2003 replaces responsibility on Council employees to combat money laundering. Under the legislation it is a criminal offence to:
- assist a money launderer;
 - 'tip-off' a person suspected to be involved in money laundering that they are suspected or that they are the subject of police investigation;
 - fail to report a suspicion of money laundering;
 - acquire, use or possess criminal property.

Employees contravening the regulations can be faced with imprisonment (up to 14 years), a fine or both.

- 13.2 In order to combat money laundering and to protect itself and its employees from the consequences of failing to comply with the legislation, the Council has issued guidance for any employee dealing with large sums of money in or out of the Council. The following list identifies a number of areas that the guidance applies to but it is not exhaustive:
- Cashiers
 - Officers receiving large sums of money, eg land sales
 - Benefits officers, large payments to landlords
 - Employees making payments for large contracts, consultants fees
 - Property deals
 - Receipt and repayment of performance bonds

- 13.3 Employees whose duties involve working in the areas listed above should ensure that they are familiar with the guidance which is available from the Internal Audit Section.

14. Sponsorship - Giving and Receiving

- 14.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 14.2 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

15. Records

- 15.1 Employees should keep full and accurate records of all transactions. Where an employee is required to complete records such as time sheets or leave sheets, these must be completed accurately. Falsification of records is criminal and is gross misconduct.

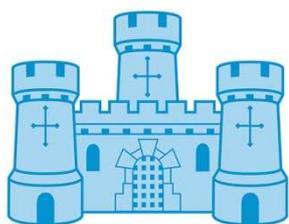
16. Personal Conduct

- 16.1 Employees are expected to be polite and courteous at all times and in particular the following are unacceptable behaviour:
- The use of abusive or offensive language towards members of the public, Councillors or other members of staff
 - Threatening or aggressive behaviour
 - Inappropriate sexual conduct
 - Dishonesty

17. General Note

- 17.1 Copies of all policies mentioned in this Code of Practice are available on the Intranet or from your Senior Manager.

February 2008



NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

Elected Member/Officer Relations Protocol

1.0 INTRODUCTION

- 1.1 The aim of this Protocol is to guide elected Members (often referred to as 'Councillors') and Officers of Newcastle under Lyme Borough Council in the conduct of their working relationships, in order to ensure that these relationships remain productive and positive.
- 1.2 A strong, constructive, and trusting relationship between elected Members and Officers is essential to the effective and efficient working of the Council as a whole.
- 1.3 It is recognised that relationships between elected Members and Officers are very varied and can often be complex. Therefore, this Protocol does not seek to be prescriptive and may therefore not cover all situations. However, it is hoped that the framework it provides will serve as a guide to dealing with a wide range of circumstances.
- 1.4 This Protocol forms a key part of the Council's approach to corporate governance and its commitment to uphold good standards in public life.

2.0 INTERPRETATION OF THE PROTOCOL

- 2.1 Elected Members and Officers must observe this Protocol at all times.
- 2.2 The provisions of this Protocol will be interpreted after having regard to the requirements of the Members' Code of Conduct, the Officers' Code of Conduct, the Council's Constitution, the Council's Whistleblowing Policy and the Council's various Human Resources policies, procedures and processes, for example Dignity at Work.
- 2.3 Where there is a conflict or discrepancy between this Protocol and the Codes and Policies referred to in 2.2 (above) then those Codes and Policies shall have precedence. Conventions will also be taken into account in cases of conflict or discrepancy. Any questions over interpretation will be decided by the Council's Monitoring Officer in consultation with the Council's Chief Executive.

2.4 It is recognised that, in the period preceding any Council election or by-election, specific protocols are in place. These protocols, which are contained within the rules in relation to Purdah will take precedence over this Protocol where there is, again, conflict or a discrepancy. Details on the rules in relation to Purdah are annexed to the Council's Constitution.

2.5 This Protocol does not change any rights or protection which a person may have in law.

3.0 THE ROLE OF ELECTED MEMBERS

3.1 Elected Members are primarily accountable to the wider electorate who, periodically, determine the people they wish to represent them on the Borough Council of Newcastle-under-Lyme. Therefore, this Protocol recognises that Members of this Council are elected to serve the people of the Borough of Newcastle under Lyme.

3.2 Elected Members, as politicians, may express the values and aspirations of their particular party political groups but they must also recognise that, in their role as elected Members, they have a duty to always act in the public interest.

3.3 Elected Members may have a number of roles within the Borough Council and need to be alert to the possible conflicts of interest that may arise as they carry out these various roles.

3.4 At all times elected Members should be aware that the role(s) they are performing may impact upon the nature of their relationship with Officers and the expectations that Officers may have of them.

3.5 Elected Members are mainly responsible for:

- a) The political direction and strategic leadership of the Council;
- b) The determination of policies, plans and strategies;
- c) Ensuring appropriate actions are taken to give effect to or implement those policies, plans and strategies particularly in service delivery terms;
- d) Performing the Council's statutory and regulatory functions;
- e) Monitoring and reviewing, primarily via the Executive and Scrutiny functions, the Council's performance in implementing its policies, plans and strategies and in delivering its services;
- f) Ensuring and promoting effective working with partner organisations;
- g) Representing the Borough Council on local, regional and national bodies and organisations; and

- h) Representing the views of their wards, including the various communities and individual constituents living in these wards
- 3.6 Some elected Members will have additional responsibilities relating to their membership(s) of the Executive, Scrutiny Committees or other committees and sub-committees, including regulatory committees. Holding these various roles will undoubtedly involve different relationships with individual Officers in areas where the elected Member in question has particular roles and responsibilities.
- 3.7 Elected Members who serve on committees and sub-committees collectively have delegated responsibilities. These responsibilities may include deciding quasi-judicial matters which, by law, are excluded from the remit of the Council's Cabinet.
- 3.8 In turn, Officers can expect elected Members:
- a) To act within the policies, practices, processes and conventions established by the Council;
 - b) To work constructively in partnership with Officers acknowledging their separate and distinct roles and responsibilities;
 - c) To understand and support the respective roles and responsibilities of Officers and their associated workloads, pressures and reporting lines;
 - d) To give political leadership and direction and to seek to further agreed policies and objectives with the understanding that elected Members have the right to take the final decision on issues based on advice;
 - e) To treat them fairly and with respect, dignity and courtesy;
 - f) To act with integrity, to give support and to respect appropriate confidentiality;
 - g) To recognise that Officers work to the instructions of their senior Officers and not to individual Members or body of members;
 - h) To not subject Officers to intimidation, harassment, or put them under undue pressure. Elected Members will have regard to the seniority of Officers in determining what are reasonable requests, having regard to the relationship between the elected Member and Officer, and the potential vulnerability of Officers, particularly at junior levels;
 - i) To not request Officers to exercise discretion which involves acting outside the Council's policies and procedures;
 - j) To not authorise, initiate, or certify any financial transactions or enter into any contract, agreement or undertaking on behalf of the Council or in their role as an elected Member without proper and lawful authority;

- k) To not use their position or relationship with Officers to advance their personal interest or those of others or to influence decisions improperly; and
- l) To comply at all times with the elected Members Code of Conduct, the law, the Council's Constitution and such other policies, procedures, protocols and conventions agreed to by the Borough Council.

3.9 It is important that elected Members of the Council:

- a) Respect the impartiality of Officers and do not undermine the role of Officers in carrying out their duties;
- b) Do not ask Officers to undertake work, or act in a way which seeks to support or benefit a particular political party or gives rise to an Officer being criticised for acting in a party political manner; and
- c) Do not ask Officers to exceed their authority where that authority is given to them in law, by the Borough Council or by their Managers

3.10 The Head of Paid Service (often referred to as 'the Chief Executive'); the Monitoring Officer (in the case of Newcastle-under-Lyme Borough Council, the Head of Internal Audit); the Section 151 Officer (the Executive Director (Resources & Support Services)); and other statutory officers have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Council. Where an Officer is discharging his/her responsibilities as part of any statutory office an elected Member shall not:

- a) Interfere¹ with or obstruct the Officer in exercising those responsibilities; and
- b) Victimise any Officer who is discharging or has discharged his/her responsibilities of the statutory office in question

4.0 THE ROLE OF OFFICERS

4.1 The primary role of Council Officers is to advise, inform and support all elected Members and to implement the lawfully agreed policies of the Council.

4.2 Officers are responsible for day-to-day managerial and operational decisions within the Council. Elected Members should avoid, where possible, inappropriate involvement² in such matters.

4.3 In performing their role Officers will act professionally, impartially and with political neutrality. Whilst Officers will consider an elected Member's view on any particular issue, they should not be influenced or pressured to make

¹ This is not intended to prevent members questioning officers for the purposes of being able to understand fully an issue, but the level and extent of such questions needs to be reasonable

² As footnote 1 above.

comments, or recommendations which are contrary to his/her professional judgement or views.

4.4 Officers should:

- a) Implement decisions of the Council and its subordinate bodies which are lawful, and have been properly approved in accordance with the requirements of the law and the Council's Constitution, and are duly recorded;
- b) Work in partnership with elected Members in an impartial and professional manner;
- c) Assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions;
- d) Respond to enquiries and complaints in accordance with the Council's agreed standards;
- e) Be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for elected Members, the media or other sections of the public;
- f) Act with honesty, respect, dignity and courtesy at all times;
- g) Provide support and learning and development opportunities for elected Members to help them in performing their various roles;
- h) Not seek to use their relationship with elected Members to advance their personal interests or to influence decisions improperly; and
- i) Comply, at all times, with the Council's Officer Code of Conduct, and other such Policies or Procedures approved by the Council

4.5 Officers have the right not to support elected Members in any role other than that of elected Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities.

4.6 Some Officers may be appointed to local, regional or national bodies because of their particular skills and expertise. They may be appointed specifically to represent the Council or in their professional capacity.

5.0 THE RELATIONSHIP: GENERAL

5.1 Elected Members and Officers are, first and foremost, servants of the public. They are indispensable to one another in carrying out this role. However, their responsibilities are distinct. Elected Members are accountable to the public, and their Group where one is formed, whereas Officers are

accountable to the Council as a whole and for operational purposes to their manager.

- 5.2 At the heart of the various Codes, and this Protocol, is the importance of mutual respect. Elected Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between elected Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party.

6.0 THE RELATIONSHIP: SCRUTINY COMMITTEES

- 6.1 It is accepted that in carrying out the Council's scrutiny functions elected Members may require an Officer to attend to answer questions or to discuss issues.

- 6.2 It is recognised by this Protocol that challenge in a constructive and non-confrontational way is important in ensuring policies and performance are meeting the Borough Council's strategic objectives. Therefore, nothing in this Protocol is intended to stop elected Members from holding Officers to account for decisions made under delegated powers. Nor is it intended to affect the Council's scrutiny functions

- 6.3 When deciding whether to require an Officer to attend a meeting, the Scrutiny Committee will consider the seniority of the Officer in deciding who it would be appropriate to invite. There is a presumption against inviting Officers outside the senior Officer range to attend in this capacity. Requests for Officer attendance should be made to the appropriate Director concerned. Such requests should indicate in broad terms the areas which elected Members will want to discuss, and should give reasonable notice of the dates when attendance is required.

- 6.4 Where an Officer attends a Scrutiny Committee meeting, his/her contribution should be confined to matters of fact and explanation. However, an Officer may be asked to explain and justify advice which he/she has given prior to a decision having been taken, including decisions taken by him/her under delegated powers.

- 6.5 Officers should not be drawn, overtly or covertly, into discussions of a political nature which would be inconsistent with the political neutrality requirement. Any questioning of an Officer should not be reasonably interpreted as constituting harassment.

- 6.6 In scrutiny proceedings, the capability or competence of Officers must not be questioned. A distinction needs to be drawn between reviewing the policies, performance and decisions of the Council or its services and the appraisal of staff performance. The latter is not a function of scrutiny committees.

- 6.7 The approach here is consistent with the Scrutiny Procedure Rules as set out in the Council's Constitution.

6.8 In applying this part of the Protocol, account will be taken of any guidance agreed by Scrutiny bodies provided that guidance is consistent with the principles of this Protocol.

7.0 POLITICAL GROUPS

7.1 The Chief Executive, together with Executive Directors and Heads of Service and occasionally other employees (all with the permission of the Chief Executive) may at times request to attend or be invited to attend a political group meeting with a view to briefing and advising on the formulation of policy. This may be on his/her initiative or at the request of a political group. However, the decision on whether he/she should attend is the Chief Executive's, in either case.

7.2 If the Chief Executive decides that he/she or another Officer may attend a political group meeting and it concerns a proposed significant policy change which is about to be presented to a meeting of the Council, Executive Group or committee, then he/she must offer the facility to all other political groups within the Authority, indicating the area of policy upon which he/she is offering to brief/advise. He/she will inform the leader of the political group with whom he/she is having the meeting that he/she will be offering the facility to the other political groups represented on the Council.

7.3 Certain points must be clearly understood by all those participating in this process, elected Members and Officers alike. In particular:

(a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meeting, or parts of meeting, when matters of party business are to be discussed;

(b) Political group meetings, whilst they form part of the preliminaries to Council decision-making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

(c) Similarly, where Officers provide information and advice for a political group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the, Council Cabinet or relevant committee when the matter in question is considered.

7.4 Special care needs to be exercised whenever Officers are involved in providing information and advice to a political group meeting which includes persons who are not elected Members of the Council. Such persons will not be bound by the Members Code of Conduct (in particular, the provisions

concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to an elected Members only meeting.

- 7.5 Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussions to another political group.

8.0 ACCESS TO PREMISES

- 8.1 Officers have the right to enter the Council's land and premises to carry out their work. Some Officers have the legal power to enter property in the ownership of others.

- 8.2 Unless authorised to do so as part of an authorised committee site visit, Members are not entitled to inspect land or premises which the Council has the right or duty to inspect. Nor may they enter, or issue orders relating to, works being carried out by or on behalf of the Council (for example building sites).

9.0 USE OF COUNCIL RESOURCES

- 9.1 Elected Members should not ask Officers to provide resources or support which they are not permitted to give, for example support or resources:

- a) Which are to be used for business which is solely to do with a political party;
- b) For work in connection with a ward or constituency party political meeting or electioneering;
- c) For work associated with an event attended by an elected Member in a capacity other than as a Member of the Council;
- d) For private personal correspondence;
- e) For work in connection with another body or organisation where an elected Member's involvement is other than as a member of the Council; and
- f) Which constitutes support to an elected Member in his/her capacity as a member of another authority

10.0 ACCESS TO INFORMATION

- 10.1 The legal rights of Members to inspect Council documents are covered partly by statute and partly by the common law. The information set out in Appendix 11 (Access to Information Rules) of the Constitution explains the position in detail.

- 10.2 Members have all the rights available to members of the public and may request individual copies of any agendas of the Executive and of Committees, Sub-Committees or Panels of which they are not members. Additionally, Members' rights to information are subject to legal rules and, if a Member has a legitimate interest in a matter and is able to demonstrate a "need to know", in his or her role as a Borough Councillor, employees should provide the relevant information, including confidential information, to that Member. Approaches for information on this basis should normally be directed to the Director or another senior employee of the Executive Director concerned.
- 10.3 Special care needs to be taken when a Member has a significant personal or business relationship with a constituent about whom he or she is seeking information. An appropriate option may be that another Member could act for the constituent.

11.0 POLITICAL ACTIVITY

- 11.1 Senior employees, except those politically exempted, cannot be local authority councillors or MPs, nor can they 'speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party'.
- 11.2 Employees are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Executive Directors, and not to individual Members of the Council whatever office they might hold.
- 11.3 It is obviously important though for there to be regular contact between the Chief Executive, Executive Directors, senior employees and the leaders of political groups on matters affecting the Council, and between Executive Directors, other senior employees, the Leader of the Council and members of the Cabinet and Committee Chairs on matters affecting their respective responsibilities.
- 11.4 Council decisions can only be made in accordance with the Constitution and through the formal processes of the Council. Only decisions made at formal meetings or under delegated powers can be acted upon by officers.

12.0 BREACHES OF THE PROTOCOL

- 12.1 Where an elected Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Executive Director or Head of Service. Where the Officer concerned is an Executive Director, the matter should be raised with the Chief Executive, and, in the case of a Head of Service, with the appropriate Executive Director. Where the employee concerned is the Chief Executive, the matter should be raised with the Monitoring Officer.

- 12.2 On the elected Member's side, where the relationship between elected Members and Officers breaks down or becomes strained, every effort should be made to resolve matters informally, through conciliation by an appropriate senior manager or Members. Officers will also have recourse to the Grievance Procedure or to the Council's Monitoring Officer, as appropriate, in certain circumstances. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive who, having advised the Leader of the Council and the other appropriate Group Leaders, will decide on the course of action to be taken, following consultation with the Council's Standards Committee if appropriate.
- 12.3 Breaches of the protocol by an elected Member may also constitute a breach of the Members Code of Conduct.

13.0 STATUS OF THIS PROTOCOL

- 13.1 This Protocol was approved by Full Council on *****. It now forms part of the Council's Constitution. As such, it is binding on all elected Members including co-opted and independent Members, and Officers.
- 13.2 This Protocol shall apply, as appropriate and necessary, to any person appointed individually or on behalf of a body or organisation to advise support or assist the Authority in its work.

APPENDIX 21

MEMBERS' PROTOCOL ON PLANNING MATTERS

1. Aim of Protocol

- 1.1 This Protocol applies to Members who are involved in the planning system
- 1.2 The role of an Elected Member on the Planning Committee involves balancing representation of the needs and interests of individual constituents and the community, with the need to maintain an ethic of impartial decision-making in the wider public interest on what can be highly controversial proposals. Planning decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework. The decision-making process should be open and transparent
- 1.3 One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings
- 1.4 Opposing views are often strongly held by those involved. Whilst councillors must take account of these, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore, that planning authorities make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons and in accordance with the statutory framework
- 1.5 The process should leave no grounds for suggesting that those participating in the decision were biased or that the decision itself was unlawful, irrational or procedurally improper
- 1.6 Whilst the determination of a planning application is not a 'quasi-judicial' process (unlike, say, certain licensing functions carried out by the Council), it is a formal administrative process involving the application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. All involved should remember the possibility that an aggrieved party may seek a Judicial Review and/or complain to the Local Government Ombudsman on grounds of maladministration or a breach of the Council's Members' Code of Conduct
- 1.7 The successful operation of the planning system relies on mutual trust and an understanding of Members' and officers' roles which are different but complementary. Both serve the public but Members are

responsible to the electorate, whilst officers are responsible to the Council as a whole. Officers advise Members and the Council and carry out the Council's work. They are employed by the Council, not by individual Members. Officers who are Chartered Town Planners are subject to the Royal Town Planning Institute's Code of Professional Conduct, breaches of which may be subject to disciplinary action by the Institute

1.8 The aim of the Protocol is to ensure that Members involved in Planning matters act in a way in which is not only fair and impartial but is also clearly seen to be so

1.9 This Protocol relates mainly to planning applications. The same principles are however applicable to other types of approvals sought under planning legislation and to the various kinds of enforcement action within the purview of the Planning Committee. It is also applicable to the development and approval of planning policy by Council.

2. Some Words of Caution

2.1 The Protocol does not replace or supersede or override any duty or responsibility of a Member to declare an interest of any kind in accordance with the requirements of the Local Government Act 2000 (Section 81(1)), the Members' Code of Conduct set out in Appendix 18 of the Constitution, or in accordance with any current guidance. The Localism Act 2011 sets out a duty for each local authority to promote and maintain high standards of conduct by councillors and to adopt a local code of conduct (see paragraph 6.1 of Appendix 18 relating to disclosure of pecuniary interests)

2.2 In order to keep Members aware of matters within the scope of paragraph 2.1 above which may affect the operation of this Protocol, changes or new advice will be reported to Members as appropriate and the Protocol refreshed accordingly

2.3 The Protocol does not of itself authorise any departure from the requirements of the Council's Constitution or its Procedure Rules or Financial Regulations.

3. Training

3.1 Training for all Members on the Planning Committee and their substitutes¹ is mandatory. In the event of a Member not attending at

¹ The Council's Constitution (Appendix 9 Revised April 2015) states as follows

For every member of the Committee, there can be one substitute nominated.

Any Member who is due to miss a meeting should inform the Chair of the relevant Committee at least 24 hours before the Committee is due to meet (and that it is the Member concerned who does this)

At any one meeting, there should be no more than 2 substitutes per political grouping present

Training will be provided for nominated substitutes on regulatory committees

least two-thirds of any session of training events labelled as mandatory the Chair and Vice Chair of the Planning Committee are allowed to use their discretion in considering whether a Member can remain on the Committee with full voting rights²

- 3.2 Other Members of the Council are welcome to join the training sessions if they wish and there is spare capacity.

4. Discussions with those proposing developments

- 4.1 Early councillor engagement is nowadays encouraged to ensure that proposals for sustainable development can be harnessed to produce the settlements that communities need. Members of the Planning Committee and their substitutes should not, other than in the context of the Council's Strategic Planning Consultative Group or meetings organised by and attended by officers, normally be involved in discussions with an applicant for planning permission for any Major or Minor Development.³ If Members are so involved, it will be on the basis that it must always be made clear at the outset of those discussions that they do not bind the Committee to making a particular decision, and that any views expressed by Members are personal and provisional. By the very nature of such meetings not all the relevant information may be at hand, nor will formal consultations with interested parties have taken place
- 4.2 Members are advised not to give advice on the development plan or material considerations as they may not be aware of all the issues at an early stage
- 4.3 Similarly Members should not become drawn into negotiations, which should be done by officers (keeping Members up to date) to ensure that the Council's position is co-ordinated
- 4.4 A written note of all such meetings will be made by the attending officer. A note will be taken of any phone conversations by the officer involved and relevant emails recorded for the pre-application enquiry file
- 4.5 Initially, until the issue of confidentiality has been clarified by the party making the enquiry and officers have determined whether or not there is a legitimate reason for confidentiality, Members involved in such

Where a Planning Committee site visit is involved, substitutes will only be allowed to attend and vote at the relevant Planning Committee if they have been on the site visit

² Resolution of 23rd June 2009 Planning Committee Item No.148

³ Major' applications are defined as those applications where 10 or more dwellings are to be constructed (or if the number is not given, the site area is more than 0.5 hectares), and, for all other uses, where the floor space proposed is 1000 square metres or more or the site area is 1 hectare or more.

'Minor' applications are those for developments which do not meet the criteria for 'Major' development nor the definitions of Change of Use or Householder Development

pre-application discussions should treat them on a confidential basis. Unless there is a legitimate reason for confidentiality concerning a proposal, there will be an expectation that records of such enquiries and discussions will be available as a matter of public record, particularly upon the submission of an application

- 4.6 Similar considerations will apply when the Council is considering its plan-making, particularly when making new site allocations in emerging development plans.

5. Site Visits

- 5.1 The Planning Committee may resolve, when considering an application, to defer a decision on the application in order to undertake a site visit as a Committee. In such cases no decision relating to that application will be made before or during the course of the site visit; decisions on such matters will be taken by a subsequent meeting of the Committee
- 5.2 Site visits by the Committee are generally held where there is a clearly identified benefit to the Committee in enabling Members better to appreciate particularly contentious or complex proposals, and where the impact is difficult to visualise or assess from the submitted information and plans. The Member proposing at Committee a site visit should indicate the nature of such benefit. The reason(s) for the holding of the site visit shall be recorded in the minutes of the Committee⁴
- 5.3 If the Head of Planning so wishes he may bring to the Planning Committee, at a time when that application is not being considered, a proposal for the holding of a site visit by the Planning Committee
- 5.4 The site visit shall be undertaken in accordance with the Planning Committee's agreed site visit protocol which is attached to this Protocol⁵
- 5.5 The officer attending the site visit will take a formal list of Members in attendance at the formal opening of the site visit
- 5.6 Where a site visit has taken place, it will be referred to in the report to Committee
- 5.7 When an application that has been subject to a site visit is brought to the Planning Committee for determination, Members, including their substitutes, (see Appendix 9 of the Constitution, paragraph 4) who did not attend the site visit shall neither be eligible to take part in the debate concerning the item's determination nor shall they be eligible to vote upon that determination.⁶

6. Procedure at Meetings of the Planning Committee

⁴ As resolved Planning Committee 1st April 2015

⁵ Last revised 1st April 2015 Planning Committee

⁶ As resolved Planning Committee 1st April 2015

It is paramount that any decision the Committee reaches must be reached fairly and impartially and is seen to be so

6.1 *Registration and disclosure of interests*

Chapter 7 of the 2011 Localism Act places requirements on councillors regarding the registration and disclosure of their pecuniary interests and the consequences for a councillor taking part in consideration of an issue in the light of those interests. The definitions of disclosable pecuniary interests can be found at Appendix 18, Annex 3 of the Constitution. A failure to register a disclosable pecuniary interest within 28 days of election or co-option or the provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a councillor or co-opted member has a disclosable pecuniary interest, are criminal offences

6.2 For full guidance on interests, see ‘Openness and Transparency on Personal Interests: Guidance for Councillors’, Department for Communities and Local Government, March 2013. (This Protocol does not seek to replicate the detailed information contained within the DCLG note). Advice should always be sought from the Council’s Monitoring Officer prior to the meeting. Ultimately, responsibility for fulfilling the requirements rests with each Member

6.3 The provisions of the Act seek to separate interests arising from the personal and private interests of the councillor from those arising from the councillor’s wider public life. Councillors should think about how a reasonable member of the public, with full knowledge of all the relevant facts, would view the matter when considering whether the councillor’s involvement would be appropriate

6.4 The Council’s Members’ Code of Conduct establishes what interests need to be disclosed. All disclosable interests should be registered and a register maintained by the Council’s Monitoring Officer and made available to the public. Members should also disclose that interest orally at the committee meeting or meeting of Council when it relates to an item under discussion

6.5 A Member must provide the Monitoring Officer with written details of relevant interests within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the councillor becoming aware of such changes

6.6 A disclosable pecuniary interest relating to an item under discussion requires the withdrawal of the Member from the Committee or meeting of Council. In certain circumstances, a dispensation can be sought from the appropriate body or officer to take part in that particular item of business

6.7 If a Member is present at the Planning Committee specifically for the purposes set out in the Council’s procedure for making direct representations to the Planning Committee, they may remain in the meeting after they have made their presentation but they should take no further part in the determination of that item

- 6.8 If a Member has a (non-pecuniary) personal interest, he or she should disclose that interest, but then may speak and vote on that particular item. This includes being a member of an outside body; mere membership of another body does not constitute an interest requiring such a prohibition
- 6.9 It is always best to identify a potential interest early on. If a Member thinks that they may have an interest in a particular matter to be discussed at the Planning Committee or at Full Council he or she should raise this with the Council's Monitoring Officer prior to the meeting
- 6.10 The Planning Committee operates a guillotine on late representations and submissions⁷. Members should determine applications before them upon the basis of the information contained in and referred to within the officer report. In the event of Members of the Planning Committee and their substitutes receiving representations direct from applicants, their agents and third parties, particularly after the guillotine on late representations, they should bring such material to the attention of officers, and consider carefully any advice given to them by officers with respect to the consideration of such representations.

7. Applications by Members

- 7.1 All applications for planning permission by Members or those related⁸ to them must be dealt with by the Planning Committee and not under delegated powers. The standard national planning application form requires the applicant to indicate whether they are a member of staff, an elected Member, related to a member of staff or related to an elected Member
- 7.2 Members making such an application or with knowledge of such an application being made, should inform the Council's Head of Planning of this within 14 days of the submission of such an application
- 7.3 In the event of the Head of Planning becoming aware that an application is being made by a Member or a person related to a Member, they will inform the Council's Monitoring Officer
- 7.4 Members would undoubtedly have a disclosable pecuniary interest in their own application, and potentially their relatives' application, and should not participate in its consideration. If a Member is present at the Planning Committee specifically for the purposes set out in the Council's procedure for making direct representations to the Planning Committee, they may remain in the meeting after they have made their presentation but they should take no further part in the determination of that item.

8. Members as Agents for Others

⁷ As resolved Planning Committee June 2008, and amended February 2009

⁸ 'Related' means related by birth or otherwise, closely enough that a fair minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias on the part of the decision maker in the local planning authority

- 8.1 Members who act as a paid agent for people making a planning application or objecting to such an application, or for people in respect of whose development enforcement or similar action is proposed, should play no part in the decision making process for that matter. They must inform the Head of Planning beforehand of their involvement, and the person on whose behalf they are acting. Any such matter will be considered by the Planning Committee (and not dealt with under delegated powers) and the agency of the Member will be reported to the Committee
- 8.2 Where a person related to a Member acts as a paid agent for people making a planning application or objecting to such an application, or for people in respect of whose development enforcement or similar action is proposed, that Member, once they are aware of this, should play no part in the decision making process for that matter. They must inform the Head of Planning beforehand of their relatives' involvement, and the person on whose behalf their relatives are acting. Any such matter will be considered by the Planning Committee (and not dealt with under delegated powers) and the agency of the Member's relative will be reported to the Committee.

9. Decisions Contrary to Head of Planning's Recommendation to the Planning Committee

- 9.1 Members of the Committee and their substitutes should draw to case officer's attention any concerns that they have with an application coming to the Committee for determination, as soon as possible having received notice of the application in the 'weekly list of applications received', so that potential solutions are sought with the applicant in accordance with the requirements of the National Planning Policy Framework⁹.
- 9.2 Full advantage should be taken of the use of conditions in planning permissions to make developments acceptable¹⁰
- 9.3 Members of the Committee and their substitutes who are disposed to move refusal of a proposal contrary to recommendation are urged to contact the Head of Planning (or his representative) no less than 24 hours before the Committee meeting, with details of the reasons they are minded to give for such a refusal
- 9.4 When a proposal to refuse to grant planning permission is made at the Committee contrary to the officer's recommendation, advice should be sought by the Committee as to the most appropriate way to meet the requirement to work in a proactive and positive manner with applicants. That may in certain circumstances such as where technical advice is

⁹ As resolved Planning Committee May 2015

¹⁰ As resolved Planning Committee May 2015

not being accepted include a deferral of the decision in order to enable further technical advice to be obtained and reported to the Committee¹¹

- 9.5 The mover and seconder of a resolution of refusal contrary to officer recommendation should be identified by the Chair and recorded in the minutes of the Committee, and in the event of an appeal being lodged there is an expectation that those Members will make themselves available as witnesses on behalf of the Council in the appeal proceedings should either the Head of Planning or the Head of Business Improvement, Central Services and Partnerships or their representatives deem that appropriate¹²
- 9.6 The law requires that decisions should be taken in accordance with the development plan, unless material considerations indicate otherwise (s38A Planning and Compensation Act 2004 and s70 of the Town and Country Planning Act 1990)¹³
- 9.7 Where the Committee propose to make a decision which is contrary to the recommendation of the Head of Planning the Chair will allow the presenting officer to explain the implications of a contrary decision.

10. Predisposition, predetermination, or bias

- 10.1 Members of the Planning committee and their substitutes, (and of Full Council when the Local Plan is being considered), need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies.
- 10.2 The Courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a 'closed mind' approach and likely to leave the committee's decision susceptible to challenge by Judicial Review
- 10.3 Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition). The latter is acceptable; the former is not and may result in a Court quashing such planning decisions
- 10.4 Section 25 of the Localism Act also provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter
- 10.5 This reflects the common law position that a councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening

¹¹ As resolved Planning Committee May 2015

¹² As resolved Planning Committee May 2015

¹³ In dealing with an application for planning permission the Local Planning Authority shall have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material consideration

to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the councillor was biased

- 10.6 If a councillor has predetermined their position, they should withdraw from being a member of the decision-making body for that matter. This would apply to any member of the Planning Committee who wanted to speak for or against a proposal, as a campaigner (for example on a proposal within their ward). If the Council rules allow substitutes to the meeting, this could be an appropriate option
- 10.6 Authorities will usually have a Cabinet/Executive Member responsible for development and planning. This councillor is able to be a member of the Planning Committee. Leading members of a local authority, who have participated in the development of planning policies and proposals, need not and should not, on that ground and in the interests of the good conduct of business, normally exclude themselves from decision making committees.

11. Lobbying

- 11.1 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their Ward Member or to a member of the Planning Committee
- 11.2 As the Nolan Committee's 1997 report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves"
- 11.3 Lobbying, however, can lead to the impartiality and integrity of a Member being called into question, unless care and common sense is exercised by all the parties involved
- 11.4 As noted earlier in this Protocol, the common law permits predisposition but nevertheless it remains good practice that, when being lobbied, Members (and those on the Planning Committee and their substitutes in particular) should try to take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments
- 11.5 In such situations, they could restrict themselves to giving advice about the process and what can and cannot be taken into account. Members can raise issues which have been raised by their constituents, with officers. If Members do express an opinion to objectors or supporters, it is good practice that they make it clear that they will only be in a position to take a final decision after having heard all the relevant arguments and taken into account all relevant material and planning considerations at Committee

- 11.6 It is very difficult to find a form of words which conveys every nuance of these situations and which gets the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the striking of this balance is, ultimately, the responsibility of the individual councillor
- 11.7 Planning decisions cannot be made on a party political basis in response to lobbying. The use of political whips to influence the outcome of a planning application is likely to be regarded as maladministration
- 11.8 Planning Committee members and their substitutes should in general avoid organising support for or against a planning application, and avoid lobbying other councillors
- 11.9 Councillors should not put pressure on officers for a particular recommendation and should not do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity
- 11.10 Members may be tempted to form a judgement about an application early on in its passage through the planning system, whether or not they have been lobbied. The nature of the proceedings of the Planning Committee is such however that it is important that those arriving at the decision should not be vulnerable to an accusation of partiality because they have committed themselves one way or the other or have declared publicly the way in which they intend to vote on the application
- 11.11 When being lobbied about particular applications or proposals, Members of the Planning Committee or their substitutes must, therefore, avoid expressing an opinion either to applicants or objectors or supporters which may be taken as indicating that they have already made up their mind on the issue before they have considered all the information, evidence and arguments, or which appears to commit the authority on a particular application. In such situations, it is safer if they restrict themselves to giving procedural advice, including suggesting to those who are lobbying that they should speak or write to the Head of Planning in order that their opinions can be included in the Head of Planning's report to the Committee
- 11.12 Members of the Planning Committee or their substitutes need to take account of the general expectation that a planning application will be processed and determined in a transparently open and fair manner and that the Committee's decision will be taken on the merits of the application having regard to the provisions of the Development Plan and all other material considerations, including local finance considerations. It would therefore be inconsistent with open and fair treatment for a Member of the Planning Committee or their substitutes to organise support for or opposition to a particular proposal, or to lobby other Members

- 11.13 It is important also to recognise that a member of the Planning Committee who is a Member for the Ward affected by a particular planning application may be in a difficult position if it is a controversial application around which a lot of lobbying takes place. If the Member responds to lobbying by deciding to go public in support of a particular outcome – or even to campaign actively for it – it would be very difficult for that Member to argue convincingly when the Committee comes to take its decision that he/she has carefully weighed all the information, evidence and arguments presented
- 11.14 Similar issues can arise if the Committee member is also a Member of the Parish Council to whose area the application relates
- 11.15 Whilst there is a view that the proper course of action for such a Member would be to make an open declaration and not to vote, this would be a severe restriction on the Member's ability to represent the views of the electorate
- 11.16 Accordingly, if a member of the Committee or a substitute wishes to express a preliminary opinion or to give preliminary support to a particular body of opinion, that Member should make it clear that he or she will only be in a position to take a final decision after having heard and/or seen all the relevant information, evidence and argument put before the Planning Committee
- 11.17 However, any member of the Committee or a substitute who expresses publicly a final view on a planning application prior to the Committee meeting at which a decision is to be taken, or who organises support for, or opposition to, a particular proposal, or lobbies other Members should declare an interest and not vote on that matter, though having declared that interest he or she may speak on it as a Member of the Committee
- 11.18 The Local Government Association suggests that in most cases, short of high profile active lobbying for a particular outcome, it should be possible for a Member to give support to a particular body of opinion whilst waiting until the Committee meeting and hearing and/or reading all the information, evidence and arguments presented before making a final decision. The striking of the balance in such cases is ultimately the responsibility of the individual member and in doing so, regard needs to be paid to the general rules laid down in the Members' Code of Conduct in Appendix 18 and the responsibility of the Councillor alone to decide what view to take on any question, on its merits and not to do anything which could not be justified to the public
- 11.19 Since a planning application which is to come before the Planning Committee for a decision cannot be decided upon before the meeting of the Committee, when all relevant available information is to hand and has been considered, a political group meeting should not be used to

decide how Members should vote. Planning Committee members are not subject to a party whip

- 11.20 Members are entitled to make representations with respect to planning applications but should not put pressure on any officer for a particular recommendation, or to exercise a delegated power in a particular way. (See also Appendix 20 of the Constitution – Elected Member/Officer Relations Protocol).

Updated March 2016

APPENDIX 22

Public Speaking at Planning Committee

Public representations are allowed at the Development Control meetings of the Newcastle-under-Lyme Borough Council Planning Committee subject to the following regulations. In cases where a planning application is brought to Full Council, the same rules concerning the *supporter* and the *objector* shall apply as would for a meeting of the Planning Committee.

1. Those allowed to speak

Apart from members of the Planning Committee, the following are allowed to make a representation at the relevant Planning Committee meeting:

- a) Councillors of the ward where an application has made.
- b) One *supporter* of, and one *objector* to, any given application, save those listed as excluded in paragraph 9 below.
 - (i) A *supporter* of an application is defined as a person who has made a submission in writing concerning an application, prior to notifying the Council of a wish to make an oral representation on that application to the Committee. The applicant, regardless of whether or not they have used an agent to submit an application, will be taken to have made such a submission. A person or agent speaking on behalf of such a person is also capable of being considered to be a *supporter*
 - (ii) An *objector* to an application is defined as a person who has made a submission in writing about an application, prior to notifying the Council of a wish to make an oral representation about that application to the Committee. A person or agent speaking on behalf of such a person is also capable of being considered to be an *objector*.

If more than one request to make a representation in favour or against an application is made, it is requested that potential supporters/objectors determine amongst themselves who is to speak. If agreement cannot be reached, the individual who made the earliest written representation to the Council shall be given the right to speak. In the case of *supporters*, if the applicant or his agent indicates a wish to speak, the right to speak shall be given to that person.

2. Requests to speak

Requests to speak must be made no later than the end of business three working days before the advertised Planning Committee/Full Council meeting whose published agenda contains the application concerned.

This request must be made in writing or sent via email to the Senior Planning Officer of the Council.

The request must list the specific agenda item on which the representation is to be made and indicate whether the speaker wishes to be the **supporter** or the **objector**.

Attention is drawn to sections 1. b) (i) & (ii) above.

On receipt of an application, the Council shall inform the applicant whether his application has been successful. If prior applications have been made, a contact address/telephone number of such applicants will be made available in order that those applying may come to an agreement about who shall speak.

3. Attendance

The **supporter** and **objector** must arrive at the Civic Offices 30 minutes prior to the beginning of the relevant Planning Committee/Full Council meeting and make themselves known to the Planning Committee Chair/Mayor or the senior officer present at the meeting. Failure to do so will forfeit the right to make a representation.

The **supporter** and **objector** will be invited into the Council Chamber when the application with which they are concerned is about to be considered by the Committee/Council. After their respective representations they will be asked to leave the Chamber. They may retire to the public gallery.

Normally it will be expected that the Planning Committee will move items where either/or a **supporter** and **objector** wish to make representations to the head of the agenda.

4. Nature of representations

Ward Members, the **supporter**, and the **objector** may make an oral representation to the committee. This oral representation is the sum of representation permitted.

No facilities for the projection of any material will be made available.

No material may be circulated or distributed to members of the Committee by Ward Members, the **supporter**, or the **objector**.

It is not permitted for officers or Committee members to question those making representations,

5. Length of representations

Ward Members, the **supporter**, and the **objector** will be given 5 minutes to make their representations.

They will be advised by the Chair of the meeting when 4 minutes have elapsed.

6. Content of representations

Representations must be made in a seemly manner. Failure to conduct oneself in this way will forfeit, *immediately*, the right to speak.

Under no circumstances must personal, malicious or frivolous remarks, insults, or libellous comments be made. These will *immediately* forfeit the right to speak

Speeches should address material planning concerns. Those who are unsure of these are strongly advised to seek advice in advance of speaking.

Speeches should address issues directly concerned with the specific application under consideration.

Speaking from notes is permitted. However in no circumstances will more than five minutes for a representation be granted.

Ward Members, the *supporter*, and the *objector* may not ask direct questions of the Committee or Council officers, though they may suggest questions that members of the Committee may feel ought to be put to officers.

7. Procedure

Each item on any given Planning Committee agenda shall be dealt with in the following sequence:

- i. The officer's report on the item
- ii. Ward members' representations (if any)
- iii. The *objector's* representation (if any)
- iv. The *supporter's* representation (if any)
- v. Comments by officers on the *objector's/supporter's* representations
- vi. Debate of the item by the Committee and its determination.

8. Deferrals

If an item is deferred, the *supporter* and the *objector* at the initial debate shall have the right to make representations at the meeting when the item is debated once more.

9. Exclusions

No public representations shall be permitted on items dealing with the following:

Classification: NULBC **UNCLASSIFIED**

Any item included in the closed section of any agenda: namely items subject to the paragraphs 1, 2 and 6 in Part 1 of Schedule 12A of the Local Government Act 1972, or successor legislation.

Planning Enforcement matters

Proposed litigation

Financial interests or other Member interests.

Matters delegated to officers of the Council

April 2014

PROTOCOL ON GIFTS AND HOSPITALITY

Introduction

The following procedures must be followed when offers of gifts or hospitality are made to Members and employees of the Borough Council:

1. The public have the right to expect the highest standards of conduct, integrity and probity in the public service. Holders of public office must not place themselves under any financial or other obligations to individuals or organisations that might influence them in the performance of their official duties. In addition, public servants must be open in their dealings. There should be no hidden motive for the decisions or actions they take and information should be restricted only when wider public interest demands.
2. Local government employees may not accept any fee, reward or gift other than their proper remuneration for doing their job (Local Government Act 1972).
3. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community.

Legal Position

It is a criminal offence for a Council employee corruptly to solicit or accept any gift or consideration as an inducement or reward. If the gift or consideration is from someone holding or seeking a contract with the Authority, it is deemed to have been received corruptly unless the employee proves to the contrary. It is also a criminal offence for Council employees to accept any fee or reward other than their proper remuneration. Accepting any gift or consideration in the knowledge or belief that it is intended as an inducement or reward is an offence whether the employee receiving it is actually influenced or not. **Generally, all offers of gifts or hospitality should therefore be refused unless they are of an extremely minor nature.**

General Principles

It is important that the Council maintains a good relationship with other agencies, local businesses and the community. In attempting to promote this, employees will, from time to time, be faced with decisions as to whether or not to accept gifts and hospitality.

In some circumstances a rigid refusal may cause unnecessary offence. However, it is vital to dispel the impression of improper influence being exerted over the Council. It may be more acceptable to join in hospitality being offered to a group than to an individual employee.

Common sense is the general principle governing the acceptance of gifts and hospitality. Employees should consider the nature and scale of the gift, the hospitality being offered and the surrounding circumstances including the relationship between the donor and the Council.

The main criterion in accepting hospitality is whether the decision can be fully justified to the Council and to the public.

Although it is impossible to cover every situation, the following guidelines should help employees to reach an objective decision where necessary.

Gifts

All offers of gifts from agencies or people who provide, or might provide, goods, works or services to the Council, or who need a decision from the Council (eg, planning applications) must be refused tactfully.

The only exceptions to the rule are:

- Modest promotional gifts such as calendars, diaries or office stationery
- Small gifts of token value on the conclusion of courtesy visits to an organisation's premises

More expensive promotional gifts or, for example, bottles of spirits or wine, must be refused.

Gifts sent by post or left at an employee's place of work must be properly returned with a polite letter. If this is not possible, the gift can be handed to the Mayor's Charity and an explanatory note sent to the donor.

Hospitality

Invitations or free tickets to attend social functions or sporting events should **only** be accepted when the occasion is part of community life or the Council should be seen to be represented. **Such offers are acceptable only when they are clearly required as part of the conduct of Council business.**

It is, of course, not always possible or desirable to reject offers of hospitality on a modest scale. A working lunch of modest standard to enable parties to continue to discuss business and the offer of limited hospitality when visiting an organisation on Council business would be acceptable.

When hospitality has to be declined, those making the offer should be courteously, but firmly informed of the procedures and standards operating within the Council.

Employees may accept hospitality through attendance at conferences and courses, with the prior approval of the Executive Director for their Service or the Chief Executive and providing this would not compromise a purchasing decision.

Prior approval of your Executive Director or the Chief Executive should be sought before accepting invitations to attend receptions, luncheons and promotional events.

To avoid jeopardising the integrity of subsequent purchasing decisions, the cost of approved visits to inspect equipment including software demonstrations should be met by the Council. Particular care should be taken to avoid accepting any hospitality offered by tenderers when undertaking such visits.

Procedure for Acceptance/Refusal

The acceptance of gifts or hospitality other than those approved by the Council may be treated as serious misconduct which will be dealt with under the Council's

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disciplinary procedure. In certain circumstances, this could ultimately lead to prosecution.

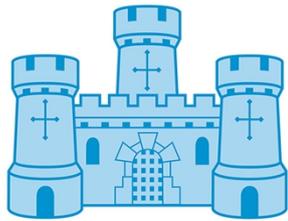
For their own protection, employees if in doubt about their particular circumstances should seek advice from their Executive Director or, if necessary, the Chief Executive.

A central register is maintained by the Head of Central Services recording all gifts and hospitality offered and action taken.

All offers of gifts or hospitality, even if they are refused, (apart from the exceptions detailed above) must be recorded in the Register.

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NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

WHISTLEBLOWING POLICY

2014-15

NEWCASTLE UNDER LYME BOROUGH COUNCIL

WHISTLEBLOWING POLICY

CONTENTS

	Page No
1. WHAT TO DO IF YOU SUSPECT FRAUD OR CORRUPTION	3
2. AIMS AND SCOPE OF THE POLICY	3
3. SAFEGUARDS	4
3.1 HARASSMENT OR VICTIMISATION	4
3.2 CONFIDENTIALITY	4
3.3 ANONYMOUS ALLEGATIONS	4
4. NOTIFYING A RESPONSIBLE PERSON OF YOUR CONCERNS	4
5. RESPONDING TO YOUR CONCERNS	5
6. HOW THE MATTER CAN BE TAKEN FURTHER	5
7. THE RESPONSIBLE OFFICER	6

WHISTLEBLOWING POLICY

1. WHAT TO DO IF YOU SUSPECT FRAUD OR CORRUPTION

Newcastle Borough Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it encourages employees and others working with us to raise any concerns they may have about any aspect of the Council's work and come forward and voice those concerns.

We recognise that individuals will sometimes want to express their concerns in confidence.

We would rather be made aware of a problem and deal with it than allow it to lie and become worse.

Council employees and others can raise serious concerns within the Council without fear of reprisal or victimisation. This is usually preferable to any external route.

This policy applies to all employees, agency workers and contractors working on Council premises (for example, cleaners, builders and drivers). It also covers suppliers and those providing services under a contract with the Council in their own premises.

2. AIMS AND SCOPE OF THE POLICY

2.1 This policy aims to:

- provide avenues for you to raise concerns and receive feedback on any action taken,
- allow you to take the matter further if you are dissatisfied with the Council's response, and
- reassure you that you will be protected from reprisals or victimisation for whistle blowing.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your concerns. That concern may be about something which:-

- is unlawful,
- is against the Council's Standing Orders, Financial Regulations or other policies,
- falls below established standards or practices, or
- amounts to improper conduct.

2.3 This policy supports the Councils Anti-Fraud and Anti Corruption Framework.

3 SAFEGUARDS

3.1 HARASSMENT OR VICTIMISATION

The Council recognises that a decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern.

3.2 CONFIDENTIALITY

The Council will treat all concerns in confidence, and if you wish to remain anonymous we will make every effort to keep your identity confidential. However, in certain cases, we may not be able to deal with an issue unless you are prepared to be a witness.

3.3 ANONYMOUS ALLEGATIONS

This policy encourages you to put your name to an allegation. Concerns expressed anonymously are much less powerful, but they will be considered in an appropriate manner.

In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised,
- the credibility of the concern, and
- the likelihood of confirming the allegation from attributable sources.

4.0 NOTIFYING A RESPONSIBLE PERSON OF YOUR CONCERNS

4.1 You can raise any concerns initially with Internal Audit on 01782 742122. Correspondence should be addressed to the Audit Manager, Newcastle under Lyme Borough Council, Civic Offices, Newcastle under Lyme, Staffordshire, ST5 2AG and marked 'private and confidential'. Concerns may also be sent to 'whistleblowing@newcastle-staffs.gov.uk'.

4.2 Concerns are best raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your particular concern in writing, you can telephone or meet with an Auditor. The Auditor notified of individuals concerns must record those concerns taking a statement where they feel it appropriate.

4.3 The earlier you express the concern, the easier it is to take action, and although you will not be expected to prove the truth of the allegation, you will need to be able to demonstrate to the person contacted that there are sufficient grounds for your concern.

4.4 Disclosures may lead to disciplinary procedures and criminal investigations.

5.0 RESPONDING TO YOUR CONCERNS

5.1 The Council will, where possible, protect the identity of a notifying individual and not reveal their source at any time during the investigation

5.2 The action taken by the Council will depend on the nature of the concern. The matters raised may:-

- be investigated internally,
- be referred to the Police,
- be referred to the external auditor, or
- form the subject of an independent investigation.

5.3 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example suspected housing benefit fraud) will normally be referred for consideration under those procedures.

5.4 Some concerns may be resolved by agreed action without the need for an investigation.

5.5 Within 10 working days of a concern being received, the Council will write to you:-

- acknowledging that the concern has been received,
- indicating how it proposes to deal with the matter,
- giving an estimate of how long it will take to provide a final response,
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place, and if not, why not.

5.6 The amount of contact between the officers considering the issues and you, will depend upon the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

5.7 The Council may ask you to attend a meeting to explore the issues surrounding the concern raised.

5.8 The Council will take steps to minimise any difficulties that you may experience as a result of raising a concern

5.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

6.0 HOW THE MATTER CAN BE TAKEN FURTHER

6.1 This policy is intended to provide you with an avenue to raise concerns with the Council. The Council hopes that you will have confidence in using the Whistle-blowing procedure, however, if you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:-

- External Audit, Grant Thornton, Colmore Plaza, 20 Colmore Circus, Birmingham, West Midlands, B4 6AT,
- The Police, or.
- Public concern at work, 0207 404 6609 are a registered charity set up to give free independent advice to anyone who may have concerns. They have qualified legal staff to give help and advice.

7.0 THE RESPONSIBLE OFFICER

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. A record will be maintained of all concerns raised together with the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

COUNCILLOR CALL FOR ACTION PROTOCOL

Councillor Call for Action

1. Any Member may, by giving notice to the Chief Executive (or his/her representative) in writing, initiate a 'Councillor Call for Action' relating to a local government matter that is not an excluded matter and where other routes to resolve the issue have not succeeded
2. A Councillor Call for Action can only be initiated where:
 - (a) it relates to the discharge of any of the Council's functions;
 - (b) it relates to a matter which affects the Ward of the Member initiating it;
 - (c) it does not relate to individual planning decisions, licensing decisions or matters where the affected person or body has a statutory right of appeal;
 - (d) it does not relate to any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for an overview and scrutiny committee meeting
3. The Chief Executive (or his/her representative) will consult the Chair of the relevant overview and scrutiny committee to determine whether the request meets the criteria for a Councillor Call for Action
4. Where the request does not meet the criteria for a Councillor Call for Action, the Chief Executive (or his/her representative) will inform the Member making the request of the decision. Where the request does meet the criteria for a Councillor Call for Action, the Chief Executive (or his/her representative) will arrange for the matter to be included on the agenda for the next available meeting of the relevant overview and scrutiny committee
5. Where a Councillor Call for Action is included on the agenda for an overview and scrutiny committee, the committee will consider whether to include the subject of the Councillor Call for Action on its work programme. The Member making the request may address the committee before it is considered. If the committee decides not to include the subject of the Councillor Call for Action on its work programme, it will provide the Member initiating the request with the reasons for its decision.



**Newcastle-under-Lyme Borough Council
Communications Strategy**

(April 2012 – March 2015)

Contents

1. Introduction	3
2. Key principles, aims and messages.....	5
3. External communications.....	7
4. Internal communications.....	14
5. Consultation	18
6. Marketing and sales.....	22
7. Corporate identity.....	24
8. Evaluation.....	26
9. Legislation	28
10. Equalities and diversity	30
11. Conclusion	30

Appendices

- A) Media protocols for Newcastle-under-Lyme Borough Council
- B) Website Content Policy Statement
- C) Corporate style guide
- D) Plain English Guide
- E) Equalities Impact Assessment
- F) Risk assessment

Introduction

Communication is at the heart of everything we do as a borough council.

Not only is it key to strengthening links with local people, service users, partner organisations and staff, it is crucial to ensuring we deliver our priorities and our vision.

Our borough council is committed to providing high quality, planned and sustained corporate communications.

We invest in effective channels to communicate complex, sensitive and statutory information. These include corporate publications such as the Reporter, promotional campaigns, our website and media relations activity.

During 2011 the borough council arguably received the most positive media coverage of any public sector organisation in Staffordshire. Research carried out by the Communications Service suggests positive coverage worth in excess of £300,000 a year is being achieved for the borough council.

It's vital that we talk, listen and respond to local people's needs - shaping services when necessary and our messages so everyone is informed and empowered. We will endeavour to take opportunities for people to tell us what they think.

Good quality internal communications is also crucial. We value the contribution made by each of our employees and are committed to making sure they are well-informed so they understand our priorities and values.

And we will actively seek their ideas and views on how we can improve services and become an even better employer.

But it is not enough just to provide those services. What has consistently emerged over recent years is that a successful council also communicates well about its services, events, activities and policies.

Research by the Local Government Association has shown that the better informed people are about their council services, the more satisfied they feel. Therefore, communications can – and does - make an effective contribution to the overall performance of a council and it should be recognised as a strategic and core function.

Good communications are therefore vital if the council is to continue to build a strong reputation; effectively inform residents; engage and improve customer satisfaction and contribute to improved services provided by the borough council.

It should be recognised that the Communications Service now provides the major channel by which sections of the council communicate not only with the media but also the wider public.

This Communications Strategy is intended to provide the framework for a consistent approach to what we say, how we say it and when we say it. Work Plans to deliver the required outcomes of this strategy will be produced each year as part of the Communications Service Plan.

In addition, the strategy helps us to set a clear direction for communications and highlights the importance we place on good communication at Newcastle-under-Lyme Borough Council.

Phil Jones
Head of Communications

Key principles

- We recognise that good quality communications are essential for the effective delivery of our services.
- We are keen to be as transparent, open and accountable as possible.
- We will ensure information is shared, accessible and meets equality standards.
- We will monitor and measure the effectiveness of our communications.
- We will ensure that our work complies with relevant legal requirements and conforms to the Code of Recommended Practice on Local Authority Publicity.
- All our communications - spoken, written and electronic – will:-
 - (i) Be honest, accurate, timely and up-to-date.
 - (ii) Be clear, using plain English and easily understood.
 - (iii) Be consistent and suitable for the audience - including hard-to-reach groups.
 - (iv) Meet the corporate style and be clearly identified with Newcastle-under-Lyme Borough Council.

Key aims

- To ensure the fullest take-up of all council services.
- To create a better understanding between the borough council and its various audiences.
- To help staff deliver services effectively, efficiently and to the best of their ability.
- To deliver key messages about the council, its services, policies and activities making full use of all appropriate channels of communication.
- To provide open access to information about the council and the full range of its services and activities.
- To support all councillors in their work as elected representatives for the borough.

- To improve accountability by ensuring accurate, timely and accessible information is easily available to the public.
- To monitor public perception and views about current and future services.
- To develop marketing and sales activities as appropriate.

Key messages

It is vital to the organisation that we all know why the borough council exists, what it is trying to achieve and how it is trying to achieve it. The Corporate Plan identifies our vision through the four corporate priorities and our three key values.

Supporting the delivery of these priorities and values is the most important reason for having a Communications Strategy in place.

Our priorities are:-

- Creating a cleaner, safer and sustainable borough.
- Creating a borough of opportunity.
- Creating a healthy and active community.
- Transforming our council to achieve excellence.

Our values are:-

- Putting people first.
- Make the best use of our resources.
- Delivering excellent and sustainable services.

Key objectives:-

- Increase awareness, involvement and take-up of council services.
- Improve accountability by ensuring accurate, timely and accessible information is easily available to the public - including hard-to-reach groups.
- Actively promote Newcastle-under-Lyme Borough Council as an "excellent" council and provider of high quality, value-for-money local services.
- Secure wide coverage of council decisions, activities and services in the local, regional, national and specialist media.
- Ensure Newcastle-under-Lyme Borough Council has a strong and coherent brand and identity.
- Create a better understanding of the council's policies, services and achievements.
- Identify and develop new and creative communications opportunities.

Key actions:-

1) Press and publicity

Media coverage has a role in shaping Newcastle-under-Lyme Borough Council's reputation and therefore it is vital the council manages this relationship effectively.

The borough council will take an open, honest and, at times, forthright approach to its dealings and relationships with the media and manage all of its interactions to make the best of all opportunities available.

To ensure that this excellent position is maintained the borough council will:-

- ◆ Respond to journalists in full within four hours of an enquiry being received.
- ◆ Be helpful, polite and positive.
- ◆ Never say "no comment" unless an enquiry relates to "confidential" council business.
- ◆ Ensure any statements to challenging enquiries are cleared by the most appropriate person - Cabinet members, Executive Directors or heads of service – and keep written records of responses to journalists in such

instances.

- ◆ Monitor response times to media enquiries and evaluate media coverage.
- ◆ Ensure an appropriate council spokesman/woman is fully briefed and available for interview if required.

2) Media Protocols

The Communications Service at the borough council plays a central role in the way the authority deals with external communications.

In recognition of this role, a separate document outlining the council's Media Protocols has been produced and is attached as an appendix to the Communications Strategy (see Appendix A).

3) E-communications

(i) www.newcastle-staffs.gov.uk is the borough council's corporate website and its importance as a communications channel – both in terms of doing business with the council and also as a means of receiving and giving information – has grown consistently in recent years.

(ii) Around 18,000 unique users each month visit the council's website which is on a par with the combined monthly total for phone calls made to the council and face-to-face visits.

In 2011 the borough council's website achieved a three star rating from the Society of Information Technology Management (Socitm) which assesses all public sector websites. This made it the highest rated public sector website in Staffordshire.

(iii) The Communications Service is responsible for:-

- Managing the website Content Management System contract.
- Technological development of the site.
- Managing and editing content.
- Ensuring responses are made to all website e-mail communications from residents.

(A Website Policy statement is attached to the strategy as Appendix B)

(iv) Individual service areas are responsible for the content of their pages. Information on the website is diverse and often specialised which means responsibility for its authenticity, timeliness and accuracy and its comprehensive nature must sit within service areas.

(v) An e-Tracker system is in place to ensure content is monitored and content owners are reminded when information needs reviewing, replacing or removing. An escalation procedure is in place to ensure failure to act is reported to more senior officers.

This is important because by ensuring people have access to the right information and tools whenever they require them online, the council can reduce the occasions when customers have to make contact with us either on the telephone or face-to-face.

(vi) During the life of this strategy, the council will commit itself to developing its website as part of a “Channel Shift” project which supports the Transformation Programme. This project will improve the quality and range of services, transactions and information available for customers who wish to deal with the council in this way.

(vii) Increasingly, residents want us to provide services that reflect their lifestyles.

They want services that are contactable at weekends and in the evenings; that respond quickly to their query; are easy to get in touch with from home or work; and they want to be kept informed of the services we provide.

Where possible we will ensure that customers who want to interact with the council online will be able to do so from the beginning of a transaction right through to a satisfactory completion of that transaction.

(viii) Our challenge in the next few years is to fully realise the benefits of cheaper forms of communication, such as the web, to allow services to

concentrate scarce resources on those who really need, or want, face-to-face contact.

We will endeavour to put as many services and as much information online as possible so that customers who wish to deal with, and conclude business with, the council electronically can do so in a place and time which is suitable to them and their lifestyles.

(ix) It is also our intention to support the development of the council's website by enhancing the content management system arrangements – as resources allow.

4) Reporter

The council's newspaper is a key channel of communication between the borough council and the people it serves. It is written, designed and edited in-house and our goal is to circulate the Reporter at least four times a year to all addresses in the borough.

The production cycle mirrors guidance issued by the Secretary of State for Communities and Local Government in the Code of Recommended Practice on Local Authority Publicity.

The Reporter will:-

- Give residents an opportunity to shape content through an annual "Have Your Say" survey.
- Aim to keep residents involved and informed with a balance of news, features and information about the council, its services, policies and activities.
- Supplement this aim by regularly providing useful contact numbers and advice. Articles will also be provided on occasion by partner organisations where space allows.
- Play a key role in other areas such as promoting the work of partner organisations, the Third Sector and in providing a platform – where

opportunity arises and space allows - for community news and information which cannot find a voice through other outlets.

There are five core communications actions which, when delivered well, have a marked impact on a council's reputation and the perceptions of residents.

The Reporter contributes to three of these five areas – as outlined in the Local Government Association's Reputation Campaign – which are:-

- a) Councils should publish a regular council newspaper or magazine to inform residents.
- b) Councils should provide information to residents outlining an A-Z guide to council services – the Reporter will do this at least once a year.
- c) Councils will ensure the council brand is consistently linked to its services.

Surveys carried out in recent years show the Reporter has regularly been the single most significant source of information for residents about the council's services and activities.

The challenge in the years ahead will be to continue producing a quality newspaper which enables residents to be kept informed over where their Council Tax is being spent and which keeps them informed and involved in council events, services and activities.

5) Social media

This is a fast growing communications channel and harnessing its capabilities in an efficient and effective way is a challenge for the council.

If used appropriately, Twitter, Facebook, YouTube, MySpace and many other platforms offer the council opportunities for sharing information, engaging with hard-to-reach groups and consulting on some issues.

However, as part of this Communications Strategy the council will ensure:-

- Any proposals to set up sites to market and communicate the council's services or activities are still the responsibility of the council and must therefore be signed off by the Head of Communications before they are launched.
- Twitter works best when personalised. Few will engage with heavy-handed, corporate accounts overseen by cautious communications or marketing departments.
- Common sense prevails when using social media on behalf of the council. The council will avoid online arguments or confrontations; allow customers to have their say and to criticise; only correct misinformation; leave the politics to the politicians.
- Considerable care is taken to assess the type of information shared on social media.

Guidelines for using social media platforms are included in the Media Protocols which form Appendix A to this strategy.

In conjunction with these protocols, the council also has guidance in place for staff and elected members on the use of professional forums, professional and social networking and other third party websites such as blogs, microblogs and personal web space.

It must be remembered that publication on social media sites is no different to other forms of communication or marketing undertaken on the council's behalf and all our normal standards, policies and practices apply.

6) Working with other e-communication channels

SMS text messaging

The council introduced SMS text messaging several years ago and this has proved a useful addition to the channels the public use to contact the council.

Currently, texts sent to a designated text number are converted into e-mails and they arrive in the Webmaster e-mail box at the council.

Picture messaging services have also been introduced and a pilot scheme involving the council's dog wardens and the website proved successful.

Wardens take photographs of dogs they have taken possession of and these are immediately loaded on to the council's website using the camera facility on their mobile phones.

Owners are able to view rescued animals on the council website and can speak to staff in the council's contact centre about reclaiming their pet once some security issues over ownership have been dealt with.

The council's Communications Service acknowledges that the use of mobile phone technology – both SMS text messaging and picture messaging - could be enhanced and where resources permit, work will go on with services to identify where this can bring the most significant benefits to residents.

Quick Response Codes

The council will also need to be able to respond quickly and appropriately to other emerging technologies such as QR (Quick Response). This is a matrix bar code or two dimensional code.

This is readable by only dedicated QR code readers or any mobile phones with a camera. Mobiles with camera facilities take a snapshot of the QR code and process it by a QR code reader application. The code can take the mobile phone directly to a web area.

This facility has already been used by the council in some areas of work with younger people, for instance encouraging students at Keele University to take part in elections.

Work will continue to ensure the council makes the best and most appropriate use of this new technology.



Bluetooth/Wi-Fi

The council has a Bluetooth/Wi-Fi transmitter and work will go on to ensure as many services as possible have access to this communications channel so they can deliver key messages as frequently and as widely as possible.

For instance, installing the mobile transmitter in recycling vehicles could ensure messages are sent to thousands of council service users in one day via their mobile phones.

Other areas which could undoubtedly benefit include community safety where the device can transmit to people involved in the town centre's night-time economy throughout a whole weekend without supervision.

Despite the UK population standing at around 61.5 million, there are in fact almost 76 million mobile phones owned in the country. And in June this year, more than half of those are expected to be Smart phones.

That means an unprecedented level of access to mobile phone technology such as QR (see above), Bluetooth and Wi-Fi.

Capitalising on this saturation of mobile phone availability is another key challenge facing communications at the borough council.

However, it could pay significant dividends particularly with younger people who tend to favour mobile phone communications more than any other channel.

Internal Communications

Key objectives:-

- To improve employee understanding and commitment to the council's vision and key themes.
- To improve and create effective and systematic channels of internal communication.
- To raise the level of communication skills across the authority.
- To involve employees in the improvement of their own and other council services.
- To develop more opportunities for staff feedback.
- To recognise, appreciate and embrace the contribution staff can make in shaping council policies and in delivering high quality services.
- To create an environment of trust, honesty and openness at and between all levels of the organisation.

Internal communications is the process through which the council shares information and knowledge with its employees and members in order to build the commitment necessary to achieve strategic and operational objectives and to assist in the management and implementation of change.

Good communications within the council can lead to greater commitment from employees, an improved customer experience and increased productivity, which all contributes to a positive brand image.

The council will promote excellent internal communications because:-

- a) Staff are residents as well as employees – well-informed staff can be ambassadors and advocates for the council in the community.

- b) People who work at the borough council should get news about things that affect their working lives and working environment from the council itself rather from a third party.

- c) Communications is a two-way process – the council needs intelligence and feedback from staff to improve services. It is not simply enough to deliver information - processes must be in place to receive information back.

- d) Every member of staff employed by the borough council should know what the organisation stands for; its priorities and values.

- e) Ensuring all elected members are kept informed and involved will enhance the efficiency and effectiveness of the council.

Therefore, the council will:-

(i) Produce a regular Core Brief from Executive Management Team which will keep staff informed of key corporate messages. This brief will form one part of team meetings which all services and departments should organise on a regular basis.

A corporate agenda should be followed and this, together guidance on how to conduct briefs, is on e-Voice (the council's intranet system).

(ii) Produce a staff magazine which focuses on staff excellence and achievement as well as key corporate messages.

(iii) Hold Meet the Leadership/Walk the Job sessions each year to promote visible leadership; open up lines of communication at the council which are not only top down but also bottom up; identify and consider service improvements; encourage and support staff in delivering services.

(iv) Produce news bulletins/executive bulletins on an ad-hoc basis to ensure the speedy delivery of key developments or urgent corporate messages.

(v) Produce electronic summaries of Cabinet meetings (e-Cabinet) and also monthly round-ups of key service information (e-News). These will be circulated to staff and elected members.

(vi) Design corporate screensavers for all PCs which are activated after a period of keyboard inactivity and are changed regularly. As well as highlighting the council's corporate priorities they can also be used to raise awareness of the corporate values.

(vii) Produce a weekly media update for elected members which highlights coverage of the borough council locally. Councillors can follow links which enable them to look at council press releases, listen to the council's podcast and review articles online from the local media.

Intranet Strategy

In a previous inspection at the borough council, the Audit Commission recommended a central resource for planning and co-ordinating internal communications.

E-Voice – the staff intranet system – has since become that key platform.

Combining notice boards and other features, such as a revolving news/image banner, have helped to attract and build an audience so that other key corporate information can be shared effectively.

Further development work on e-Voice is vital if the council is to follow through its commitment to communicate openly and effectively with staff. As a result, the council will:-

- Ensure e-Voice remains as the default page when all PC users log on at the council. This practice will be retained as it ensures traffic is driven to an important internal communications tool.

- Further develop and enhance bespoke “knowledge hubs” – many of which are already in place on e-Voice such as Human Resources – to ensure vital information sources are available for staff.
- Develop systems which encourage staff to come forward with initiatives and ideas.
- Develop tools and mechanisms for e-Voice which are in line with best practice to ensure it continues to be a device which helps engage and involve staff; boosts knowledge transfer and efficient working; provides the tools and resources staff need to work efficiently and effectively.

The benefits of making the intranet available to staff are now well recognised:-

- Better internal communications.
- Improved processes.
- Sharing best practice.
- Improved efficiency.
- Reduction in paperwork.
- Avoiding duplication of effort.
- Information sharing/knowledge transfer.

The Communications Service will also continue to support development which ensures best use is made of the elected members’ internet area so information can be accessed and transferred in a safe and secure electronic environment.

Consultation

Key objectives:-

- To monitor the council's progress against its vision and key themes.
- To identify issues that are important to local people, partners and staff.
- To target individuals and key groups of service users to establish satisfaction levels.

- To direct changes to services and to service delivery.
- To prioritise council activity and make the best use of resources.
- To encourage participation and dialogue between the council and its stakeholders.
- To secure benchmarking information to measure performance against other local authorities.

Consultation Strategy

Introduction

Consultation with the public and stakeholders is now an integral part of how local authorities operate. It is the mechanism we use to establish what the local community is thinking and what it wishes the council to do on its behalf.

To support the delivery of this strategy, a Consultation Toolkit has been produced and has been placed on e-Voice within the “Research and Consultation” element of the Communications Service section.

This toolkit gives advice and guidance to service areas to help and support them in consultation or engagement activities they undertake.

The Government has given a very clear signal that it wishes to see local people involved in shaping the way their local council provides services to the community.

It has also signalled it wishes to see the end of the more traditional attempts at large scale consultation such as mass postal surveys. Indeed, it abolished the Place Survey and is encouraging councils to be more inventive.

Our approach

Visits to councils deemed as “beacon” authorities in consultation have indicated a heavy emphasis on face-to-face methods with events and engagement held in communities whether it is the local market, neighbourhood open day, summer fete or other attraction.

In other words, go to the community rather than expecting the community to come to us.

This emphasis on “qualitative” information on specific services and service areas can be crucial in helping to shape services and deliver the things which residents view as important to them.

The borough council commits itself to this “qualitative” approach in this strategy.

Key front-facing services will be encouraged to sign-up to this approach which will primarily involve the Communications Service with support from the services themselves to ensure robust, widespread and inclusive views of users are gathered.

The Communications Toolkit will be used as a support mechanism for services to ensure they are adhering to corporate standards and guidelines for harvesting information from service users and the wider public.

Aligned to this “face-to-face” approach will be the use of some other channels such as the newly established E-Panel (which has replaced the People’s Panel) and an annual survey which appears in the council’s newspaper the Reporter.

Research Officer

All consultations carried out on behalf of the borough council must involve its Research Officer at the earliest opportunity.

This is to ensure national standards and guidelines are adhered to and current best practice is applied to ensure the maximum opportunity possible for specific stakeholders and also the wider public to be involved.

Major consultations

For any major consultation the council will follow current Government best practice which outlines seven criteria:-

Criterion One - When to consult - Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion Two - Duration of consultation exercises - Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion Three - Clarity of scope and impact - Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion Four - Accessibility of consultation exercises - Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion Five -The burden of consultation -Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion Six - Responsiveness of consultation exercises - Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion Seven - Capacity to consult - Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

It is also recommended that to increase transparency, these criteria should be reproduced in consultation documents where possible.

Councillors

Elected members play a pivotal role in listening to the views of residents and acting on their behalf.

Therefore, it is essential that the council makes the best use of this resource and therefore all consultations which begin during the life of this strategy should carefully consider the involvement of an appropriate scrutiny committee.

Corporate Plan and the Budget

Each year, Cabinet members will consider whether it is appropriate for a consultation process to take place in these two key areas and what format that consultation will take.

Staff

It has often been said that the council's staff are its greatest asset and it is vital their views are considered as we continue on our journey to excellence. This recognition of our "Employee Voice" will be done through a combination of elements over a two-year cycle.

Year One

The council will take part in The Times Best Place to Work (Public Sector) survey. This will allow us to benchmark against other public sector bodies in quality research which is independent.

A "pulse survey" will be carried out in-house to gather information on team briefs, whether staff feel informed etc.

Year Two

The council will involve independent researchers to carry out focus groups with staff to delve below the surface of findings from The Times Best Place to Work (Public Sector) survey.

A "pulse survey" will be carried out in-house to gather information on team briefs, whether staff feel informed etc.

Internal communication channels will be used by Executive Management Team to communicate key messages to staff from the above.

Marketing and Sales Strategy

Key Objectives:-

- To raise awareness or build reputation.
- To change behaviour.
- To generate income.
- To better understand the needs of customers and use this understanding to design and develop services.
- Highlight what we do and where we do it.
- Celebrate success and achievement.

Why have a Marketing Strategy?

This strategy is important because:-

- a) It will ensure people who live, work and do business in the borough can easily and clearly identify services provided to them by the borough council using the Council Tax they pay.
- b) It supports the priorities of the council by promoting change of behaviours and attitudes, for instance in recycling, community safety, health and well-being.
- c) It helps services hit key targets such as income generation or participation levels.
- d) It helps target activities to the most appropriate audiences.

Marketing our services

The council already uses a number of different methods and channels to promote services. Some of these involve marketing professionals in the Communications Service; some are carried out by staff for which marketing is one part of their job and in some specialist areas services are bought in.

Channels currently used include leaflets; posters; press releases/newspaper articles; events and exhibitions; social media; signage; civic gifts; mail shots.

However, consideration will be given to new and developing channels as they emerge.

During the life of this strategy, the borough council agrees to:-

(i) Establish a marketing forum which will be chaired by the Head of Communications or his deputy.

The forum will be responsible for planning and reviewing all marketing and sales activities across the whole council. This forum will report to the Executive Management Team.

(ii) Try to join up marketing activities and resources where appropriate to help build capacity, impact and income.

(iii) Ensure all marketing is undertaken to professional standards.

(iv) Ensure the borough council has a clear, strategic direction and focus for its marketing activities which support and promote services in their efforts to hit key performance measures in council priority areas.

(v) Use council marketing experience and resources in a more pro-active way to work with partners in promoting Newcastle town centre and the wider borough in a way which boosts the district's visitor economy.

(vi) Promote transparency and evaluation of all marketing expenditure.

(vi) Make sure borough council produced information, our buildings and our services carry a consistent and recognisable corporate identity.

Key objectives:-

- * The council's brand promotes a visible link between the council and the services/activities it provides and ensures the council gains recognition of the services/activities it provides.
- * The style guide ensures consistency in use of the council's brand.

A council may be delivering excellent services but unless they are clearly branded and promoted, the authority and its elected members will not get the credit and recognition they deserve.

A strong brand for council services is essential to improve satisfaction, build relationships and trust with residents and to help people understand what their Council Tax pays for.

The council's corporate logo – produced by the Communications Service and agreed by Cabinet just over two years ago - is a strong, visual identity and the use of the castle has ensured a very visible link to Newcastle-under-Lyme Borough Council and Newcastle-under-Lyme itself.



Rules on how this brand/logo can be used have been laid down in a corporate brand manual which will ensure branding is done in a corporate, consistent and high quality way.

Use of the logo by any external organisation, partner or interested party should be approved in the first instance by the Head of Communications as its use is covered by UK copyright law.

Copyright law originated in the United Kingdom from a concept of common law; the Statute of Anne 1709. It became statutory with the passing of the Copyright Act 1911. The current act is the Copyright, Designs and Patents Act 1988.

The law gives the creators of literary, dramatic, musical, artistic works, sound recordings, broadcasts, films and typographical arrangement of published editions, rights to control the ways in which their material may be used.

The rights cover; broadcast and public performance, copying, adapting, issuing, renting and lending copies to the public.

Types of work protected include song lyrics, manuscripts, manuals, computer programs, commercial documents, leaflets, newsletters and articles, maps and logos.

Copyright is an automatic right and arises whenever an individual or company creates a work. To qualify, a work should be regarded as original, and exhibit a degree of labour, skill or judgement.

Names, titles, short phrases and colours are not generally considered unique or substantial enough to be covered, but a creation, such as a logo, that combines these elements may be.

(A Corporate Identity Style Guide is attached to this strategy as Appendix C)

The council has also endorsed plain English guidance to ensure information which is produced is delivered in a clear and concise manner.

This guidance has also been made available to staff through e-Voice. Training and refresher sessions are organised by the Communications Service in conjunction with Human Resources.

(The council's Plain English Guide is attached to this strategy as Appendix D)

Evaluation

Evaluation and the measurement of how successful initiatives have been – or otherwise – is fundamental to ensuring the council gets value-for-money and is effective and efficient in the communications tools it uses.

There are already a number of mechanisms in place which help us to evaluate what we are doing. The Communications Service will continue to use these mechanisms as part of its evaluation processes.

The Society of Information Technology Management (Socitm) website review is an annual assessment which looks at all public sector websites from the customers' point of view and rates them accordingly.

This enables the council to benchmark itself against the rest of the public sector.

An Insight Tool is used on the website to gather user comments on the usability, navigability and usefulness of the council's website.

An annual survey is published each year in the Reporter. This gathers information on a range of services including Customer Services; Recycling and Waste; Streetscene and Communications.

In the Communications element, questions are asked over whether residents feel the council keeps them informed, whether they require information in

other formats or are aware of somebody who would benefit from this alternative method of communication, whether they would be interested in joining out E-Panel.

Face-to-face customer engagement takes place throughout the year to gather information on a range of services. One question which is present in all surveys measures customer satisfaction with the council as a whole.

This is a key evaluation tool because Local Government Association research has shown that the better informed residents are the more satisfied they are with their council and its services.

Staff are asked each year in an internal “Pulse Survey” a range of questions including – Does the council keep you informed? Do you have a monthly team meeting? Are you aware of the council’s priorities?

An annual survey is carried out with the council’s key media customers to ensure that the services being provided are sufficient to meet their requirements.

Ongoing monitoring also takes place which ensures media enquiries are dealt with inside a four hour period; the tone of coverage e.g. positive, negative or neutral. And work is carried out each year to assess the advertising equivalent value of media coverage of borough council related issues.

Monthly meetings with finance officers give an indication of how income levels are performing in areas where marketing and sales activity is taking place.

During the period covered by this strategy, the Communications Service will endeavour to undertake bespoke marketing and sales campaigns each year – where resources allow.

This will be new territory for the council and it is therefore imperative that appropriate evaluation measures are in place to measure effectiveness and value-for-money.

For these campaigns, evaluation will focus on a model pioneered by Westminster City Council called ROSIE:-

Research **O**bjective **S**trategy **I**mplementation **E**valuation

Legislation

The council's communications activities must support the key priorities set out in the Corporate Plan. At the same time, the council must also fulfil its obligations, both legal and otherwise, in relation to a number of areas of legislation.

Requests for information

The Freedom of Information Act came into force on 1 January 2005 and it gives the public the right to ask any public body for all the information they have on a wide range of subjects.

The Act covers almost all public authorities and is retrospective, which means it covers historical documentation as well as that generated after the Act came into being.

Similarly, the Data Protection Act 1998 gives people the right to access information we may hold about them. It doesn't matter if we are not using that information in any way other than storing it. The Act governs how we are allowed to use the personal information we hold and how we acquire it, store it, share it or dispose of it.

Freedom of Information Act requests and Data Protection Act matters have relevance to the Communications Services as both can lead to media interest and reputation issues for the borough council.

These processes are however dealt with principally by the Head of Central Services for Freedom of Information Act issues and the Head of Human Resources for Data Protection Act matters.

The council has a duty under the Civil Contingencies Act to produce information which helps to “warn and inform” the people of Staffordshire, its visitors and businesses on preparations for, and responses to, emergencies and major incidents within the county.

When considering all forms of communication with our audiences, Newcastle-under-Lyme Borough Council should conform to the Government’s Code of Recommended Practice on Local Authority Publicity (made under the Local Government Act 2000).

This code covers the rules around content and style of publicity, advertising, promotion of individual councillors and restrictions during the election period.

Paragraph 20 of the Code of Recommended Practice on Local Authority Publicity says:-

“The main purposes of local authority publicity are to increase public awareness of the services provided by the authority and the functions it performs to allow local people to have a real and informed say about issues that affect them, to explain to electors and ratepayers the reasons for particular policies and priorities; and in general to improve local accountability.”

The Representation of the People Act 1983 prohibits expenditure on promoting or procuring the election of a candidate other than through an election agent.

It imposes on senior officers an obligation to broadly ensure that the council does not assist the election candidate with their campaign.

If senior officers cannot show that they have taken all reasonable steps to prevent the authority from providing certain forms of assistance to an election candidate, they will be charged with committing indictable criminal offences.

During the six-week period leading up to an election, care must be taken to ensure that laws surrounding local government publicity are not breached.

The Defamation Act of 1996 places a number of responsibilities on publishers of information including councils. It is important that knowledge of these responsibilities is always retained within the Communications Service.

Equalities and diversity

The council is committed to ensuring the fullest possible take-up of its services and benefits by local people. Clear, appropriate and timely communications can help to deliver this goal.

An Equality Impact Assessment has been carried out on this Communications Strategy to ensure that where this is practicable, it is taking place.

(The assessment is attached to this strategy as Appendix E)

(A corporate Risk Assessment is attached to this strategy as Appendix F)

Conclusion

Research carried out by the Local Government Association has found that the strongest driver of perceived value for money – and the primary driver of resident satisfaction with their councils – is providing effective information about council services.

Councils whose residents feel well-informed about services are the most popular.

And whilst we should obviously have a keen focus on external communications, the council will also bear in mind that internal communications and the way we give and receive information from staff is equally important for the impact it can have on morale and productivity.

This strategy is about keeping the council's stakeholders - residents, businesses, our staff, elected members and partners - informed and involved in what the council is doing for them and with them.

The challenge facing the council is how it can achieve this in an ever changing and evolving world.

Residents are becoming less reliant on more traditional communication channels and are increasingly getting their news and information from areas which have previously been uncharted territory for public sector organisations.

As well as the technological challenges, the council must also embrace the continuing change in the demographics of the borough to ensure all residents have equal access to authentic, accurate and up-to-date information.

This strategy outlines some of the effective initiatives already happening in the council's communications and sets a course for how further improvement will take place over the next few years to support the council as it strives for excellence.

Phil Jones
Head of Communications

APPENDIX 27

PETITION SCHEME

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being such or if it seems to us that it is intended to be a petition.

Paper petitions should be sent to:

The Democratic Services Manager,
The Borough Council of Newcastle-under-Lyme,
Civic Offices,
Merrial Street,
Newcastle,
Staffs, ST5 2AG.

Petitions also may be created, signed and submitted on-line.

Petitions may also be presented to a meeting of the Council. Meeting dates and times are available on the Council and Democracy section of the website. If you would like to present your petition to the Council, or would like your local ward councillor or someone else to present it on your behalf, please contact the Democratic Services Manager on 01782 742227 or julia.cleary@newcastle-staffs.gov.uk at least 10 working days before the date of a meeting and she will talk you through the process. If your petition has received 1500 signatures or more, it will also be scheduled for a Council debate and if this is the case we will let you know whether this will happen at the same meeting or at a future meeting of the Council.

WHAT ARE THE GUIDELINES FOR SUBMITTING A PETITION?

Petitions submitted to the Council must include:

- (a) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- (b) the name, address and signature of any person supporting the petition.

Petitions should also be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case, we will explain the reasons and discuss the revised timescale which will apply. If a petition does not

follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

WHAT WILL THE COUNCIL DO WHEN IT RECEIVES MY PETITION?

An acknowledgement will be sent to the petition organiser within 10 working days of receipt. The acknowledgment will advise what we plan to do with the petition and when the petition organiser can expect to hear from us again. It will also be published on the Council's website.

If the Council can do what the petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will then be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgement will confirm this and advise when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected Mayor), or on a matter where there is already an existing right of appeal, such as Council Tax banding or non-domestic rates, other procedures apply.

The Council will not take action on any petition which is considered to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what the Council is doing in response to the petitions it receives, details of such petitions will be published on the website, except in cases where this would be inappropriate. Whenever possible, all correspondence relating to the petition will be published (personal information will not be disclosed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

HOW WILL THE COUNCIL RESPOND TO PETITIONS?

The Council's response to a petition will depend on what the petition asks for and how many people have signed it, but the response may include one or more of the following:

- Taking the action requested in the petition
- Considering the petition at a Council meeting
- Holding an enquiry into the matter
- Undertaking research into the matter
- Holding a public meeting
- Holding a consultation
- Holding a meeting with petitioners
- Referring the petition for consideration by the relevant scrutiny committee*
- Calling a referendum
- Writing to the petition organiser setting out the Council's views about a request contained in the petition

*Scrutiny committees are committees of councillors who are responsible for scrutinising the work of the Council. In other words, the relevant scrutiny committee has the power to hold the Council's decision makers to account.

In addition to the above steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If a petition is about something over which the Council has no direct control (for example a local railway or hospital), the Council will consider making representations on behalf of the community to the relevant body. The Council works with a number of partner organisations and if possible will work with them in order to be able to respond. If the Council is not able to do this for any reason (for example, if what the petition calls for conflicts with Council policy), then we will explain the reasons for this. You can find more information on the services for which the Council is responsible on the website.

If your petition is something that a different council is responsible for, we will give consideration as to what is the best method for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event, we will always notify you of the action we have taken.

FULL COUNCIL DEBATES

If a petition contains more than 1500 signatures, it will be debated by the Full Council. This is reduced to 200 signatories or petitioners where the petition relates to a local issue affecting no more than two electoral wards within the Council's area, unless it is a petition asking for a senior officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the next meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, or not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter – for example by a relevant committee. Where the issue is one on which the Council Executive (Cabinet) are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the website.

OFFICER EVIDENCE

Your petition may ask for a senior officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior officer to explain progress on an issue, or to explain the advice given to elected Members to enable them to make a particular decision.

If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the relevant scrutiny committee. This is reduced to 100 signatories or petitioners where the petition relates to a local issue affecting no more than two electoral wards within the Council's area. Executive Directors and Heads of Service can be called to give evidence. Details are available from the Democratic Services Manager. You should be aware that the scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of

an officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the committee by contacting the Democratic Services Manager up to three working days before the meeting.

E-PETITIONS

The Council welcomes petitions which are created and submitted through its website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published on-line. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If the Council feels it cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petitions and the reasons why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to the Democratic Services Manager. In the same way as a paper petition, you will receive an acknowledgment within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact the Democratic Services Manager within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement and response will also be published on the website.

HOW DO I SIGN AN E-PETITION?

You can see all the e-petitions currently available for signature by clicking on the active and completed e-petitions page.

When you sign an e-petition, you will be asked to provide your name, postcode and a valid email address. When you have submitted this information, you will be sent an email to the address you have provided. The email will include a link which you will need to click on in order to confirm the email address is valid. Once this step is complete, your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

WHAT CAN I DO IF I FEEL MY PETITION HAS NOT BEEN DEALT WITH PROPERLY?

If you feel that your petition has not been dealt with properly, the petition organiser has the right to request the Council's relevant scrutiny committee to review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short

explanation of the reasons why the Council's response is not considered to be adequate.

The scrutiny committee will endeavour to hear your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the next meeting. Should the scrutiny committee determine that the petition has not been dealt with adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council Executive (Cabinet) and arranging for the matter to be considered at a meeting of the Full Council.

On the appeal has been considered, the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on the website.

Updated June 2015
(job title changes, contact details changes)

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THE BOROUGH COUNCIL OF
NEWCASTLE-UNDER-LYME

CODE OF PRACTICE IN
CONNECTION WITH THE
OFFICE OF MAYOR

Revised May 2014

GUIDANCE NOTES IN CONNECTION WITH THE
OFFICE OF MAYOR

TABLE OF CONTENTS

	<u>Page No.</u>
1. Statutory Provisions	2
2. Chairmanship	2
3. Meetings of the Council	2
4. Mayoral appointments	2
5. Annual Council Meeting – Election of Mayor and Reception	3
6. Mayor’s Sunday	3
7. Expenses of office	3
8. Staff assisting the Mayor	4
9. Role of Mayor	4
10. Civic regalia	5
11. Mayor’s Attendant	5
12. Mayoral car	5
13. Engagements	5
14. Acceptance of gifts	7
15. Clothes	7
16. Mayor’s Parlour	7
17. Hospitality	7
18. Presidencies and honorary memberships	8
19. Remembrance Day	8
20. Civic Ball	8
21. The Mayor’s Charity Fund	9
22. Signing of Documents	10
23. Parliamentary Elections	10
24. Attendance at funerals	10
25. Appointment of Deputy Mayor	11
26. Order of procession	11

FOREWORD

As Mayor, you will no doubt wish to set your own seal on your year of office and will decide your own personal priorities for that year.

It is a unique position within the Council and this guidance is designed to give you an insight into the roles and responsibilities of being Mayor.

It provides you with information on the support that is available to help you with the many aspects of the work associated with being Mayor.

It is difficult to fully describe the experience of being Mayor but it is hoped that it is one that you will find enjoyable and rewarding.

**CODE OF PRACTICE IN CONNECTION
WITH THE OFFICE OF MAYOR**

1. STATUTORY PROVISIONS

These are contained in Section 2, para. 2.5 and Section 5 in Part 2 of the Council's Constitution.

2. CHAIRMANSHIP

When in attendance, the Mayor takes the Chair at all meetings of the Council.

3. MEETINGS OF THE COUNCIL

The Chief Executive and the Head of Business Improvement, Central Services and Partnerships are available to discuss with the Mayor any items on the agenda for meetings of the Council prior to the meeting taking place. A Council Minute Book especially for the use of the Mayor at a Council meeting is prepared before each Council meeting together with notes on any items which are likely to be required under the heading 'Mayor's Announcements'.

IN CONNECTION WITH THE CONDUCT OF MEETINGS OF THE COUNCIL, THE MAYOR IS ADVISED TO BECOME FULLY CONVERSANT WITH THE COUNCIL'S PROCEDURE RULES, PARTICULARLY THOSE RELATING TO QUESTIONS, MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE AND RULES OF DEBATE.

It is strongly recommended that the Mayor meets with the Chief Executive and the Head of Business Improvement, Central Services and Partnerships before the start of his/her Mayoral Year to discuss procedural issues and any concerns that he/she may have concerning Chairmanship of Full Council.

4. MAYORAL APPOINTMENTS

Following the election of the Mayor at the Annual Meeting of the Council, it is the recognised practice for the Mayor to make the following appointments:

a) High Constable –

The current practice is to appoint a friend or relative of the Mayor to this post. There are no recognised duties other than that the High Constable is expected to be present on a limited number of civic occasions, i.e. parades and major civic events. He does not accompany the Mayor on Mayoral engagements.

b) Chaplain/Celebrant

This is usually for the religious belief or conscience with which the Mayor is associated. It is the practice for the Chaplain/Celebrant to take part in the service on the Civic Sunday and should the Mayor wish to say

prayers/expressions of belief/reflections prior to the commencement of Council meetings. If such prayers/expressions of belief or conscience are to take place then there will be a 5 minutes pause before the meeting commences. The Chaplain/Celebrant should also be invited to take part in the annual Remembrance Day parade.

c) Mace Bearers -

Two Mace Bearers are to be appointed. In practice, the appointments of the Mace Bearers for the preceding year are usually renewed. Their duties are to carry the Maces on major civic occasions and at Council meetings. These appointments are arranged by the Head of Central Services.

5. ANNUAL COUNCIL MEETING –
ELECTION OF MAYOR AND CIVIC RECEPTION

The election of the Mayor shall be the first business transacted at the Annual Meeting of the Council.

The Mayor shall be elected annually by the Council from among the Councillors and shall, unless he/she resigns or becomes disqualified, continue in office for a period of one year and shall act until his/her successor becomes entitled to act as Mayor.

Arrangements can, on request, be made for reservations of part of the public gallery to accommodate friends of the Mayor who wish to be present to watch the Mayor-making ceremony at the Annual Council Meeting.

Following the Annual Council Meeting, it is usual for a Civic Reception to be held at a place to be arranged within the Borough. The cost of this function is met from Council funds. There is an official list of about 180 people. Whilst appreciating that the Mayor will wish to invite personal guests to the reception, it is necessary for the total number of invitations from the Mayor to be limited to **30** persons.

6. MAYOR'S SUNDAY

It is usual for the Mayor to hold a civic service shortly after being elected to the office of Mayor. The service is usually held at the Parish Church of St Giles on the first available Sunday following the Annual Council meeting. St Giles is a large church and able to accommodate those wishing to attend. The Mayor's Secretary, who will liaise with the Minister of the Church, makes the arrangements in connection with the service. Afterwards, refreshments are served to the congregation in the Church Hall at the rear of the church.

7. EXPENSES OF OFFICE

An allowance (less tax at the standard rate) is made available to the Mayor to meet the expenses of the office of Mayor.

This allowance is to meet expenses on such items as new clothes for the Mayor and Mayoress/Consort, small donations at various functions and the provision of

hospitality by the Mayor (see special section on hospitality). It is usual for the Mayor/Council to have special Christmas cards printed for despatch to what may be described as official recipients, e.g. Council Members, in addition to the Mayor's own private list. The cost of these cards, including postage, is borne by the Council. An additional sum is allocated in the estimates available to meet the cost of buying bouquets/baskets of fruit, which are presented by the Mayor at 90th/100th birthdays and at Golden/Diamond Wedding anniversaries.

8. STAFF ASSISTING THE MAYOR

The deployment of staff towards assisting the Mayor in carrying out his/her duties is as follows:

a) General advice and guidance –

The Head of Business Improvement, Central Services and Partnerships and, as is more often the case, the Mayor's Secretary.

b) Organisation of all aspects of Mayoral and civic functions/ Mayoral engagements/Administrative support and advice to the Mayor on all associated matters including protocol and etiquette -

Mayor's Secretary in the Chief Executive's Directorate. This officer has overall responsibility for the running of the Mayor's office and is available to offer advice on all issues relating to the office. He should be consulted **on all** matters relating to the Mayoralty no matter how small.

In the absence of the Mayor's Secretary, the Member Services Officers are available to give advice.

c) Accompanying the Mayor to functions etc. –

The Mayor's Attendant is responsible for ensuring that the Mayor arrives for engagements on time and is accorded the precedence due at functions. He also provides support to the Mayor at events held in the Mayor's Parlour although the Mayor's Secretary retains overall responsibility.

9. ROLE OF MAYOR

In general, the Mayor should be prepared to take the lead in all matters of concern in the life of the Borough. The Mayor should also be careful to ensure that he/she does not find himself/herself in some undignified position. The Mayor should also not agree to give patronage to any appeal or society until thoroughly assured as to its bona fides and importance in the Borough. **Further, during the term of office, the Mayor should be, as near as humanly possible, impartial on controversial matters – in particular politics and religion.**

10. CIVIC REGALIA

- Mayoral Robe and Hat –

These are worn on a limited number of civic occasions.

- Mayoral insignia –

The Mayoral Chain is worn on all civic occasions and at all public functions attended by the Mayor inside the Borough. It is permissible, on occasions, for the Mayor, following an official reception, to wear the medallion only. The Mayoral Chain should not be worn at functions held outside the Borough without the consent of the Mayor or the Chairman of the district to be visited. A standing arrangement exists enabling the chain to be worn in Stoke-on-Trent.

A chain is also provided for the Mayoress/Consort, along with a badge. The same conditions apply to its use.

- Mayor's Wand –

This white wand is normally used only at the election of the Mayor and on Civic Sunday. It is regarded as an emblem of purity and justice.

11. MAYOR'S ATTENDANT

The Mayor's Attendant is appointed for the purpose of acting as attendant to the Mayor. He is required to carry out all instructions, which may be given to him at any time by the Mayor, the Chief Executive and the Mayor's Secretary.

12. MAYORAL CAR

The car is to be used in accordance with the official engagements list which is prepared weekly on Thursday/Friday and issued to the Mayor and appropriate others, and for attending official meetings at the Civic Offices. The Mayor should be aware that journeys to official Mayoral engagements commence either from home or from the Civic Offices. The only exception to this rule is when the Mayor is required to travel between engagements. The car may also be used for the conveyance of Council delegations to meetings where it is felt that this is the most economical and appropriate form of transport. The Mayor's driver is required to keep an accurate record of all journeys.

It is important that the car is only used on the above basis. Elsewhere there has been criticism of the use of Mayoral cars and in some cases this has resulted in investigations and surcharge by the District Auditor who is particularly concerned about journeys beyond an authority's boundaries.

13. ENGAGEMENTS

The Mayor is invited to many functions in an official capacity. **All correspondence is dealt with by the Mayor's Secretary on behalf of the Mayor. To ensure the proper co-ordination of all Mayoral activity no engagements should be accepted without the knowledge of the Mayor's Secretary.**

Where it is proposed to accept an invitation a questionnaire is sent to the person or organisation from which the invitation has been received. The organisation is required to return the completed questionnaire as soon as possible prior to the

date of the function in order that the Mayor can be advised of what is expected and arrangements made accordingly.

When an official invitation is sent to the Mayor, it is undesirable for the Mayor to ask for an extension of the hospitality being provided unless it is felt absolutely essential to do so. Any request from the Mayor is considered in the nature of a command and may, in certain cases, place the person who issues the invitation in a position of difficulty and may possibly result in embarrassment to the Mayor and loss of dignity to the Mayoral position. **Once an invitation is accepted, it is most important that unless something like illness intervenes, the arrangement should be adhered to, since those organising the function attach great importance to the visit of the Mayor and the general arrangements they have made take this into account, including the invitations to other guests.**

It is always desirable that the Mayor should not overstay his/her welcome at any function and it is very often preferable that the Mayor should leave in advance of the last guests. On the other hand, the Mayor should not leave a dinner before the toast to the guests has been proposed and responded to. During the busy periods of the year of office, it is not unusual for the Mayor to be asked to attend two or three functions on the same day or same evening, which may overlap. There is no reason whatsoever why arrangements cannot be made so that the Mayor can spend an agreed amount of time at each function. As a general guide, the Mayor should give precedence to attending a function in the Borough.

If the Mayor is required to make a speech of any kind this will be indicated on the form of questionnaire. However, the Mayor is sometimes called upon to give impromptu speeches at functions without warning and this point should be borne in mind by the Mayor. In recent years it has become the custom for Mayors to be responsible for the drafting of their own speeches although the Mayor's Secretary is happy to offer advice on this matter.

THERE WILL BE OCCASIONS DURING THE YEAR WHEN ORGANISATIONS OR INDIVIDUALS APPROACH THE MAYOR DIRECT REQUESTING MAYORAL SUPPORT OR THE MAYOR'S PRESENCE AT SOME FUNCTION. SUCH APPROACHES SHOULD BE DISCOURAGED AND THE PERSON INVOLVED SHOULD BE REQUESTED TO CONTACT THE MAYOR'S SECRETARY AT THE CIVIC OFFICES (TELEPHONE NUMBER 742226).

14. ACCEPTANCE OF GIFTS

The National Code of Conduct which applies to all councillors (including a councillor in a civic role) makes the following points about the receipt of gifts:

"You should treat with extreme caution any offer of gift, favour or hospitality that is made to you personally (as opposed to a gift to the Borough). 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.

There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill ...”

As a general rule, all gifts to the Borough should be displayed in the Mayor's Parlour.

Although the Mayor is personally responsible for all decisions connected with acceptance of gifts during official engagements, the Mayor's Secretary will be pleased to offer advice should the need arise. The Mayor is recommended to keep a personal record of gifts received during the mayoral year that can be handed to the Mayor's Secretary at the end of the Mayoral year.

15. CLOTHES

The matter is one to be decided by the Mayor depending on the functions to be attended. It is considered that evening dress will be necessary for both the Mayor and Mayoress/Consort. The Mayor's Secretary will be able to give advice as to the appropriate clothing to be worn.

16. MAYOR'S PARLOUR

The Mayor's Parlour in the Civic Suite is available for the personal use of the Mayor. Mayors generally use it for small meetings or to host receptions. On occasion the Mayor may wish to hold larger receptions, when arrangements will be made for the adjoining Committee Room 2 to be available. Secure storage is available for spirits etc.

The practice is developing for civic heads of most authorities in Staffordshire to invite other civic heads to an informal reception in their Parlour or room. The Mayor is advised that it would be appropriate to arrange a similar reception in the Newcastle Parlour for civic guests – afternoon tea or evening buffet, the full cost of which is met by the Mayor from his/her allowance.

17. HOSPITALITY

It is found that the Mayor quite frequently wishes to extend hospitality to small numbers of people, e.g. for assistance given in organising a function, or to acknowledge receipt of large donations, or to foreign visitors, and any such hospitality must be paid for from the Mayor's allowance.

A limited supply of civic gifts is available for presentation in appropriate cases. The Mayor's Secretary is responsible for the allocation of civic gifts and is available to advise on the appropriateness of presenting gifts to visitors to the Mayor's Parlour and at other civic occasions.

During the course of a year, there are invariably a few occasions when it is important that hospitality should be provided on a larger scale and is more by way of civic recognition by the Borough as a whole, e.g. receptions for delegates attending a conference at Keele University. It should be noted that any proposal to extend hospitality on such occasions requires the approval of the Chief Executive. A separate account is available to meet the expense of this hospitality although invitations to such occasions are required to be in the name

of 'The Mayor and the Council'. Requests for hospitality of this nature often originate from other than the Mayor, but there is liaison with the Mayor to check his/her availability for the engagement etc.

18. PRESIDENCIES AND HONORARY MEMBERSHIPS

It is usual for the Mayor to be invited to accept presidencies or vice-presidencies of local organisations as well as honorary memberships of others.

The Mayor should not, as such, during his/her term of office, accept the vice-presidency or vice-chairmanship of any local organisation unless the organisation has some extra-Borough basis, or the president or chairman is some royal personage, e.g. the Lord Lieutenant of the County or some other prominent person. For example, it would not be reasonable for a Mayor to refuse to accept the vice-presidency of an organisation embracing North Staffordshire but, on the other hand, by virtue of her precedence, the Mayor ought not to accept the vice-presidency of a local organisation covering Newcastle only.

In the ordinary course of events it is not expected that the Mayor takes any active part in the running of the organisations, although it is always hoped that, where duties permit, the Mayor should attend some of the more important functions or meetings of these organisations.

19. REMEMBRANCE DAY

The observance of Remembrance Sunday includes a parade from the Civic offices to St. Giles Parish Church where a service is held prior to the Act of Remembrance taking place at the War Memorial in Red Lion Square. The practice is for the Mayor to take a salute at a 'March Past' the Civic Offices following this service. An acknowledgement is made by the Mayor raising his/her hat as each section passes or as any colours pass. It is incorrect for the Mayor to salute.

20. CIVIC BALL

It is customary for the Mayor to host a civic ball in the spring. Points to note in connection with this occasion are:

- a) The need to make a booking as early as possible – Friday nights are considered to be the most suitable (usually in March)
- b) It is necessary to limit the expense which has to be borne out of the income on these occasions, otherwise this can have an adverse effect on the price to be charged for tickets.

Any complimentary tickets required by the Mayor are to be paid for out of the Mayor's allowance.

- c) In addition, the cost of engaging a suitable band for the Ball can cost from £800 upwards and is paid for by the Mayor from the Mayor's allowance.

- d) The practice has been to use the Ball to raise money for the Mayor's Charity Fund and to this end a raffle and/or tombola stall are organised. Local traders and businesses are asked to provide prizes for these events. Very little profit, if any, is made on the Ball itself and the majority of money for charity comes from the raffle and/or tombola.

It must be pointed out that the cost of holding a Civic Ball cannot be charged to the Council Tax Fund and any loss that may be incurred will have to be borne by the Mayor from the Mayor's Allowance.

21. THE MAYOR'S CHARITY FUND

The Executive Director (Resources and Support Services) in liaison with the Mayor's Secretary looks after the accounting side of this Fund. The practice is that any money raised by the Mayor for charitable purposes is paid into this Fund. In recent years it has been used for any large contributions to charitable causes, and at the end of the Mayoral year the Mayor distributes whatever money there may be in the Fund (less £500) to charities of his/her own choice, although it is suggested that these should be local in nature in order to be consistent with statements which are frequently made about the purpose for which the money is being raised. The sum of £500 is retained in the Mayor's Charity Fund so that an incoming Mayor has money available for any deserving case or cause that may arise shortly after taking up office.

The Mayor may, if he/she so wishes decide to raise money for some particular purpose and devote the whole of his/her efforts in that direction.

During recent years it has been the practice to hold a few functions to raise money for the Charity Fund. The functions vary but they do require assistance from a variety of sources, for which much depends upon the Mayor's personal contacts. Other than to provide publicity, the Council's staff and resources **should not** be called upon in connection with the organisation of the Mayor's Charity Fund events.

All cheques must be made payable to Newcastle Borough Council and will be coded to the Mayor's Charity Fund when paid in by the Mayor's Secretary.

22. SIGNING OF DOCUMENTS

During the course of his/her year in office, the Mayor may be required to sign official Council documents and, in particular, to attest the seal of official documents.

23. PARLIAMENTARY ELECTIONS

Classification: NULBC UNCLASSIFIED

The Mayor, as Returning Officer, normally performs certain specified duties in connection with Parliamentary elections, namely:

- a) Deciding on the validity of nominations.
- b) Acceptance of the writ.
- c) Visiting various polling stations on Election Day.
- d) Attendance at the count and announcing the result.

For practical purposes, the Chief Executive is appointed Acting Returning Officer and makes all the necessary arrangements for the elections.

24. ATTENDANCE AT FUNERALS

The following suggestions are made as a basis for the guidance of the Mayor in deciding what action should be taken upon the death of a prominent local person.

- a) Ex-Mayors – the Chief Executive and the Mayor to attend the funeral and a wreath to be sent.
- b) Ex-Mayoresses – no action to be taken unless the death occurs within a very short time of the end of her year of office. The reason for not taking any action with regard to former Mayoresses is that they are only connected with civic affairs for a period of twelve months and after a few years it often becomes difficult to keep trace of them.
- c) Ex-Councillors with several years service – it is suggested that in the case of a person having six years service or more on the Council, such service having ended not more than six years prior to death, the Mayor and the Chief Executive should attend the funeral.
- d) Ex-Councillors with less than six years service – it is suggested that no action should be taken here unless death takes place within say two years of the end of the person's Council service.
- e) Councillors – the Mayor and the Chief Executive, Members of the Council and Officers should be invited to attend the funeral and a wreath should be sent.
- f) Prominent local people who have been connected with public life – cases of this kind should be treated on their individual merits and a decision taken by the Mayor in consultation with the Chief Executive.

In all of the above cases the Mayor's Secretary will approach the family of the deceased to ascertain that it is acceptable for the Mayor to attend in his/her official capacity wearing chains of office.

Letters of condolence should be sent by or on behalf of the Mayor to the next of kin in all of the above cases and such other cases as may be considered necessary in the light of prevailing circumstances.

25. APPOINTMENT OF DEPUTY MAYOR

The Council shall appoint a member of the Council to be Deputy Mayor of the Council who shall, unless he/she resigns or becomes disqualified, hold office for a period of one year until immediately after the election of the Mayor at the next annual meeting of the Council. The Deputy Mayor only deputises for the Mayor at the Mayor's request where, in the opinion of the Mayor and/or the Mayor's Secretary, it is desirable for either the Borough or the Mayor to be represented at some function which the Mayor is unable to attend. For the more formal and important civic events, the Mayoral car will be available for use by the Deputy Mayor if not already in use by the Mayor. In all other cases the Deputy Mayor will attend engagements making use of his/her own car or, if this is not possible, by taxi. An allowance is paid to the Deputy Mayor to meet the expenses of the office.

26. ORDER OF PROCESSION FOR CIVIC PARADES

The order of procession as approved by the Council is attached at Appendix A.

PART 6

MEMBERS' ALLOWANCES SCHEME

MEMBERS' ALLOWANCES SCHEME

Contents

1. Introduction
2. Statutory requirements
3. Different types of allowances
4. How the allowances are determined
5. Basic allowance
6. Special responsibility allowance
7. Subsistence allowance
8. Travelling allowance
9. Calculating the time allowed
10. Overseas visits
11. Submission and payment of claims
12. Tax, National Insurance, Sickness and Pensions
13. What if a Member does not wish to be paid allowances
14. Members' responsibilities

Annex 1

Copy of the Council's Scheme for the Payment of Members' Basic and Special Responsibility Allowances.

Blue Form*

Form to be signed by Members in support of a claim for travelling allowances only for attendance at one of the events, functions, meetings, outside bodies, conferences or courses indicated on the front side of the form or which is included in the Council's approved lists of such events, functions, meetings and courses within the local area. Normal meetings of the Council will be pre-printed on the form.

Yellow Form*

Form to be signed by Members in support of a claim for travelling and subsistence allowances for attendance at an event, function, meeting, outside body, conference or course which is included in the Council's approved lists of such events, functions, meetings, bodies, conferences and courses away from the local area.

***Forms not incorporated in the Constitution**

1. Introduction

- 1.1 The Government introduced new arrangements for the payment of allowances to members of local authorities with effect from 1st April 1991. The regulations were amended in 2001 and 2003. The purpose of this section is to explain those arrangements and to give guidance on Members' entitlement to allowances and expenses.
- 1.2 It is extremely important, both from the Member's personal point of view and for the Council, that entitlements under the new arrangements are fully understood and that the possibility of erroneous claims is avoided.
- 1.3 Set out in Annex 1 to this Schedule is the Council's scheme for the payment of Members' allowances covered by the 1991 regulations as amended by the 2001 and 2003 regulations.
- 1.4 This Appendix addresses various aspects of allowances payable to Members. It replaces all previous guidance issued by the Council on the subject.
- 1.5 Members can obtain further information, if necessary, from the Chief Executive and/or from the Executive Director – Resources and Support Services

2. Statutory Requirements

- 2.1 Five provisions in the Local Government act 1972 remain in force relating to councils:
 - Sections 3 and 5 respectively authorise the payment of allowances to the Mayor and Deputy Mayor of the Council
 - Section 173 authorises the payment of financial loss allowances to co-opted Members, but to no-one else
 - Section 174 authorises the payment of travelling and subsistence allowances in respect of 'approved duties'.
 - Section 175 authorises the payment of travelling and subsistence allowances in respect of attendances at conferences or meetings convened to discuss matters relating to the interests of the area or its inhabitants.
- 2.2 The primary legislation under which the main allowances are now paid is Section 18 of the Local Government and Housing Act 1989. The Local Authorities (Members' Allowances) Regulations 1991, as amended by the Local Authorities (Members' Allowances) (Amendment) Regulations 2001 and 2003, issued under that Act, prescribe the detailed controls and require authorities to make a scheme covering the payment of certain allowances to Members.

3. Different Types of Allowance

The allowances to which Members may be entitled are listed below:

Basic allowance
Special responsibility allowance
Travelling allowance
Subsistence allowance
Financial loss allowance (for co-opted Members only)
Carer's Allowance.

4. How the Allowances are Determined

- 4.1 The Borough Council is required by law to pay a basic allowance, the amount of which is at the Council's discretion. The Borough Council pays a basic allowance which takes all aspects of the role of a Member into account, other than special responsibilities, and does not pay attendance allowances.
- 4.2 In respect of the payment of allowances covered by the previous paragraph, the Borough Council makes financial provision for these allowances within the revenue estimates.
- 4.3 Travelling allowance, subsistence allowance and, in relation to co-opted Members, financial loss allowance are all controlled by regulations which specify the maximum rates that can be paid. The Borough Council will pay those allowances within the statutory limits in the case of all approved duties without budgetary limitation.
- 4.4 Periodically an independent panel appointed by the Council will review all allowances that Members are entitled to and will report their recommendations to Council, who will then decide whether or not to accept their recommendations. Each year the Council must publish a list of the amounts each Member has received.

5. Basic Allowance

- 5.1 An elected Member is entitled to receive a basic allowance for each year from 1st April to 31st March. By law the amount of basic allowance has to be the same for each Member during that period. A Member who is not a Member for the whole of the financial year receives an allowance reduced proportionately as provided for in the Scheme. For ease of administration the Council's Scheme covers the Municipal Year, i.e. from the first Monday following the day of Council elections in May.
- 5.2 The Borough Council has decided that the annual basic allowance will be paid by 12 monthly instalments in advance on the 20th day of each month. There may be a small delay in making the first payment following the election of a new Member.

6. Special Responsibility Allowances

- 6.1 The Regulations permit the Borough Council to pay an allowance to certain councillors who have special responsibilities which must be defined in the Scheme. Those special responsibilities have to fall within certain categories defined in the Regulations.
- 6.2 The amounts paid to individual councillors can differ and the annual allowance is reduced proportionately for any period during the year when a councillor does not have special responsibilities.
- 6.3 The special responsibility allowance is paid by 12 monthly instalments in advance on the 20th day of each month. The first payment will be made after the Annual Council Meeting when the various roles and responsibilities have been determined.

7. Travelling Allowance

- 7.1 A Member is entitled to claim travelling allowance when expenditure is incurred on travelling to attend an approved duty. The rates applicable to this allowance are shown on the claim form supplied by the Democratic Services Manager
- 7.2 If a Member is using his own transport, the mileage claimed should be that taken on the shortest practicable route, though time taken as well as distance can be taken into account. The mileage claimed for must, if necessary, be properly justified, for example by the Member recording a detailed description of his route, particularly if additional mileage results from, for example, authorised visits to other sites on the route.
- 7.3 When it is financially advantageous to the Council to do so, Members should use any transport arranged by officers to travel to meetings or site visits etc.
- 7.4 If the Member uses public transport facilities, then the following rates apply:

MODE OF TRAVEL	MAXIMUM RATES
Public transport (within Borough)	Standard rail fare or ordinary or any available cheap bus fares
Public transport (outside Borough)	Ordinary or any available cheap bus fares. Insofar as concerns standard or first class rail fares, expenditure on: <ul style="list-style-type: none">▪ Pullman car or similar supplements, reservation of seats and deposit or portorage of luggage▪ Sleeping accommodation engaged by the Member for an overnight journey subject,

	<p>however, to reduction by one third of any subsistence allowance payable to him/her for that accommodation</p> <p>NOTE: Where convenient, Members travelling by rail to places outside the county should obtain travel warrants from Democratic Services.</p>
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<p>Taxi cab or cabs</p> <ul style="list-style-type: none"> ▪ In cases of urgency or where no public transport is reasonably available ▪ In other cases 	<p>Actual fare and reasonable gratuity</p> <p>Not exceeding the amount of the fare for travel by appropriate public transport.</p> <p>NOTE: In claims relating to the hire of taxis or cabs, Members should indicate on the claim form, or in an accompanying letter, the circumstances in which the expenditure was incurred; whether it was incurred on grounds of urgency or because there were no public facilities available.</p>
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8. Subsistence Allowance

- 8.1 A Member is entitled to claim subsistence allowance at the rates adopted by the Borough Council from time to time which have to be within the limits prescribed by regulations. The current rates will be printed on the forms issued by Democratic Services on which Members have to make claims. In calculating the period of absence, time properly spent in travelling to and from the meeting can be taken into account (see section 9 below).
- 8.2 To be entitled to claim, a Member is required to certify that expenditure has actually been incurred by him on subsistence. The actual expenditure may be more or less than the allowance claimed. The appropriate charge for all meals taken at premises owned or administered by the Council should be paid. However, if a meal is made available free of charge from any source during the period to which the allowance relates, then the appropriate amount must be deducted from the claim. The amount of the reduction should be:

For one free meal the equivalent of the prescribed subsistence allowance for a period of over 4 and up to 8 hours;

For two free meals as above but for a period of over 8 and up to 12 hours;

For three free meals as above but for a period of over 12 and up to 16 hours.

- 8.3 Where main meals (i.e. breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to a day subsistence allowance, the reasonable cost of the meals (including VAT) may be reimbursed in full, provided the time on duty meets the conditions set out on the reverse of the claim form. In such circumstances, reimbursement of the reasonable cost of a meal would replace the entitlement to the day subsistence rate for the appropriate period.
- 8.4 There may be times when a Member is required to be away overnight. On those occasions, special overnight allowances apply.
- 8.5 If a Member travels abroad on Council business the standard subsistence allowance does not apply. In those circumstances, a Member is entitled to expenses reasonably incurred together with a small daily allowance for personal out of pocket expenses.
- 8.6 The Democratic Services Manager will supply details of these allowances on request.

9. Carer's Allowance

The Borough Council will pay an amount of £5.15 per hour (or the national minimum wage hourly rate) to those Members who incur expenditure in paying someone to look after a relative in order that they may attend a meeting of the Council. Reasonable travelling time may be taken into account in calculating the time.

10. Calculating the Time Allowed

- 10.1 Reasonable travelling time is allowed for in calculating the period of absence for the purpose of claiming subsistence allowances.
- 10.2 It occasionally happens that a Member of the Council moves home to somewhere outside the Borough but remains as a councillor until the next Council election. Additionally, a Member may be required to work outside the Borough area on a temporary basis. In either of these circumstances the councillor is requested to discuss the arrangements for travelling and subsistence claims with his Group Leader and the Chief Executive.

11. Overseas Visits

- 11.1 Members may occasionally be required to make overseas visits on Council business in connection with one or other of the specific

functions of the Council. In those circumstances, travelling and subsistence costs can be reimbursed provided they are 'reasonable'.

- 11.2 Section 175 of the 1972 Act authorises attendance at conferences or meetings overseas provided that they are convened by any person or body for the purpose of discussing matters which, in the opinion of the Council, relate to the interests of its area or its inhabitants (but not for trade, business or political purposes).
- 11.3 Section 176 of the 1972 Act authorises the reimbursement of travelling and subsistence expenses reasonably incurred by, or on behalf of, Members in making official or courtesy visits outside the U.K. on behalf of the Council.

12. Submission and Payment of Claims

- 12.1 The Council's scheme requires Members to submit all claims for allowances within two months of the end of the month to which the claim relates. Allowances may be forfeited if not promptly claimed.
- 12.2 The list of events, functions, meetings, outside bodies, conferences and courses at which attendance is authorised by the Council are maintained by the Democratic Services Manager from whom copies can be obtained.
- 12.3 Members are required to complete the claim for travelling and subsistence in respect of attendance at any authorised event, function, meeting, outside body, conference, or course listed on the Council's lists.
- 12.4 If payment is to be made in the month following the performance of the duties, the completed claim form must be received by the Democratic Services Manager by the second working day of the month in which payment is to be made.
- 12.5 If, as an appointee, or nominee, of the Council, a Member is asked to attend a meeting of a body which is not on the Council's lists of authorised events, functions, meetings, outside bodies, conferences and courses, then travelling and subsistence allowances can only be claimed if attendance has been approved by the Council beforehand for this purpose. Such approvals must be given before attendance, otherwise any allowance may not be payable.
- 12.6 If a Member has been appointed to serve on an outside body for which attendance is not regarded by the Council as an approved duty for the purpose of the payment of a Member's allowance, i.e. a body which is not included in the lists of bodies referred to in paragraph 12.2 above, or approved in paragraph 12.5 above, the Member may, in some cases, claim direct from the outside body concerned. In such cases, the Member may wish to consult the body concerned.

13. Tax, National Insurance, Sickness and Pensions

- 13.1 Basic and special responsibility allowances and the allowances paid to the Mayor and Deputy Mayor of the Council are all liable to tax under Schedule E. The allowances are paid through a payroll which accounts for the tax on the PAYE system using a code number issued by the Inland Revenue. In arriving at the code number, it is a matter for the individual Member to agree direct with the Inland Revenue any allowances/expenses which may help to reduce the tax liability. Subsistence claims for meetings in Council buildings are also taxable. More detailed guidance on Inland Revenue practice is available from the Executive Director – Resources and Support Services.
- 13.2 The same allowances are liable for National Insurance Class I contributions notwithstanding that the Member may be employed elsewhere or be self-employed, unless:
- (a) The allowances due for the month are less than an amount prescribed from time to time by the Inland Revenue; or
 - (b) The Member is male and over 65 years old or female and over 60 years old.
- 13.3 It is understood that the Benefits Agency may regard a Member's basic and special responsibility allowances as affecting, for Social Security purposes, that Member's entitlement to benefits. Claiming such allowance(s) could, therefore, affect a Member's entitlement to benefits. In these circumstances, he should seek advice from the Benefits Agency.
- 13.4 Under self assessment regulations, Members are required to declare to the Inland Revenue any taxable benefits they receive. Such benefits may arise if Members are deemed to have made a profit on mileage allowances, or if they are provided with certain other facilities, for example with a computer at less than the full cost of provision. Any Member who has received a taxable benefit will be provided with a form P11E by the Human Resources Manager which will provide the information to be declared to the Inland Revenue, and from whom further advice is available on request.
- 13.5 It is also possible that the payment of basic or special responsibility allowance(s) or an allowance to the Mayor or Deputy Mayor of the Council could affect a Member's entitlement to an occupational pension or other financial arrangements with previous employers.
- 13.6 Members who are unable to perform duties in that capacity as a result of sickness in some circumstances may be eligible for statutory sick pay.

14. What if a Member Does Not Wish to be Paid Allowances?

A Member who wishes to forego the right to be paid any of the allowances covered by the Council's scheme may do so in writing to the Chief Executive specifying which allowance(s) the Member elects to forego and the date(s) upon which the election is to become effective. Such an election may not be revoked until the following 1st April. However, not claiming an allowance may still have an effect on certain Social Security benefits.

15. Members' Responsibilities

It is the personal responsibility of the Member to ensure the accuracy of all information entered on his claim forms relating to duties performed. Processes arranged by the Chief Executive are designed to ensure that all claims relate to properly approved duties. The Executive Director – Resources and Support Services will ensure that the correct financial limits on the various allowances are complied with. In all other respects, Members are accountable for the accuracy and reasonableness of their claims.

Members' Allowances Scheme 2007- 08

<u>Role</u>	<u>£</u>
Leader of the Council	13590
Deputy Leader	9510
Cabinet Member with Portfolio (6)	5660
Cabinet Member without Portfolio (0)	2830
Chair of Scrutiny Committees	2830
Chair of Audit and Risk Committee	2830
Chair of Standards Committee	2830
Chair of Planning Committee	4230
Chair of Public Protection Committee	3430
Chair of Licensing Committee	3430
Vice Chair of Scrutiny Committees	1130
Vice Chair of Planning Committee	1410
Vice Chair of Public Protection Committee	1130
Vice Chair of Audit and Risk Committee	1130
Vice Chair of Standards Committee	1130
Vice Chair of Licensing Committee	1130
Minority Party Leaders	1130*
Basic Allowance	3365.04

* The Minority Party Leader's allowance is only payable to groups comprising at least 10% of total Council membership (i.e. 6 Members).

Carer's Allowance

£5.15 per hour, or the statutory minimum wage, whichever is the greater.

EXECUTIVE MANAGEMENT STRUCTURE

CHIEF EXECUTIVE

John Sellgren

Responsible for Central Services, Communications and Business Improvement & Partnerships

EXECUTIVE DIRECTOR (OPERATIONAL SERVICES)

David Adams

Responsible for:
Leisure and Cultural,
Streetscene and
Waste & Recycling

EXECUTIVE DIRECTOR (REGENERATION AND DEVELOPMENT)

Neale Clifton

Responsible for:
Assets and
Regeneration,
Planning and
Development,
Housing and
Environmental Health

EXECUTIVE DIRECTOR (RESOURCES AND SUPPORT SERVICES)

Kelvin Turner

Responsible for:
Customer Services,
Finance, Human
Resources, ICT and
Revenues

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