

# **Broadland District Council Constitution**

## Summary of Constitution Changes (from February 2024)

| Date of update  | Summary of change   |
|---|---|
| 22 February 2024<br>(Council agreement)               | <ol style="list-style-type: none"><li>1. Constitution reformatted as set out in section 2 of the report to Council.</li><li>2. New section added to the Constitution outlining the role and purpose of outside bodies.</li></ol>              |
| 23 May 2024<br>(Council agreement)                    | <ol style="list-style-type: none"><li>1. Code of Corporate Governance updated following Council AGM.</li></ol>  |
| 23 September 2024<br>(Agreed by Council 27 July 2023) | <ol style="list-style-type: none"><li>1. Community Grant Scheme – Terms of Reference added</li></ol>  |
| 27 January 2025<br>(Agreed by Council 19 Dec 24)      | <ol style="list-style-type: none"><li>1. New section outlining Alternative Budgets and Amendments to the Budget at Council meetings (part 14 section 2)</li><li>2. Update to the Members' Allowance Scheme (increase in allowances)</li></ol> |

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## Part 1 - Introduction to the Constitution

### 1. The form of the Constitution

- 1.1 This constitution provides an important means of enabling citizens and stakeholders to understand how the council makes decisions and who is responsible for those decisions. Section 37 of the Local Government Act 2000 requires each local authority to prepare, keep up to date and publicise a document known as the council's constitution.
- 1.2 The constitution is at the heart of the local authority's business. It allocates power and responsibility within the local authority and between it and others. For example, it delegates authority to act to individual officers and may enable members of the public to ask questions at a committee meeting. It also regulates the behaviour of individuals and groups through codes of conduct, protocols and procedure rules. This constitution is publicised and accessible to anyone interested in finding out how the council makes decisions or where responsibility lies.
- 1.3 Sections of the constitution are intended to set the overall framework and in general will not be subject to frequent change. They are about what is to be done and by whom. Procedure rules, codes of conduct and the other material located after the articles are broadly about how the articles will be put into effect. They may be subject to more frequent change, especially as the council learns from the experience of operating this constitution.

### 2. Overview of the Constitution

*This section sets out the fundamental provisions of the constitution. It confirms that the council will act within the law and the provisions of this constitution. It defines those documents which comprise the constitution.*

*One of the most important parts of the article is the statement of purpose. It conveys clear and positive messages about the purposes of local government. It relates to the community leadership role of local government and shows how the arrangements set out in the constitution will support this.*

*The article also confirms that the local authority will monitor and review its constitution.*

#### 1. Powers of the council

- (1) The council will exercise all its powers and duties in accordance with the law and this constitution.

#### 2. The constitution

- (1) This constitution, together with all its appendices, is the constitution of Broadland District Council.

### **3. Purpose of the constitution**

- (1) The purpose of the constitution is to:

- a) enable the council to provide clear leadership to the community in partnership with citizens, businesses, the not for profit sector and other organisations;
- b) support the active involvement of citizens in the process of local authority decision-making;
- c) help councillors represent their constituents more effectively;
- d) enable decisions to be taken efficiently and effectively;
- e) create a powerful and effective means of holding decision-makers to public account;
- f) ensure that no one will review or scrutinise a decision in which they were directly involved;
- g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions and
- h) provide a means of improving the delivery of services to the community.

### **4. Interpretation and review of the constitution**

- (1) 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.
- (2) The council will monitor and evaluate the operation of the constitution as set out in part 1, section 3.

### **5. Definitions**

- (1) In this constitution the following words and phrases have the following meanings unless the context requires differently.

- |     |                    |  |
|-----|--------------------|--|
| (a) | “budget framework” | means the council’s approved revenue and capital budgets as set out in the budget book for each financial year.  |
| (b) | “constitution”     | means the parts of the constitution comprising the articles, the scheme of delegation, rules of procedure, codes and protocols, members’ allowances scheme and management structure. |

|     |                      |   |
|-----|----------------------|---|
| (c) | “co-opted member”    | means a person who serves on a committee but who is not a member of the council.  |
| (d) | “councillor”         | means an elected member of the council.   |
| (e) | “employee”           | means someone who works for the council under a contract of employment between them and the council.  |
| (f) | “financial year”     | means the period of time between 1 April and 31 March.  |
| (g) | “head of service”    | means the heads of service described in part 13 of the constitution.  |
| (h) | “key decision”       | means a decision within the definition of key decision contained in part 5, section 3 of the constitution.  |
| (i) | “members”            | means people who have been elected as councillors.  |
| (j) | “municipal year”     | means the period of time between the council’s annual meetings in May of each year.   |
| (k) | “officers”           | means all employees and staff engaged by the council to carry out its functions. This word is also used instead of employees to cover those engaged under short term, agency or other non-employed situations.  |
| (l) | “policy framework”   | means the council’s vision, aims and ambitions, plans and strategies set out in part 6 of the constitution.   |
| (m) | “stakeholders”       | means members, officers, the public, council tax and business ratepayers, community and voluntary associations and groups, other local authorities and public bodies who may be affected by the council’s operations.                                 |
| (n) | “clear working days” | means working days excluding the day from which time is counted and the day at the end of the period so “five clear days notice” of a meeting means five working days excluding the day the notice was sent and the day on which the meeting is held. |
| (o) | “working days”       | means Monday to Friday inclusive, but excluding any day which has been declared a bank holiday or when the offices of the council are otherwise closed to the public.   |

(2) In this constitution, unless the context requires differently:

- a) the masculine gender includes the feminine gender;
- b) the singular includes the plural;
- c) references to legislation include amendments or re-enactments;
- d) in procedural rules references to committees include sub-committees and

- e) references to the overview and scrutiny committee include any policy development panels and time and task limited panels appointed under part 8, section 1.

### **3. Review and revision of the constitution**

#### **1. Duty to monitor and review the constitution.**

- a) The council, advised by the monitoring officer, will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect.
- b) The first review will take place on the anniversary of the adoption of the constitution and each review will consider the adequacy of the arrangements for reviewing the constitution.

#### **2. Protocol for monitoring and review of constitution by the monitoring officer**

- (1) A key role for the monitoring officer is to be aware of the strengths and weaknesses of the constitution adopted by the council and to make recommendations for ways in which it could be improved to achieve the purposes set out in part 1, (1.1). In undertaking this task, the monitoring officer may:
  - a) observe meetings of different parts of the member and officer structure;
  - b) undertake an audit of a sample of decisions;
  - c) record and analyse issues raised with them by members, officers, the public and other relevant stakeholders and
  - d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

#### **3. Changes to the constitution**

- (1) **Approval.** Changes to the constitution will only be approved by the full council after consideration of the proposal by the cabinet advised by the monitoring officer.
- (2) **Annual meeting.** Changes to the following provisions of the constitution may be made at the annual meeting, following consideration of the proposed changes by the monitoring officer:
  - a) the number, titles and responsibilities of portfolio holders;
  - b) the number and names of committees, panels or working groups;
  - c) the terms of reference and responsibilities of committees, panels or working groups and
  - d) the rules about membership and chairmanship of committees, panels and working groups;



- (3) **Change from a leader and cabinet form of executive to alternative arrangements, or vice versa.** The council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

## **4. Suspension, interpretation and publication of the constitution**

*This section ensures that the parts of the constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the council's governance. However, it does provide for rules of procedure to be suspended provided this is to achieve an effect consistent with the purposes of the constitution set out in part 1 (1.1).*

### **1. Suspension of the constitution**

- (1) **Limit to suspension.** The articles of this constitution may not be suspended. The rules contained within part 4 of this constitution may be suspended by the full council to the extent permitted within those rules and the law.
- (2) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the constitution set out in part 1 (1.1).

### **2. Interpretation**

- (1) The ruling of the chairman of the council 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 part 1 (1.1).

### **3. Publication**

- (1) An up to date copy of the constitution will be available on the council's website and available for inspection at the council offices. Hard copies will be made available to members on request at an appropriate time following their election but they are advised to refer to the online version to ensure there have been no amendments made.

## Part 2 – Code of Corporate Governance

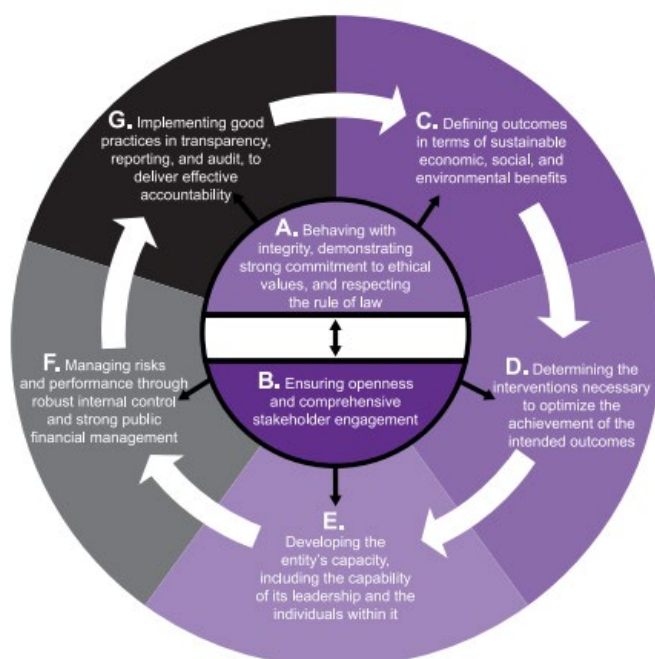
### 1. Introduction

The Code of Corporate Governance sets out the Council's governance standards.

The Council is committed to demonstrating that it has the necessary corporate governance arrangements in place to perform effectively.

The Code is based on seven core principles, each supported by sub principles that should underpin the governance framework of the Council. These principles are taken from best practice from the guidance issued by the [Chartered Institute of Public Finance and Accountancy](#) (CIPFA) and the [Society of Local Authority Chief Executives](#) (SOLACE).

**Achieving the Intended Outcomes While Acting in the Public Interest at all Times**



*Source: Delivering good governance in Local Government Framework 2016 Edition*

Each core governance principle includes a description of how the Council meets those principles. Where applicable, hyperlinks are also provided where you can access more information about key examples of governance in action.

The Code is reviewed annually through the Annual Governance Statement process, which identifies the actions to be taken to enhance the code or address any limitations within it. This statement is authorised by the Leader and Managing Director. Where reviews identify gaps in corporate governance, and action is taken to resolve these.

### 2. Roles and Responsibilities

All members and officers are expected to commit to the Council's principles of good governance; however, there are specific responsibilities for the following individuals and groups:

The following member bodies have specific responsibilities for good governance:

- Cabinet
- Standards Committee
- Audit Committee
- Overview & Scrutiny Committee

The Corporate Leadership Team (CLT) has a collective responsibility for good governance, but this is underpinned by the role of the three statutory officers of the Council:

- Head of Paid Service – Managing Director
- Monitoring Officer – Chief of Staff
- Section 151 Officer – Assistant Director Finance

Directors and Assistant Directors are responsible for the policies and procedures which form part of this code and that fall within their functional responsibilities. Each is supported by senior managers who are responsible for ensuring that the relevant policies and procedures are up to date, are being complied with and are effective in achieving good governance.

The Chief of Staff, as Monitoring Officer, will report annually on compliance with this Code and the effectiveness of the Council's governance arrangements through the Annual Governance Statement which will be published in the Council's Annual Statement of Accounts. The Annual Governance Statement will be approved by the Leader of the Council and the Managing Director.

**Owner:** Chief of Staff and Monitoring Officer

**Adopted:** 23 May 2024

**Next review date:** February 2025

### 3. Code of Corporate Governance

| Principle A - Behaving with Integrity, demonstrating strong commitment to ethical values and respecting rules of law   |   | End of Year Assessment<br><i>Effective / Effective but scope for improvement / Requiring Improvement</i><br><to be completed at the end of 24/25>   |
|--|---|---|
| 1 Sub Principles:  | 2 To achieve this, we will:   | 3 This is evidenced by:   |
| <ul style="list-style-type: none"> <li>Behaving with integrity</li> <li>Demonstrating strong commitment to ethical values</li> <li>Respecting the rule of law</li> </ul> | <ul style="list-style-type: none"> <li>Publish an Annual Governance Statement which reviews the effectiveness of the Council's governance framework.</li> <li>Maintain shared values which underpin an ethos of good governance.</li> <li>Comply with legislation and all relevant professional standards.</li> <li>Maintain formal codes of conduct defining standards of behaviour expected of both Members and Officers.</li> <li>Maintain arrangements to investigate complaints against Members and Officers including alleged misconduct.</li> <li>Maintain an effective Standards Committee.</li> <li>Maintain a framework which addresses the risks of fraud and corruption including an Anti-Fraud &amp; Corruption Strategy and Policy and a Whistleblowing policy.</li> <li>Maintain a register of interests and seek declarations to be made at the start of Council meetings.</li> <li>Complete Equality Impact Assessments to help officers meet the statutory equality and communities requirements and to embed economic, social and environmental sustainability into everything the Council does.</li> <li>Recruit employees in line with the Council's policies and procedures.</li> </ul> | <ul style="list-style-type: none"> <li><a href="#">Annual Governance Statement</a></li> <li><a href="#">Constitution</a> – Code of Conduct for Members and Officers</li> <li>Anti-Fraud &amp; Anti-Corruption Strategy and Policy</li> <li>Whistleblowing policy</li> <li><a href="#">Equalities Policy</a></li> <li>Completed Equality Impact Assessments</li> <li>Register of Interests - officers and members</li> <li>Register of Gifts and Hospitality</li> <li><a href="#">Complaints procedures</a></li> <li><a href="#">Contract Procedure Rules</a></li> <li><a href="#">Statement of Accounts</a></li> <li>Declaration of Interests on every committee meeting agenda &amp; are requested at the start of every formally constituted Council meeting</li> <li><a href="#">Standards Committee</a></li> <li><a href="#">Complaints processes for Councillors</a></li> <li><a href="#">Overview &amp; Scrutiny</a></li> </ul> |

| Principle B - Ensuring openness and comprehensive stakeholder engagement  |  | End of Year Assessment<br><i>Effective / Effective but scope for improvement / Requiring Improvement</i><br><to be completed at the end of 24/25>  |
|---|--|--|
| Sub Principles:   | To achieve this, we will:  | This is evidenced by:  |
| <ul style="list-style-type: none"> <li>• Openness</li> <li>• Engaging comprehensively with Institutional stakeholders</li> <li>• Engaging stakeholders effectively, including citizens and service users</li> </ul> | <ul style="list-style-type: none"> <li>• Seek the views of our stakeholders, residents and businesses and respond appropriately.</li> <li>• Provide a variety of opportunities for the public to engage effectively with the Council.</li> <li>• Ensure key Council meetings are accessible.</li> <li>• Publish Agendas, minutes, report packs and a calendar for a full year for Council meetings.</li> <li>• Set a balanced budget.</li> <li>• Publish an Annual Statement of Accounts and Annual Auditors report to inform stakeholders and service users of the previous years achievements and outcomes.</li> <li>• Ensure public consultation on the annual budget.</li> <li>• Continue to ensure weaknesses are addressed.</li> </ul> | <ul style="list-style-type: none"> <li>• <a href="#">Customer Charter</a></li> <li>• <a href="#">Customer Satisfaction Survey</a></li> <li>• <a href="#">Customer Panel</a></li> <li>• <a href="#">Compliments, suggestions and complaints</a></li> <li>• <a href="#">Public participation at Council meetings, supported by our Constitution</a></li> <li>• <a href="#">Live streams of a number of Council meetings</a></li> <li>• <a href="#">Budget Book</a></li> <li>• <a href="#">Statement of Accounts</a></li> <li>• <a href="#">Audit Committee</a></li> <li>• Internal Audit reports to Audit Committee</li> </ul> |
| Principle C – Defining outcomes in terms of sustainable economic, social, and environmental benefits  |  | End of Year Assessment<br><i>Effective / Effective but scope for improvement / Requiring Improvement</i><br><to be completed at the end of 24/25>  |
| Sub Principles:   | To achieve this, we will:  | This is evidenced by:  |
| <ul style="list-style-type: none"> <li>• Defining Outcomes</li> <li>• Sustainable economic, social and environmental benefits</li> </ul>  | <ul style="list-style-type: none"> <li>• Set the Council's purpose and vision and use it as a basis for all strategic &amp; service planning.</li> <li>• Publish on the Council's website all annual reports to communicate the Council's activities and achievements including its financial position and performance.</li> <li>• Prioritise resources to deal with competing demands and consider the impact of decisions in the medium-term financial strategy.</li> </ul>  | <ul style="list-style-type: none"> <li>• Council Strategic Plan and Delivery Plan</li> <li>• Strategic and Annual Internal Audit Plan based on priorities and risk</li> <li>• Performance, Finance and Risk reports (taken to Cabinet 3 times a year)</li> <li>• <a href="#">Statement of Accounts</a></li> </ul>  |

|   |  |   |
|---|--|---|
|   | <ul style="list-style-type: none"> <li>Identify and manage risks to the achievement of outcomes.</li> <li>Have clear, published contract procedure rules.</li> </ul>   | <ul style="list-style-type: none"> <li><a href="#">Budget Book</a></li> <li><a href="#">Contract Procedure Rules</a></li> <li>Risk Management Policy</li> </ul>   |
| <b>Principle D – Determining the interventions necessary to optimise the achievement of the intended outcomes</b>   |  | <b>End of Year Assessment</b><br><i>Effective / Effective but scope for improvement / Requiring Improvement</i><br><to be completed at the end of 24/25>  |
| <b>Sub Principles:</b>  | <b>To achieve this, we will:</b>   | <b>This is evidenced by:</b>  |
| <ul style="list-style-type: none"> <li>Determining Interventions</li> <li>Planning Interventions</li> <li>Optimising achievement of intended outcomes</li> </ul>        | <ul style="list-style-type: none"> <li>Set the Council's purpose and vision and use it as a basis for all strategic &amp; service planning.</li> <li>Maintain a forward plan for reports and decisions to be made.</li> <li>Regularly report on key performance Indicators (KPIs) which have been established for each service element.</li> <li>Ensure budgets are prepared in accordance with organisational objectives and regularly reported upon.</li> <li>Take part in regular Peer Challenges.</li> </ul>   | <ul style="list-style-type: none"> <li>Council Plan and Delivery Plan</li> <li><a href="#">Forward Plan</a></li> <li>Performance, Finance and Risk reports (taken to Cabinet 3 times a year)</li> <li><a href="#">Peer Challenge feedback reports</a></li> <li>Transformation Plan</li> </ul> |
| <b>Principle E – Developing the Council's capacity, including the capability of its leadership and the individuals within it</b>  |  | <b>End of Year Assessment</b><br><i>Effective / Effective but scope for improvement / Requiring Improvement</i><br><to be completed at the end of 24/25>  |
| <b>Sub Principles:</b>  | <b>To achieve this, we will:</b>   | <b>This is evidenced by:</b>  |
| <ul style="list-style-type: none"> <li>Developing the Council's capacity</li> <li>Developing the capability of the entity's leadership and other individuals</li> </ul> | <ul style="list-style-type: none"> <li>Set out a clear statement of the respective roles and responsibilities through the Constitution.</li> <li>Provide regular Member and Officer training.</li> <li>Provide an induction programme for both Members and Officers.</li> <li>Assess officer performance and skills gaps through regular 1:1s and performance processes.</li> <li>Regularly review the scheme of delegation and Constitution and update when required.</li> <li>Provide effective HR services for our staff to ensure we maintain the health and wellbeing of the team.</li> </ul> | <ul style="list-style-type: none"> <li><a href="#">Constitution</a></li> <li>Member training plan</li> <li>Staff and Member induction process</li> <li>Staff performance management review</li> <li>Scheme of delegation in <a href="#">Constitution</a></li> </ul>                           |

| Principle F – Managing risks and performance through robust internal control and strong public financial management   |  | End of Year Assessment<br><i>Effective / Effective but scope for improvement / Requiring Improvement</i><br><to be completed at the end of 24/25>   |
|---|--|---|
| Sub Principles:   | To achieve this, we will:  | This is evidenced by:   |
| <ul style="list-style-type: none"> <li>• Managing Risk</li> <li>• Managing Performance</li> <li>• Robust Internal Control</li> <li>• Managing data</li> <li>• Strong public financial management</li> </ul> | <ul style="list-style-type: none"> <li>• Maintain an effective Scrutiny function.</li> <li>• Maintain an effective Audit function independent of executive &amp; Scrutiny functions.</li> <li>• Implement our Risk Management Policy effectively, ensuring that roles and responsibilities for managing risks are identified.</li> <li>• Ensure publication of Agendas and minutes are published.</li> <li>• Maintain a transparent complaints and feedback procedure.</li> <li>• Conduct an annual Internal Audit programme.</li> <li>• Ensure effective counter fraud and anti-corruption arrangements are in place.</li> <li>• Ensure effective information governance arrangements are in place to support compliance with existing and emerging legislation for data protection and privacy.</li> <li>• Ensuring financial management and governance arrangements support decision making and provides sufficient information to support the delivery of the Councils objectives.</li> <li>• Provide a safe working environment.</li> </ul> | <ul style="list-style-type: none"> <li>• <a href="#">Audit Committee</a></li> <li>• <a href="#">Overview &amp; Scrutiny</a></li> <li>• Risk Management Policy</li> <li>• Performance, Finance and Risk reports (taken to Cabinet 3 times a year)</li> <li>• Mod.Gov (website)</li> <li>• <a href="#">Customer Satisfaction Survey</a></li> <li>• <a href="#">Compliments, suggestions and complaints</a></li> <li>• Progress, Follow Up and Annual Opinion internal audit reports to Audit Committee</li> <li>• <a href="#">Statement of Accounts</a></li> <li>• <a href="#">Budget Book</a></li> <li>• Anti-Fraud &amp; Anti-Corruption Strategy and Policy</li> <li>• <a href="#">Data Protection Policy and Privacy Notices</a></li> <li>• Health and Safety Policy</li> </ul> |

| Principle G – Implementing good practices in transparency, reporting, and audit to deliver effective accountability  |  | End of Year Assessment<br><i>Effective / Effective but scope for improvement / Requiring Improvement</i><br><to be completed at the end of 24/25>  |
|--|--|--|
| Sub Principles:  | To achieve this, we will:  | This is evidenced by:  |
| <ul style="list-style-type: none"> <li>Implementing good practice in transparency</li> <li>Implementing good practices in reporting</li> <li>Assurance and effective accountability</li> </ul> | <ul style="list-style-type: none"> <li>Maintain compliance with the local government transparency code and publish all required information in a timely manner.</li> <li>Maintain effective and accessible arrangements for dealing with complaints.</li> <li>Maintain an effective scrutiny function which encourages constructive challenge</li> <li>Maintain an effective Audit Committee independent of the Executive &amp; Scrutiny Committees.</li> <li>Publish all Committee reports on website unless there is a legitimate need to preserve confidentiality based on the statutory test.</li> <li>Ensuring performance and budget information is prepared on a consistent and timely basis.</li> <li>Maintain an effective Internal Audit function.</li> <li>Welcome Peer Challenges and inspection from regulatory bodies and implement recommendations.</li> <li>Produce regular budget manager reports to ensure senior managers own the results.</li> </ul> | <ul style="list-style-type: none"> <li><a href="#">Spending data</a></li> <li><a href="#">Requests for Information</a> <ul style="list-style-type: none"> <li><a href="#">Compliments, suggestions and complaints</a></li> </ul> </li> <li><a href="#">Overview &amp; Scrutiny</a></li> <li><a href="#">Audit Committee</a></li> <li>Mod.Gov (website)</li> <li>Risk Management Policy</li> <li>Performance, Finance and Risk reports (taken to Cabinet 3 times a year)</li> <li>Strategic and Annual Internal Audit Plan to Audit Committee</li> <li>Progress, follow up and Annual Opinion internal audit reports to Audit Committee</li> <li><a href="#">Peer Challenge feedback reports</a></li> <li>Monthly budget manager reports</li> </ul> |



## Part 3 – The Public and the Council

*This council will be outward looking and seek to engage with the public wherever possible. This article sets out what citizens can expect from the council and what rights they have. With rights come responsibilities and it is also the role of the constitution to show how the council expects to be treated in return.*

### 1. Citizens' rights

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

- a) **Voting and petitions.** Citizens on the electoral register for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of constitution. Citizens have the right to petition the council in accordance with the council's petitions scheme.
- b) **Information.** Citizens have the right to:
  - i. attend meetings of the council, the executive and its committees except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;
  - ii. find out from the forward plan what key decisions will be taken by the executive and when;
  - iii. see reports and background papers and any records of decisions made by the council, its committees and the executive (subject to the council's access to information procedure rules) and
  - iv. inspect the council's accounts and make their views known to the external auditor.
- c) **Participation.** Citizens have the right to participate in the council's question time and contribute to investigations by overview and scrutiny committees.
- d) **Complaints.** Citizens have the right to complain to:
  - i. the council itself under its complaints procedure;
  - ii. the Ombudsman after using the council's own complaints procedure and
  - iii. the monitoring officer about a breach of the members' code of conduct.
  - iv. *(section on breach of the officers' code to be added once the code is in force)*

### 2. Citizens' responsibilities

- a) Citizens must not be violent, abusive or threatening to councillors, officers or contractors of the council and must not wilfully harm things owned by the council, councillors, officers or contractors of the council.

## Part 4 – Members of the Council

### 1. Members of the Council overview

*This part sets out the composition of the council, eligibility to stand for election as a member of the council and the form of election to be used.*

*It contains a section on the roles and functions of members of the council. This reinforces the fact that all members, whatever their formal position in the council and party political system, share common roles and responsibilities.*

*It also deals with the rights and duties of members, especially as they affect access to land, buildings, documents and information and any confidentiality requirements surrounding the latter.*

*There are sections on conduct and allowances.*

#### 1. Composition and eligibility

- (1) **Composition.** The council will comprise 47 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Boundary Committee (or its successors) and approved by the Electoral Commission.
- (2) **Eligibility.** Only registered voters of the district or those living or working there will be eligible to be elected to hold the office of councillor.

#### 2. Election and terms of councillors

- (1) **Election and terms.** The regular election of all councillors will be held on the first Thursday in May beginning in 2007. 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.

#### 3. Roles and functions of all councillors

- (1) **Key roles.** All councillors will:
  - a) collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions;
  - b) represent their communities and bring their views into the council's decision-making process, ie become the advocate of and for their communities;
  - c) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances which are relevant to the council's functions;
  - d) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
  - e) be involved in decision-making;
  - f) be available to represent the council on other bodies;
  - g) develop and maintain a prominent position in the community, which reflects the position held and maintain the highest standards of conduct and ethics;
  - h) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;

- i) effectively represent the interests of their ward and of individual constituents;
- j) respond to constituents' enquiries and representations, fairly and impartially and
- k) participate in the governance and management of the council.

#### **4. Rights and duties**

- a) 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.
- b) Councillors will not make public information which is confidential or exempt without the consent of the council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- c) For these purposes, "confidential" and "exempt" information are defined in the access to information procedure rules in part 4 of this constitution.

#### **5. Conduct**

- (1) Councillors will at all times observe the members' code of conduct and the protocol on member/officer relations set out in part 4 of this constitution.

#### **6. Allowances**

- (1) Councillors will be entitled to receive allowances in accordance with the members' allowances scheme set out in part 4 of this constitution.

## **2. Members Code of Conduct**

### **This Code of Conduct is based on the Local Government Association model Code of Conduct**

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

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

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

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

## Definitions

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

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

and who is entitled to vote on any question that falls to be decided at any meeting of that

committee or sub-committee”.

## Purpose of the Code of Conduct

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

## General principles of councillor conduct

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

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

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

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

In undertaking my role:

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

## **Application of the Code of Conduct**

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

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

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

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

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

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

## **Standards of councillor conduct**

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

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

### **General Conduct**

#### **1. Respect**

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

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

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

Respect means politeness and courtesy in behaviour, speech, and in the written word.

Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

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

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

### **As a councillor:**

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

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

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

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

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

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

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

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

### **As a councillor:**

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

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

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

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

**As a councillor:**

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

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

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

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

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

#### **5. Disrepute**

**As a councillor:**

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

As a Councillor, you are trusted to make decisions on behalf of your community and

your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

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

## **6. Use of position**

### **As a councillor:**

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

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

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

### **As a councillor:**

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

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

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

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

Examples include:

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

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

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



### **As a Councillor:**

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

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

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

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

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

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

#### **9. Interests**

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

##### **9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

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

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

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

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

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

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer, an accumulation of small gifts received from the source totaling £100 over a period of one year.**

**10.4 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

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

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

The principles are:

### **Selflessness**

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

### **Integrity**

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

### **Objectivity**

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

### **Accountability**

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

### **Openness**

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

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

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

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must

Register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**“Disclosable Pecuniary Interest”** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**“Partner”** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable

Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room

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

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which ***affects*** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) ***affects*** the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registrable Interest or Non-Registrable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

## Table 1: Disclosable Pecuniary Interests

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

| Subject  | Description  |
|--|--|
| <b>Employment, office, trade, profession or vocation</b> | Any employment, office, trade, profession or vocation carried on for profit or gain.   |
| <b>Sponsorship</b>                                       | <p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</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>   |
| <b>Contracts</b>   | <p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p> |
| <b>Land and Property</b>                                 | Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.   |

|                            |  |
|----------------------------|--|
| <b>Licences</b>            | Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer   |
| <b>Corporate tenancies</b> | Any tenancy where (to the councillor's knowledge)—<br>(a) the landlord is the council; and<br>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.  |
| <b>Securities</b>          | Any beneficial interest in securities* of a body where—<br>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and<br>(b) either—<br>(i) ) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

\* 'director' includes a member of the committee of management of an industrial and provident society.

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

**Table 2: Other Registrable Interests**

You must register as an Other Registrable Interest:

- a) any unpaid directorship
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - i. exercising functions of a public nature
  - ii. directed to charitable purposes or
  - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management



### 3. Protocol on member/officer relations

#### 1. Introduction

- 1.1 The aim of the protocol is to guide member/officer relations in order to provide an open and honest working ethos which ensures the delivery of the council's statutory and other proper functions in a transparent and accountable fashion.
- 1.2 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues, which most commonly arise. It is hoped however that the approach, which it adopts, to these issues will serve as a guide to dealing with other issues.
- 1.3 This protocol reflects good practice and is to a large extent no more than a written statement of current practice and convention. In some respects however, it seeks to promote greater clarity and certainty.
- 1.4 This protocol also seeks to reflect the principles underlying the respective codes of conduct, which apply to members and officers. The shared object to these codes is to enhance and maintain the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct.
- 1.5 The members' code of conduct places some general obligations upon members which are consistent with the following principles:
  - (1) **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.
  - (2) **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.
  - (3) **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.
  - (4) **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.
  - (5) **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.
  - (6) **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.
  - (7) **LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

- 1.6 Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and the council and to carry out the council's work under the direction and control of the council, the committees and sub-committees.
- 1.7 Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers.
- 1.8 Mutual respect is assumed and high standards of courtesy are prerequisite to effective relations. Neither party should seek to take unfair advantage of their position.

## **2 Officer advice to party groups**

- 2.1 There is statutory recognition to party groups and officers must support these groups even handedly (it is recognised that some weighting of demand is likely to reflect the relative group strengths but this must not be to the disadvantage of service to all members and the electorate that they represent). Support can range from briefings to presentations at group meetings.
- 2.2 Members will not expect or receive any support on party matters, but only on proper council business. This will be facilitated by groups dividing their agenda if officers are present so that officers can leave when the group discuss party business.
- 2.3 If officers are asked to support group meetings in an advisory capacity they may wish to advise of limiting factors such as the presence of non-members who would not be bound by this protocol or any national codes.
- 2.4 Officers will respect party confidentiality but will be bound by their statutory obligations above all and so should not be placed in any position of potential conflict by party groups.
- 2.5 Support to party groups is only proper and legal if used on council matters, use for private or party benefit is unlawful.
- 2.6 Party group meetings, whilst they form part of the preliminaries to council decision making, are not empowered to make decisions on behalf of the council. Conclusions reached at such meetings do not therefore rank as council decisions and it is essential that they are not interpreted or acted upon as such. Similarly, where officers provide information and advice to a party group meeting in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee, sub-committee executive, panel or working group when the matter in question is considered.
- 2.7 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the managing director who will discuss them with the relevant group leader.

## **3 Support services to members and party groups**

- 3.1 The only basis on which the council can lawfully provide support services (eg stationery, typing, printing, photocopying, transport, etc) to members is to assist them in discharging their role as members of the council. Such support services must therefore only be used on council business. They should never be used in connection with party political or campaigning activity or for private purposes.
- 3.2 The only exception to this is where the use of such services for political purposes could reasonably be regarded as discharging the functions of the council or the member's office, for example using meeting rooms for group meetings before council meetings.
- 4 Members' access to information and to council documents**
- 4.1 Members will need in the discharge of their duties to access information from officers. This will usually be most efficiently achieved through the chief officers who are able to provide an overview or direct the member to the most appropriate officer. Notwithstanding this it is recognised that specific planning officers particularly may be best addressed directly as indicated in the planning and enforcement protocols.
- 4.2 As regards the legal rights of members to inspect council documents, these are covered partly by statute and partly by the common law.
- 4.3 Officers will not deny members information unless there are lawful reasons to maintain confidentiality. The legal position is set out in paragraph 4.4 to 4.8 below.
- 4.4 Members have a statutory right to inspect any council document, which contains material relating to any business, which is to be transacted at a council, committee or sub-committee meeting. This right applies irrespective of whether the member is a member of the committee or sub-committee concerned and extends not only to reports, which are to be submitted to the meeting, but also to any relevant background papers. This right does not however apply to documents relating to certain items, which may appear on the private 'exempt' agenda for meetings. The items in question are those which contain exempt information relating to employees, occupiers of council property, applicants for grants and other services, contract and industrial relations negotiations, advice from counsel and criminal investigations. Correspondence held by the monitoring officer in relation to his duties is similarly exempt, unless released by him in the interests of furthering any enquiry.
- 4.5 The common law right of members is much broader and is based on the principle that any member has a *prima facie* right to inspect council documents so far as his access to the documents is reasonably necessary to enable him to *perform properly his duties as a member of the council*. This principle is commonly referred to as the "need to know" principle.
- 4.6 The exercise of this common law right depends therefore upon the member's ability to demonstrate that he has the necessary "need to know". The crucial question is the determination of the "need to know". This question must initially be determined by the particular chief officer whose directorate holds the document in question. In the event of dispute, the question falls to be determined by the standards committee.

- 4.7 In some circumstances (eg a committee or cabinet member wishing to inspect documents relating to the relevant functions) a member's "need to know" will normally be presumed. In other circumstances (eg a member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in specific terms.
- 4.8 Whilst the term "council document" is very broad and includes for example, any document produced with council resources, it is accepted by convention that a member of one party group will not have a "need to know", and therefore a right to inspect, a document which forms part of the internal workings of another party group.
- 4.9 More detailed advice regarding members' rights to inspect council documents may be obtained from the managing director.
- 4.10 Any council information provided to a member must only be used by the member for the purpose for which it was provided ie in connection with the proper performance of the member's duties as a member of the council. This forms part of the council's data protection requirements. The members' code of conduct provides that members must not disclose information given in confidence unless they have the consent of a person authorised to give it, or are required by law to do so.
- 4.11 Members necessarily acquire much information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. Members should never disclose or use confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage or the discredit of the council or anyone else.
- 4.12 Wherever possible members should request factual information prior to council, committee and sub-committee meetings to allow officers time to research the matter and provide a full answer.

## **5 Officer/chairman/portfolio holder relationships**

- 5.1 It is clearly important that there should be a close working relationship between the chairman of a committee (or sub-committee)/portfolio holder and the chief officer and other senior officers of any directorate, which reports to that committee or portfolio holder. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other members and other party groups.
- 5.2 Whilst the chairman of a committee (or sub-committee)/portfolio holder will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations a chief officer will be under a duty to submit a report on a particular matter. Similarly, a chief officer will always be fully responsible for the contents of any report submitted in his name. Any issues arising between a chairman/portfolio holder and a chief officer in this area should be referred to the managing director for resolution in conjunction with the leader of the council.

- 5.3 In relation to action between meetings, it is important to remember that the law only allows for decisions (relating to the discharge of any of the council's functions) to be taken by a portfolio holder with delegated authority, a committee, a sub-committee or an officer. Where it is necessary for action to be taken between committee and sub-committee meetings that is not covered by the scheme of delegation a resolution needs to be passed, which authorises named officers to take action in consultation with the chairman. Whilst such action is sometimes (incorrectly) referred to as "chairman's action", it is the officer, rather than the chairman, who takes the action and it is the officer who is accountable for it. This decision making route should only be used sparingly and where it is used, a report must be submitted to the next available meeting giving an account not only of the action taken, but also of why the "authority to act" was used.
- 5.4 Finally, it must be remembered that officers are accountable to their chief officer and that whilst officers should always seek to assist a chairman/portfolio holder (or indeed any member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their chief officer.

## **6 Correspondence**

- 6.1 Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member. Where exceptionally it is necessary to copy the correspondence to another member, this should be made clear to the original member. In other words, a system of "silent copies" should not be employed.
- 6.2 Official letters on behalf of the council should normally be sent out over the name of the appropriate officer, rather than over the name of a member, because a single member is not able to commit the council to any form of action. The only exception to this will be when a portfolio holder is acting within his delegated authority. It may be appropriate in certain circumstances (eg representations to a government minister) for a letter to appear over the name of a member, but this should be the exception rather than the rule. Letters, which for example, create obligations or give instructions on behalf of the council, should never be sent out in the name of a member, even if they are sent to action a decision taken by a portfolio holder within his delegated authority.

## **7 Involvement of ward councillors**

- 7.1 Whenever a public meeting is organised by the council to consider a local issue, all members representing the ward or wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the council undertakes any form of consultative exercise on a local issue, the ward members should be notified. This similarly applies to official events where the chairman of the council is attending.
- 7.2 Ward members will be kept informed of correspondence between the council and local MPs that concern their constituents. This will be done on a confidential basis. (This will be discussed with the local MPs before being implemented.)

## **8 Publicity**

- 8.1 All publicity from the council will be directed through the council's communications manager. It must not be party political. There will be occasions where it is appropriate for the chairman or leader of the council, a portfolio holder or chairman of the appropriate committee to provide a statement. If that is done then the other party spokespersons will be offered the opportunity to provide a statement as well.
- 8.2 All "sensitive" press releases will be "signed-off" by the appropriate portfolio holder, chairman, or leader of the council.
- 8.3 All press releases will be sent to all group leaders on issue to the media, via e-mail or fax if available.
- 8.4 Ward related press releases will be sent to ward members on issue to the media, via e-mail or fax if available.

## **9 Consultation**

- 9.1 It is recognised that when there is a political group of 24 or more, that group forms a majority administration. If there is a need to seek views from members urgently, for example, a response needed to a consultation, then the chief officer will contact the appropriate chairman or portfolio holder and spokesperson. If there is not unanimity the majority group's views will prevail.

## **4. Members' allowances scheme and approved duties**

### **1. Introduction**

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 SI 1021, allow for any councillor to receive payment of a basic allowance, special responsibility allowance, travelling and subsistence allowance and dependants' carers' allowance whilst engaged upon approved duties.

### **2. Basic Allowance**

- 2.1 A basic allowance per annum is automatically paid on a monthly basis to all members, which is **£5,797** (as at 1 April 2024). This is deemed to include incidental expenses i.e heating, lighting, telephone, stationery and postage.

### **3. Special Responsibility Allowances**

- 3.1 In addition to the basic allowance, a further payment, a Special Responsibility Allowance (SRA), is paid to members exercising special responsibilities where each payment reflects the level of responsibility. These are paid monthly. No form of claim is required from the member.

|  |         |
|--|---------|
| Leader of the Council<br>(no separate group leader's allowance)  | £15,381 |
| Deputy Leader of the Council<br>(no separate portfolio holder allowance)<br>Set at 70% of Leader's Allowance | £10,767 |
| Executive member with a portfolio<br>Set at 50% of Leader's Allowance  | £ 7,691 |

|   |         |
|---|---------|
| Chairman of Council<br>Set at 30% of Leader's Allowance   | £ 4,614 |
| Planning Committee Chairman<br>Set at 30% of Leader's Allowance                                       | £ 4,614 |
| Overview and Scrutiny Committee Chairman<br>Set at 30% of Leader's Allowance                          | £ 4,614 |
| Audit Committee Chairman<br>Set at 20% of Leader's Allowance  | £ 3,076 |
| Licensing & Regulatory Committee Chairman<br>Set at 20% of Leader's Allowance                         | £ 3,076 |
| Overview and Scrutiny Committee Vice-Chairman<br>Set at 50% of Overview & Scrutiny Chairman Allowance | £ 2,307 |
| Planning Committee Vice-Chairman<br>Set at 50% of the Planning Chairman Allowance                     | £ 2,307 |
| Policy Development Panel Chairman   | £ 1,384 |
| Service Improvement & Efficiency Committee Chairman   | £ 1,384 |
| Vice-Chairman of Council<br>Set at 25% of Chairman's Allowance  | £ 1,154 |

3.2 In the event of one member holding more than one specified post only one special responsibility allowance, whichever is the greater sum, shall be paid.

3.3 Basic Allowance and SRAs are updated annually in line with the staff pay award.

3.4 Other allowances:

Opposition group leaders (minimum of five members) £3,076  
(set at 20% of Leader's Allowance)

Note: The allowance for the majority group leader has been amalgamated into the leader's special responsibility allowance (pre-supposing they are of the same political group). No separate group leader's allowance to be paid if the Leader of the Council is not also the leader of his/her group.

#### **4. Carers' Costs**

4.1 The Carers' Allowance is payable towards the cost of care of dependent relatives (be they children, elderly people, or people with disabilities). It is designed to enable a Councillor to carry out their Council work. A carer will be any responsible adult who does not normally live with the Councillor as part of that Councillor's family. Expenses will be paid for daytime and evening meetings, at the rate for National Living Wage for age 25+.

## **5. Travelling Allowance**

- 5.1 The Council has resolved to pay travelling and subsistence allowances to councillors and co-opted members.
- 5.2 By member's own car: Mileage at the current HMRC rates will be payable.
- 5.3 By motorbike or bicycle: Expenses will be paid, at current HMRC rates for members using motorbikes or bicycles for Council duties
- 5.4 Public Transport: For travel by public transport, the presumption should be that members will travel standard class. Members may travel by first class where this is the same cost, or cheaper, than standard class travel.
- 5.5 Travel by taxi: In cases of urgency or where no public transport is reasonably available, the actual fare and any reasonable gratuity paid. In any other case the rate is limited to the amount of the fare for travel by public transport.
- 5.6 Unless the Council otherwise determines, the rate for a hired vehicle shall not exceed that which would have been applicable had the vehicle belonged to the member who hired it.
- 5.7 Travel by air: The rate of travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in attendance allowance or financial loss allowance and subsistence allowance consequent on travel by air.

Except where the body resolves, either generally or specifically, that the saving in time is so substantial as to justify payment of the fare for travel by air, there may be paid an amount not exceeding: the ordinary fare or any available cheap fare for travel by regular air service, or; where no such service is available or in case of urgency, the fare actually paid by the member. For the avoidance of doubt, advice should be sought from the Monitoring Officer before arrangements are made.



## **6. Subsistence Allowance**

- 6.1 Meals: These allowances are aligned to those set by HMRC and paid at the same rate as for officers. Reimbursement of expenses will be on the actual cost incurred up to the maximum, subject to the production of a receipt indicating the actual cost of the meal. Non-alcoholic beverages may be claimed within the overall cost. Maximums, as set by HMRC are:
- Breakfast rate £5
  - One meal (5 hour) rate £5
  - Two meal (10 hour) rate £10
  - Late evening meal rate £15
- 6.2 Overnight allowances: In the event of a member requiring an overnight stay where they were required to find their own accommodation, advice should be sought, in advance, from the Monitoring Officer.

## **7. Approved Duties for Payment of Travelling and Subsistence Allowances**

- 7.1 Attending a formally constituted public meeting of the Council.
- 7.2 Attending in-person meetings and events arranged by officers for pre-meetings, briefings, informal meetings, organised training, hearings or similar.
- 7.3 Attending meetings, held in line with approved duties, which take place in alternative locations.
- 7.4 Attending formally constituted parish/town council meetings (unless the member has been able to claim an allowance by virtue of their being a member of another authority ie County Council).
- 7.5 Attending a meeting of a body to which the Authority makes appointments or nominations will be treated as an Approved Duty so travel expenses can be paid to the appointed representative on such bodies, where these expenses are not already covered by that body.
- 7.6 External training, conferences and events: Where members wish to claim expenses for attending or participating in external events which have not been arranged by officers, they should seek the advice of the Monitoring Officer beforehand.
- 7.7 The reimbursement of expenses in relation to other visits should be agreed, in advance, by the Monitoring Officer.
- 7.8 The Chairman and vice-chairman of the Council may claim travelling and subsistence allowances when undertaking civic duties.
- 7.9 For the avoidance of doubt, the following are not eligible for reimbursement of travel, subsistence or carer's allowance:
- Attendance at political group meetings
  - Meetings attended by a single group with no officers present

- Attendance by members, at civic receptions and Chairman's receptions
- Attendance at meetings of outside bodies on which members have not been appointed by the Council
- Social events

## **8. Claims and payments**

- 8.1 A claim for allowances under this Scheme must be submitted within three months.

## **9. Renunciation**

- 9.1 A councillor may, by notice in writing given to the Monitoring Officer, elect to forego any part of their entitlement to an allowance under this Scheme.

## **10. Part-year Entitlements**

- 10.1 On basic or special responsibility allowances where entitlements are affected by changes in membership or changes in responsibilities during the year, the entitlement is calculated by taking the proportion of days entitlement to a full year, taking into account any amendments made to the Scheme during this period. In attendance and other allowances, the sum payable is that in force on the day the duty was undertaken.

**If you have any queries or questions or need advice on any points or issues, please contact the Monitoring Officer.**

## **Part 5 - Decision making**

### **1. How the council operates**

- 1.1 The council is currently composed of 47 councillors, who are elected every four years. Councillors are democratically elected and are accountable to the residents of their ward. The overriding duty of councillors is to the whole community of Broadland, but they have a special duty to their constituents, including those who did not vote for them.
- 1.2 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The standards committee advises them on the code of conduct.
- 1.3 All councillors meet together as the council. Meetings of the council are normally open to the public. Here councillors decide the council's overall policies and set the budget each year. The council elects annually a leader and approves the nominations by political groups to serve on committees and sub-committees.

### **How decisions are made**

- 1.4 The executive is the part of the council which is responsible for most day to day decisions. The executive is made up of seven members including the leader. The leader chooses the members to serve on the executive. When major decisions are to be discussed or made, these are published in the executive's forward plan, insofar as they can be anticipated.
- 1.5 Meetings of the executive will be open to the public to attend except where personal or confidential matters are being discussed. The executive has to take decisions which are in line with the council's overall policies and budget. If it wishes to make a decision, which is outside the policy or budget framework, this must be referred to the council to decide.

### **Overview and scrutiny**

- 1.6 There is an overview and scrutiny committee, which supports the work of the executive and the council as a whole. The committee can produce reports and recommendations which advise the executive and council as a whole on its policies, budget and service delivery. The overview and scrutiny committee also monitors the decisions of the executive. It can call in a decision, which has been made by the executive but not yet implemented. This enables the committee to consider whether the decision is appropriate. The committee may recommend the executive reconsider the decision. The executive or council may also consult the overview and scrutiny committee on forthcoming decisions and development of policy.

### **The council's staff**

- 1.7 The council employs people (called officers) to give advice, implement decisions and manage day to day delivery of services. Some officers have specific statutory duties to ensure that the council acts within the law and uses its resources wisely. A protocol governs the relationship between officers and members of the council.

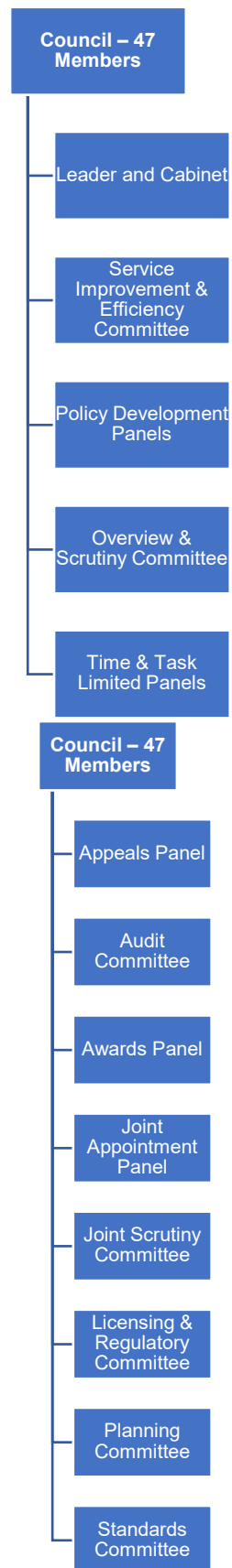
## **Citizens' rights**

- 1.8 Citizens have a number of rights in their dealings with the council. These are set out in detail in article 3. Some of these are legal rights and others depend on the council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.
- 1.9 Where members of the public use specific council services they have additional rights. These are not covered in the constitution.
- 1.10 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, its committees and the executive except where, for example, personal or confidential matters are discussed;
  - find out, from the executive forward plan, what major decisions are to be discussed by the executive or decided by the executive or officers, and when;
  - see reports and background papers and any record of decisions made by the council and executive;
  - complain about something the council has done wrong, something that the council should have done or if the council has not treated them in a professional or civil manner;
  - complain to the Local Government Ombudsman if they think the council has not followed its procedures properly. However, they should only do this after having used the council's own complaints process;
  - complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the council's code of conduct and
  - inspect the council's accounts and make their views known to the external auditor.

## **Main statutory documents**

- Local Government Act 1972
- Local Government and Housing Act 1989
- Local Government Act 2000
- Local Government and Public Involvement in Health Act 2007
- Localism Act 2011

## 2. Council Structure Chart



### 3. Decision making

#### 1.1 Responsibility for decision making

- (1) The council will issue and keep up to date a record of what part of the council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in various parts of this constitution including parts 5-12.

#### 1.2 Principles of decision making

- (1) All decisions of the council will be made in accordance with the following principles.
- (2) *Good decision making goes beyond observing the often rehearsed legal requirements to have regard to all relevant considerations and ignore all irrelevant factors set out in Associated Picture Palaces v Wednesbury Corporation [1948] 1KB223. It involves the realistic evaluation of alternatives and due consultation through effective access for the public to decision making and decision makers.*
  - (a) proportionality (ie the action must be proportionate to the desired outcome);
  - (b) due consultation and the taking of professional advice from officers;
  - (c) respect for human rights (see below for further details);
  - (d) a presumption in favour of openness and
  - (e) clarity of aims, desired outcomes and reasons for decisions, including explaining what options were considered.

#### 1.3 Types of decision

- (1) **Decisions reserved to full council.** Decisions relating to the functions listed in part 6, section 1.2 will be made by the full council and not delegated.
- (2) **Key decisions.**

A “key decision” means an executive decision which is likely:

  - (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’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 wards or electoral divisions in the area of the local authority.
- (3) The council has agreed the following definition of key decisions:
  - there should be a presumption of openness in decision making;
  - decisions which are likely to have a significant impact on communities in one ward or electoral division eg a school closure or traffic calming;

- the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected;
  - decisions made by the executive in the course of developing proposals to the full council to amend the policy framework and
  - any proposal with a cost in excess of 1% of the council's net revenue budget.
- (4) A decision taker may only make a key decision in accordance with the requirements of the access to information procedure rules set out in part 14.

#### **1.4 Decision making by the full council**

- (1) Subject to 1.8, the council meeting will follow the council procedure rules set out in part 6 of this constitution when considering any matter.

#### **1.5 Decision making by the executive**

- (1) Subject to 1.8, the executive will follow the executive procedure rules set out in part 7 of this constitution when considering any matter.

#### **1.6 Decision making by the overview and scrutiny committee**

- (1) The overview and scrutiny committee will follow the overview and scrutiny procedure rules set out in part 8 of this constitution when considering any matter.

#### **1.7 Decision making by other committees and sub-committees established by the council**

- (1) Subject to 1.8, other council committees and sub-committees will follow those parts of the council procedure rules set out in part 6 of this constitution as apply to them.

#### **1.8 Decision making by council bodies acting as tribunals**

- (1) 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. The quasi judicial procedure rules set out in part 11 of this constitution will apply.

## 4. Responsibility for Local Choice Functions

| Function  | Decision making body | Membership                    | Delegation of functions   |
|---|----------------------|-------------------------------|---|
| The determination of an appeal against any decision made by or on behalf of the authority   | appeals panel        | 7 – 10<br>(political balance) |   |
| Any function relating to contaminated land  | cabinet              | 7                             | assistant director regulatory   |
| The discharge of any function relating to the control of pollution or the management of air quality                                     | cabinet              | 7                             | assistant director regulatory   |
| The service of an abatement notice in respect of a statutory nuisance   | cabinet              | 7                             | assistant director regulatory   |
| The passing of a resolution that schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area           | council              | 47                            |   |
| The inspection of the authority's area to detect any statutory nuisance   | cabinet              | 7                             | assistant director regulatory   |
| The investigation of any complaint as to the existence of a statutory nuisance  | cabinet              | 7                             | assistant director regulatory<br>designated environmental health officers |
| The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land                        | council              | 47                            | assistant director planning   |
| The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 | council              | 47                            | all assistant directors   |



| <b>Function</b>  | <b>Decision making body</b>  | <b>Membership</b>  | <b>Delegation of functions</b> |
|--|--|--------------------|--------------------------------|
| <p>The appointment of any individual –</p> <p>(a) to any office other than an office in which he is employed by the authority.</p> <p>(b) to any body other than –</p> <p>(i) the authority</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body</p> <p>and the revocation of any such appointment</p> | <p>council and cabinet</p> <p>(in connection with functions which are the responsibility of the executive)</p> | <p>47</p> <p>7</p> |                                |
| <p>The making of agreements with other local authorities for the placing of staff at the disposal of those authorities</p>   | <p>cabinet</p>   | <p>7</p>           |                                |

## 5. Responsibility for council functions

| Committee                               | Membership   | Functions  | Delegation                 |
|---|--|--|----------------------------|
| <b>Appeals Panel</b>                    | 7 – 10<br>(3 for hearing appeals)<br>Training required                                       | <b>Appeals</b><br>To consider the confirmation of Tree Preservation Orders.  |                            |
| <b>Audit Committee</b>                  | 5 Political balance<br>Non executive members<br>Training required                            | <b>Audit</b><br>To approve the council's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).<br>To provide an individual assurance on the adequacy of the council's financial management and reporting, including the Annual Governance Report. | assistant director finance |
| <b>Electoral Arrangements Committee</b> | 10   | To oversee: <ul style="list-style-type: none"> <li>• Community Governance Reviews</li> <li>• progression of Boundary Commission Reviews across the District</li> <li>• the statutory review of polling districts and polling places in relation to Parliamentary, District and Parish elections</li> </ul>           |                            |
| <b>Emergency Committee</b>              | 6<br>Political balance<br>Training required (when undertaking the role of another committee) | To enable the Council to function in emergency situations when fewer Councillors and/or officers are available to attend all meetings.   |                            |
| <b>Joint Appointment Panel</b>          | 8<br>(4 BDC & 4 SNC)   | The appointment of managing director, directors and assistant directors  |                            |

| <b>Committee</b>                                      | <b>Membership</b>  | <b>Functions</b>   | <b>Delegation</b>  |
|---|--|--|--|
| <b>Joint Statutory Officer Hearing Committee</b>      | 6<br>(2 BDC, 2 SNC and 2 Independent Persons)                            | To advise and make recommendations to Council on matters relating to the dismissal of relevant Statutory Officers of the Authority, namely the Head of Paid Service, the Monitoring Officer and the S151 Officer   |  |
| <b>Joint Statutory Officer Appeals Committee</b>      | 6<br>(3 BDC & 3 SNC)   | To hear appeals against decisions of the Council to dismiss a Statutory Officer  |  |
| <b>Licensing &amp; Regulatory Committee</b>           | 13 members<br>(3 for hearings)<br>Political balance<br>Training required | <b>Licensing</b><br>Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations except functions under the Licensing Act 2003 and the Gambling Act 2005.  | assistant director regulatory  |
| <b>Planning Committee</b>                             | 10 – 15<br>Political balance<br>Training required                        | <b>Planning &amp; conservation</b><br>Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations)  | Awards panel (Enhancement, Green and Design Awards) (7 – 10 Members)<br>assistant director planning (see Scheme of Delegation) |
| <b>Service Improvement &amp; Efficiency Committee</b> | 11 members   | To consider ideas for improving the efficiency, quality and accountability of public services in the district with due regard to equality diversity, inclusivity and effectiveness. This will be achieved through learning, sharing knowledge and delivering improvement solutions. It aims to support continuous improvement by building on the expertise within local authorities and working in partnership with stakeholders in the public, private and voluntary sectors. |  |

| Committee                  | Membership  | Functions  | Delegation     |
|----------------------------|---|--|----------------|
| <b>Standards Committee</b> | <p>5 Members of the authority politically balanced,<br/>4 co-opted non voting parish members</p> <p>Training required</p> | <p>To administer and determine complaints made under the code of conduct affecting Broadland council members.</p> <p>To make recommendations in respect of complaints made against parish and town councillors.</p> <p>The promotion and maintenance of high standards of conduct within the council.</p> <p>To advise the council on the adoption or revision of its code of conduct.</p> <p>To monitor and advise the council about the operation of its code of conduct in the light of best practice, changes in the law.</p> <p>Assistance to members and co-opted members of the authority</p> <p>To ensure that all members of the council have access to training in all aspects of the member code of conduct and that members are aware of the standards expected from local councillors under the code.</p> <p>Other functions</p> <p>Functions relating to standards of conduct of members under any relevant provision of, or regulations made under the Localism Act 2011.</p> | Chief of Staff |

## 6. Responsibility for executive functions

The executive consists of the leader and five members (see part 7), together called the cabinet. Members of the executive with portfolios have responsibility for exercising the functions of the executive within the area of their portfolio responsibility.

| Portfolio Holder                              | Director/Assistant Director  |
|---|--|
| Leader – Policy                               | Managing Director, Director Resources, Assistant Director Finance, Chief Of Staff, Assistant Director Transformation & ICT / Digital, Director Place, Assistant Director Planning. |
| Finance                                       | Director Resources, Assistant Director Finance, Chief of Staff   |
| Economic Development                          | Director Place, Assistant Director Economic Growth   |
| Communities and Housing                       | Director People and Communities, Assistant Director Individuals and Families, Assistant Director Regulatory  |
| Planning                                      | Director Place, Assistant Director Planning, Assistant Director Regulatory   |
| Environmental Excellence                      | Director Place, Assistant Director Regulatory  |
| Transformation And Organisational Development | Managing Director, Chief of Staff, Assistant Director Transformation & ICT / Digital   |

## 7. Schedule 1: Description of executive arrangements

The following parts of this constitution constitute the executive arrangements:

- **Part 5 and part 14, section 5 - Decision making** and the access to information procedure rules;
- **Part 7 - The executive** and the executive procedure rules;
- **Part 8 - Overview and scrutiny** and the overview and scrutiny procedure rules;
- **Part 9 - Regulatory and other committees**
- **Part 12 - Joint arrangements**
- **Part 10 – Policy Development Panels**

## **8. Responsibility for functions – the scheme of delegation**

### **1.1 General**

- (1) The functions, powers and duties of the cabinet, portfolio holders, committees, working parties and officers of the council shall be as set out in this scheme of delegation subject to the conditions set out below.
- (2) References to legislation shall be deemed to include references to any enactment amending or replacing the same.
- (3) Every decision of the cabinet, a portfolio holder, committee, sub-committee, working party or officer under delegated powers shall comply with the council's constitution and in particular with its budget and policy framework, council procedure rules, access to information procedure rules, financial procedure rules and contracts procedure rules.

### **1.2 The full council's role**

- (1) The council is responsible for determining the scheme of delegation for all executive and non-executive functions.
- (2) The council may by resolution at any time:
  - (a) vary, enlarge, restrict, or take away any non-executive function, power or duty referred to a committee or officer or may give to it further functions, powers or duties; or
  - (b) on the recommendation of the cabinet vary, enlarge, restrict or take away any executive function, power or duty referred to the cabinet, a portfolio holder or officer.

### **1.3 Delegation of powers to the leader and deputy leader of the cabinet**

- (1) The leader may exercise any of the powers delegated to the cabinet in cases of urgency.
- (2) The leader may exercise any of the powers delegated to a portfolio holder:
  - in their absence
  - at their request, or
  - in cases of urgency.
- (3) The deputy leader may exercise any of the powers delegated to the leader:
  - in his absence
  - at his request, or
  - in cases of urgency.
- (4) In the absence of a portfolio holder the leader may assign any of their powers or responsibilities to the deputy leader or another portfolio holder.

#### **1.4 Delegation of powers to the cabinet**

- (1) At the request of a portfolio holder the cabinet may exercise any of the powers delegated to that portfolio holder.
- (2) The cabinet shall not delegate any of its powers to a committee of the cabinet unless such a delegation has been approved by the council, following a recommendation by the cabinet. The cabinet may not delegate any of its functions to a portfolio holder. The cabinet may delegate any of its functions to an officer.
- (3) The cabinet may refer to the council the exercise of any power delegated to it.

#### **1.5 Delegation of powers to portfolio holders**

- (1) A portfolio holder may determine any matter within the terms of reference of his portfolio not otherwise delegated to officers or reserved to the council, the cabinet or delegated to a committee of the council.
- (2) A portfolio holder shall not delegate any of his powers to an officer unless such a delegation has been approved by the council following a recommendation by the cabinet.
- (3) A portfolio holder may refer to the cabinet the exercise of any power delegated to that portfolio holder.
- (4) Before exercising powers delegated to him a portfolio holder will consult with officers and other members as he considers appropriate and in particular will consult with ward members on controversial decisions affecting their wards.

#### **1.6 Delegation of powers to committees**

- (1) Committees and sub-committees have delegated powers and duties contained in this scheme of delegation. Where powers and duties have been delegated to a committee the committee can delegate them to a sub-committee. Where powers and duties have been delegated to a sub-committee, the parent committee may exercise the same powers and duties at any time. Within the scope of their delegated powers, committees and sub-committees may delegate those powers to any officer of the council.
- (2) Committees may undertake the powers and duties delegated to any of their sub-committees where this is necessary to expedite business.

#### **1.7 Delegation of powers to officers**

- (1) The officers of the authority with delegated powers are as follows:  
managing director / head of paid service  
director place  
assistant director economic growth  
assistant director regulatory

assistant director planning  
assistant director finance & section 151 officer  
assistant director finance  
assistant director transformation and ICT / digital  
director people and communities  
assistant director individuals and families  
assistant director community service  
assistant director chief of staff / monitoring officer

## **1.8 Exercise of delegated powers**

- (1) Officers can exercise all powers delegated to them in accordance with this scheme of delegation.
- (2) An officer may, if he considers it appropriate, elect to refer up to the council, cabinet, a portfolio holder or committee as appropriate, the exercise of any power delegated to that officer.

## **1.9 Suspension of delegations**

- (1) The managing director shall have the authority to suspend the delegation of powers to any officer.

## **1.10 Consultation**

- (1) It is a requirement that, where specified in the scheme of delegation, consultations with portfolio holders and officers are undertaken before any delegated decision is made. Formal consultations with members under these provisions must be in writing and recorded in a form prescribed by the assistant director Chief of Staff. In cases of urgency such consultations may be carried out orally, but they must be confirmed in writing.
- (2) Where officers are contemplating any action under delegated powers, which is likely to be a key decision in a particular area, they should also consult members for the appropriate ward.

## **1.11 Controversial/political issues**

Where officers are contemplating taking a decision under powers delegated to them which is likely to give rise to controversy or raise political issues or considerations, they should consult with the appropriate portfolio holder.

## **1.12 Further delegation by officers with delegated powers**

An officer with delegated powers can authorise any subordinate of his to discharge functions on his behalf subject to any limitations he may specify. Such further delegations must be recorded in writing and details provided to the monitoring officer.

## **1.13 Absence and urgency**

- (1) In the absence or unavailability of an officer, actions under powers delegated to him may be taken by:
  - (a) an officer duly authorised in accordance with section 1.7 above; or
  - (b) the managing director, director place, director resources, director people and communities and assistant director Chief



of Staff.

- (2) In cases of urgency and/or emergency the managing director, or in his absence a director, is empowered to carry out any function of the council. In the absence of all the above this authority rests with the assistant director Chief of Staff. (Where this involves the determination of an urgent key decision this must be in accordance with rule 16 of the access to information procedure rules in part 14 of this constitution.) All such action must subsequently be reported to the appropriate meeting.

#### 1.14 **Note**

- (1) Certain officers have powers and duties given directly to them by statute. The powers and duties given under this scheme of delegation are also derived from statute but from powers which in the first place have been granted to the council and then to officers. The delegated powers shown in this section are in addition to the powers given directly by statute.

#### 1.15 **Working Groups**

- (1) Any individual or body with delegated functions may convene a working group to assist with the discharge of the function.
- (2) The relevant portfolio holder shall agree the membership and political balance of a working group on the understanding that as a minimum political balance shall apply.

Note: it may be possible for groups to be overrepresented in the event that certain members have specialisms/expertise/knowledge to add to the debate.

- (3) Working groups shall:
  - (a) be time limited and have specific terms of reference agreed by the individual or body convening the group;
  - (b) report regularly on their business to the individual or body convening the group;
  - (c) be responsible for determining their own procedures and
  - (d) always be advised by relevant officers who shall be entitled to attend all meetings of the group but who shall not be entitled to vote.

## **2. Powers reserved to the Council**

2.1 Only the council will exercise the following functions:

- (1) Adopting and changing the constitution.
- (2) Approving or adopting the council's policy framework and budget.
- (3) Subject to the urgency procedure contained in the access to information procedure rules in part 14 of the constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.

- (4) Appointing the leader of the council.
- (5) Designating an officer as the head of the authority's paid service in accordance with section 4(1) of the Local Government and Housing Act 1989.
- (6) Designating an officer as the monitoring officer in accordance with section 5(1) of the Local Government and Housing Act 1989.
- (7) Designating an officer as the chief finance officer in accordance with section 151 of the Local Government Act 1972.
- (8) Designating an officer as the proper officer in accordance with section 270(3) of the Local Government Act 1972.
- (9) Appointing officers for particular purposes, not otherwise delegated to a portfolio holder or committee, under section 270(3) of the Local Government Act 1972.
- (10) Appointing an electoral registration officer under section 8(2) of the Representation of the People Act 1983.
- (11) Appointment of deputy electoral registration officer(s) with full or reserved powers under section 8 of the Representation of the People Act 1983.
- (12) Assigning officers in relation to requisitions of the registration officer under section 52(4) of the Representation of the People Act 1983.
- (13) Appointing (on the recommendation of the appointments and pay panel) the managing director where no well-founded objection has been received from any member of the cabinet.
- (14) Determining the number and contents of portfolios.
- (15) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them including their chairmen and vice-chairmen.
- (16) Appointing to a joint committee of two or more authorities, or to any committee or sub-committee of such a body and the revocation of any such appointment.
- (17) Making standing orders as to contracts in accordance with section 135 of the Local Government Act 1972.
- (18) Adopting a members' allowances scheme under article 2.5 of the constitution.
- (19) Adopting and amending the member and officer codes of conduct.
- (20) Approving policies for setting the council tax base.
- (21) Determining the level of council tax.
- (22) Exercising the council's functions in relation to parishes and parish town councils/meetings under Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.
- (23) Promoting or opposing local or personal bills under section 239 of the Local Government Act 1972.

- (24) Receiving statutory reports from the managing director, the monitoring officer or the section 151 officer.
- (25) Adopting the provisions of an act of parliament where such act requires the full council to pass a resolution adopting the same.
- (26) Setting discretionary fees and charges.
- (27) Changing the name of the district under section 74 of the Local Government Act 1972.
- (28) Changing the name of a parish under section 75 of the Local Government Act 1972.
- (29) Making temporary appointments to parish councils under section 91 of the Local Government Act 1972.
- (30) Dissolving small parish councils under section 10 of the Local Government Act 1972.
- (31) Making orders for grouping parishes, dissolving groups and separating parishes from groups under section 11 of the Local Government Act 1972.
  - i. for (27) to (30) above where similar decisions are required following a community governance review the relevant actions be taken in accordance with the Local Government and Public Involvement in Health Act 2007*
- (32) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal bills.
- (33) Adopting or approving a plan or strategy (whether statutory or non-statutory), other than a plan or strategy for the control of the authority's borrowing or capital expenditure or forming part of the policy framework, where the council determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.
- (34) Determining any matter in the discharge of a function which is the responsibility of the cabinet and is concerned with the authority's budget or borrowing or capital expenditure where the cabinet or a portfolio holder:
  - a. is minded to determine the matter contrary to, or not wholly in accordance with the budget or the plan or strategy for the time being approved or adopted by the authority in relation to its borrowing or capital expenditure and
  - b. is not authorised elsewhere in the constitution to make a determination in those terms.
- (35) Taking decisions in respect of functions which are not the responsibility of the cabinet and which have not been delegated to committees, or officers.
- (36) Except for executive functions, taking decisions to exercise powers not previously exercised by the council and to take decisions to cease to exercise any power of the council.
- (37) Appointing the returning officer for district and parish council elections under section 35 of the Representation of the People Act 1983.

- (38) Providing assistance at European Parliamentary elections under section 6 (7) and (8) of the European Parliamentary Elections Act 2002.
- (39) Dividing constituencies into polling districts under sections 18A to 18E of the Representation of the People Act 1983.
- (40) Dividing electoral divisions into polling districts at local government elections under section 31 of the Representation of the People Act 1983.
- (41) Exercising the council's powers in respect of the holding of elections under section 39(4) of the Representation of the People Act 1983.
- (42) Filling vacancies in the event of insufficient nominations under section 21 of the Representation of the People Act 1985.
- (43) Conferring title of honorary alderman or admitting to be an honorary freeman under section 249 of the Local Government Act 1972.
- (44) Passing a resolution that schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
- (45) Designating public places under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001.
- (46) The establishment of new posts outside the budget framework.
- (47) The early retirement and redundancy of the managing director and deputy chief executive.
- (48) To consider recommendations from an independent panel convened by the Independent Person (3.28(7) of the Localism Act 2011) in respect of proposed disciplinary action against the head of paid service, the monitoring officer or the S 151 officer.
- (49) The determination, publication and review of a statement of licensing policy under section 5 of the Licensing Act 2003.
- (50) Powers and duties relating to local development documents (including supplementary planning documents) under sections 20-23 and 25,26 and 28 of the Planning and Compulsory Purchase Act 2004.
- (51) Preparing and maintaining a local development scheme under section 15 of the Planning and Compulsory Purchase Act 2004.
- (52) Approving supplementary planning documents for consultation under regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004.
- (53) Considering representations received about proposals for a development plan document under the Town and Country Planning (Local Development) (England) Regulations 2004.
- (54) Approving development plan documents for the purposes of submission to the Secretary of State for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004.
- (55) The withdrawal of development plan documents under the Town and Country Planning (Local Development) (England) Regulations 2004.

- (56) Reporting to the Secretary of State on the implementation of the local development framework under section 35 of the Planning and Compulsory Purchase Act 2004.
- (57) Adopting and maintaining a publication scheme under section 19 of the Freedom of Information Act 2000.
- (58) The determination, publication and review of a statement of licensing policy under section 349 of the Gambling Act 2005.
- (59) Resolving not to issue casino premises licences under section 166 of the Gambling Act 2005.
- (60) Designating an officer as the proper officer in accordance with section 33 of the Localism Act 2011.
- (61) Appointing on recommendation from the monitoring officer a person as independent person under the Localism Act 2011 – section 28(7).
- (62) Powers and duties relating to community governance reviews under the provisions of the Local Government and Public Involvement in Health Act 2007.
- (63) To adopt the Emergency Plan.

### 3. Delegation to officers

The following responsibilities of the council are delegated to officers

| Responsibility |  | Delegated To  |
|----------------|--|---|
| (1)            | The appointment and dismissal of members of the independent remuneration panel.  | managing director   |
| (2)            | The appointment by nomination of parish council members as co-opted members of the standards committee.  | Chief of Staff  |
| (3)            | The appointment of any individual to a committee, panel or working party in accordance with the wishes of the relevant group leader.   | managing director   |
| (4)            | Power to make payments or provide other benefits not exceeding £1,000 in cases of maladministration.   | managing director, director place, director resources, director people and communities and Chief of Staff |
| (5)            | To dismiss any employee holding an appointment graded at local salary scale 2 or below, provided that he complies with the officer employment procedure rules contained in part 4 of this constitution and any statutory procedure and local disciplinary procedure appropriate to the employee's conditions of service. | managing director   |
| (6)            | The early retirement and redundancy of staff up to and including head of service level.  | managing director in consultation with the transformation and organisational development portfolio holder |
| (7)            | The deletion of posts from the establishment, the establishment of new posts and the restructuring of staff where there is no net cost to the council.   | managing director in consultation with the transformation and organisational development portfolio holder |
| (8)            | The filling of vacant posts.   | managing director   |
| (9)            | The early retirement on grounds of permanent ill health of any member of staff up to and including local grade 2 on the recommendation of the council's medical advisor.   | managing director   |
| (10)           | The acceleration of staff through local salary grades.   | managing director and all directors   |
| (11)           | Duty to make arrangements for proper administration of financial affairs under section 151 of the Local Government Act 1972.   | director resources  |

| Responsibility |  | Delegated To   |
|----------------|--|--|
| (12)           | The appointment of permanent staff up to, but not including, head of service level in accordance with the council's agreed procedures.   | all directors in consultation with relevant assistant director |
| (13)           | Returning Officer for District and Parish Council elections.<br>Deputy Returning Officer for Norfolk County Council elections.<br>Local Returning Officer for European Parliamentary elections and Police and Crime Commissioner elections.<br>Acting Returning Officer for UK Parliamentary elections.<br>Counting Officer for UK Referendum and Neighbourhood Plan Referendum. | managing director  |
| (14)           | Declaring a vacancy in office under section 86 of the Local Government Act 1972.   | managing director  |
| (15)           | Giving public notice of a casual vacancy under section 87 of the Local Government Act 1972.  | managing director  |
| (16)           | Authority to make Orders under Section 91 of the Local Government Act 1972 to ensure the parish and town councils are quorate  | managing director  |
| (17)           | Obtaining information under section 330 of the Town and Country Planning Act 1990 as to interests in land.   | assistant director planning                                    |
| (18)           | Obtaining particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.  | all assistant directors  |
| (19)           | Following any review, implementing changes to polling places and polling stations within the statutory framework of the Representation of the People Act 1983 (as amended).  | managing director  |
| (20)           | Taking appropriate action to establish a new parish council as a result of a community governance review.  | managing director  |

| Responsibility |  | Delegated To   |
|----------------|--|--|
| (21)           | To implement any minor textual amendments to the constitution, advising members of such changes. "Minor" means amendments that are made to reflect changes in legislation, to clarify ambiguities or uncertainties in procedural rules, to add cross-references, to add definitions and to amend the formatting, numbering or layout of the constitution.  | Chief of Staff   |
| (22)           | To undertake any action to secure compliance with a decision of the council, the cabinet, a portfolio holder or a committee.   | managing director, directors and assistant directors   |
| (23)           | The approval of documents for pre-submission consultation under the Town and Country Planning (Local Development) (England) Regulations 2012.  | assistant director planning in consultation with the communities, housing and planning portfolio holder        |
| (24)           | The determination of arrangements for public participation in the preparation of development plan documents under the Town and Country Planning (Local Development) (England) Regulations 2004.  | assistant director planning in consultation with the communities, housing and planning portfolio holder        |
| (25)           | The council's response to representations on development plan documents under the Town and Country Planning (Local Development) (England) Regulations 2004 and the position of the council at the public examination of development plan documents.  | assistant director planning in consultation with the communities, housing and planning portfolio holder        |
| (26)           | To take appropriate action with regard to breaches of byelaws.   | all assistant directors  |
| (27)           | To make minor changes to the Freedom of Information Publication Scheme, "minor" meaning amendments that are made to reflect changes to the council's constitution, to the council's delivery of services and to any contact details for officers. Changes such as the classes of information as identified within the scheme, or to the review process for the scheme would be treated as significant. | Chief of Staff   |
| (28)           | The institution, defence and conduct of all civil and criminal legal proceedings in respect of non-executive functions.  | All Directors and Assistant Director in consultation with the relevant Portfolio Holder and the Chief of Staff |



| Responsibility |  | Delegated To   |
|----------------|--|----------------|
| (29)           | Authorisation of all steps in connection with any civil or criminal legal proceedings in respect of non-executive functions, the institution or defence of which have been previously authorised, together with authorisation or the withdrawal or settlement or compromise of any such proceedings. | All directors  |
| (30)           | Appointing suitably qualified officers as inspectors under the Health and Safety at Work etc Act 1974 and any regulations made under the Act and to specify which of the powers under the Act are to be exercisable by the officers appointed.   | director place |

## 4. The Cabinet

### 4.1 Responsibilities of the Cabinet

#### Terms of reference

To lead the community planning process and the council's work on performance management. To lead the preparation of the council's policies and budget. To take in-year decisions on resources and priorities together with other stakeholders and community partners, as appropriate and to deliver and implement the budget and policies decided by full council. To be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

4.2 In order to fulfil its collective responsibilities, all decisions taken by the cabinet must comply with the council's constitution and associated procedural rules. In particular decisions must:

- Be in accordance with the council's budget and policy framework rules.
- If key decisions, be in accordance with the council's decision-making rules.
- Be taken after professional advice from the managing director or other appropriate officers.

4.3 All members of the cabinet shall have the following responsibilities:

- (1) To facilitate and encourage public participation and consultation and to ensure the effective communication of council policies and strategies (as expressed in the policy framework) to councillors, citizens, partners, stakeholders, council employees and unions.
- (2) To promote the core values of the council as set out in the policy framework.
- (3) To work in partnership with relevant external organisations.
- (4) To develop new policies consistent with the overall strategic approach of the council.
- (5) To identify 'lead members' to assist in the development of specific aspects of policy.
- (6) To set targets and monitor officer performance in relation to the pursuance of policies and strategies.
- (7) To respond to reports and recommendations of the overview and scrutiny committee.
- (8) To speak on behalf of the council.
- (9) To represent the council, or identify other councillors to do so, on relevant external bodies.
- (10) To be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- (11) To refer to the cabinet all matters with corporate implications.

- (12) To prepare responses to consultation papers issued by the government and outside organisations.
- (13) To give guidance on budget priorities.
- (14) To consider and develop proposals for the effective use of resources where appropriate, in partnership with other stakeholders.
- (15) To receive representations from councillors acting in their capacity as ward members in relation to the provision of services to citizens in their area.
- (16) Developing and making recommendations to the council in respect of the policy framework as set out in the constitution.
- (17) Formulation of budgets for submission to council.
- (18) Monitoring the council's budgetary and overall financial position.
- (19) Taking decisions relating to any duty delegated to an individual portfolio holder, which has not otherwise been delegated to officers and which the individual portfolio holder delegates up to the cabinet.
- (20) Statutory key decisions.
- (21) The write-off of debts exceeding £100,000, on receipt of a written report from the director resources or assistant director finance.
- (22) To receive the provisional outturn report.
- (23) To adopt the council's health and safety policy.
- (24) The making of agreements with other local authorities for the placing of staff at the disposal of those authorities.
- (25) Corporate risk management.
- (26) To approve community involvement on topics that constitute a key decision subject to budget provision being available.
- (27) Make recommendations to council on the adoption of the Emergency Plan.

#### **4.4 Responsibilities of all portfolio holders**

##### **General responsibilities**

In order to fulfil his responsibilities, all decisions taken by a portfolio holder must comply with the council's constitution and associated procedural rules. In particular decisions must:

- Be in accordance with the council's budget and policy framework rules.
- If key decisions, be in accordance with the council's decision-making rules.
- Be taken after professional advice from the managing director or other appropriate officers.

##### **4.5 Corporate responsibilities**

- (1) To have overall responsibility for the development and implementation of council policy in relation to their portfolios and to be the main council spokesperson for their portfolios.

- (2) To represent and speak on behalf of the cabinet at the overview and scrutiny committee and when they are dealing with issues in his portfolio.
- (3) To be a member of the cabinet and exercise collective responsibility in decision making and in making recommendations to the council.
- (4) To consult with the overview and scrutiny committee, other members, outside bodies and the public as appropriate in the formulation and development of council policy.
- (5) To monitor and evaluate policies and services within the relevant portfolio area and to report to the overview and scrutiny committee as required.
- (6) To work with other portfolio holders to ensure effective corporate governance of the council.
- (7) To ensure ward members and party spokespersons are kept informed of issues within the portfolio holder's responsibilities so they can fully contribute to the decision making and scrutiny processes.

#### **4.6 Service related responsibilities**

- (1) The formation of working groups to undertake projects relating to specified aspects of the portfolio holder's work. Each such working group shall be wound up following the elapse of a fixed period of time or the occurrence of a specified event and the continuation of such working groups to be reviewed annually by the portfolio holder.
- (2) The appointment of members to serve on working groups having regard to the need to maintain a broad political balance within the membership of working groups.
- (3) The development, implementation and review of all strategic plans not specifically delegated to another portfolio holder or a committee, which relate to matters under the jurisdiction of the portfolio holder.
- (4) The implementation, in partnership with the overview and scrutiny committee, of reviews in respect of functions or services under the control of the portfolio holder.
- (5) The determination of any matters relating to the discharge of the functions or services under the control of the portfolio holder not otherwise delegated to officers within the terms of this scheme of delegation or covered by any reserve powers held by the council or cabinet or other committee of the council.
- (6) The acquisition of interests in land including leases, licences and agreements exceeding £30,000 but not exceeding £100,000 in value within the jurisdiction of the portfolio subject to budget provision being available.
- (7) The disposal of interests in land within the jurisdiction of the portfolio not exceeding £30,000 in value.

- (8) To approve community involvement on topics that do not constitute a key decision subject to budget provision being available.
- (9) Making minor administrative amendments to council policies, including amendments to financial limits to reflect inflation.
- (10) To designate a Public Space Protection Order.

#### 4.7 Responsibilities of portfolio holders

**Delegated to officers: The following general responsibilities of portfolio holders are delegated to officers in consultation with the relevant portfolio holder**

| Responsibility |  | Delegated to                        |
|----------------|--|-------------------------------------|
| (1)            | The determination under the council's approved complaints procedure, of any award of financial compensation exceeding £250.  | managing director,<br>all directors |
| (2)            | The determination under the council's approved complaints procedure, of any award of financial compensation up to £250.  | all assistant directors             |
| (3)            | Authorising expenditure for official hospitality on any one occasion where the cost exceeds £250 (subject to budgetary provision being available), following consultation with the appropriate portfolio holder. | managing director                   |
| (4)            | To seek permission for the carrying out of development pursuant to the Town and Country Planning General Regulations 1992 in respect of functions under the control of a portfolio holder.                       | all assistant directors             |
| (5)            | The power to give direction to leave land/move vehicles and other property in respect of land owned by the council which is under the control of a portfolio holder.   | all assistant directors             |
| (6)            | The institution, defence and conduct of all civil and criminal legal proceedings in respect of any matter under the jurisdiction of a portfolio holder.  | all assistant directors             |
| (7)            | The preparation of responses to consultation papers.   | all assistant directors             |
| (8)            | The appointment of members to attend conferences, seminars and courses.  | Chief of Staff                      |
| (9)            | Amendments to fees and charges during the course of the municipal year.  | all assistant directors             |

| Responsibility |   | Delegated to   |
|----------------|---|--|
| (10)           | The award of community capital grants up to £5,000. | managing director and all directors in consultation with the leader. If the grant relates to the leader's ward then the consultation will be with the deputy leader. |

#### 4.8 The following responsibilities are delegated to officers

| Responsibility |   | Delegated To  |
|----------------|---|---|
| (1)            | To manage the functions they are responsible for. This includes taking decisions (subject to budget provision being available) on the purchase of goods and services not exceeding £50,000 in value in accordance with the council's contracts procedure rules; the disposal of surplus goods; the creation of interests in land not exceeding £30,000 in value including leases, licences and other agreements and making arrangements for the management, maintenance and repair or upkeep of any land or buildings belonging to the council, the authorisation of annual and special leave for staff; the authorisation of overtime and honoraria (within budget) and the disciplining of any staff (other than dismissal), in accordance with any statutory procedure and local disciplinary procedure appropriate to the employee's conditions of service. | up to £20,000 – Assistant Director<br>£20,001 to £50,000 – Director<br>£50,001 to £100,000 – Corporate Management Leadership Team |
| (2)            | The authorisation of attendances at courses conferences and seminars involving a stay of one or more nights.  | managing director, directors and assistant directors  |
| (3)            | The determination of the rate of interest to be charged whenever a 'formal demand', which by statute carries interest, is to be issued in accordance with the power herein below delegated to heads of service.   | assistant director finance / section 151 officer  |
| (4)            | The day to day corporate management of all matters relating to the council's complaints scheme.   | assistant director transformation & ICT/digital   |
| (5)            | Agreeing the terms and conditions of all disposals of land where the principle of disposal has been agreed by the portfolio holder.   | all assistant directors   |

| Responsibility |  | Delegated To                      |
|----------------|--|-----------------------------------|
| (6)            | The granting of annual rights of way and the assignment of leases and licences in straightforward cases.   | all assistant directors           |
| (7)            | Agreeing revised rents pursuant to rent review provisions in leases.   | all assistant directors           |
| (8)            | All matters relating to performance management across the authority.   | assistant director chief of staff |
| (9)            | The execution of works or the taking of steps and the issue of a 'formal demand' for recovery of expenses incurred by the council acting under statutory default powers where the owner or other person having control of a property has failed to comply with the terms of a statutory notice issued by that head of service and the estimated cost of the works or steps is less than £50,000. | all assistant directors           |
| (10)           | Incurring expenditure in respect of approved schemes and revenue estimates under the jurisdiction of a portfolio holder where budgetary provision exists.  | all assistant directors           |
| (11)           | Managing contracts for the provision of services under the jurisdiction of the portfolio holder.   | all assistant directors           |
| (12)           | To delegate to officers within the service unit any function under the jurisdiction of a portfolio holder, that has been delegated to him.   | all assistant directors           |
| (13)           | To promote, support and implement the council's health and safety policy and develop a safety culture in their service unit.   | all assistant directors           |
| (14)           | Authorisation of possession proceedings, as a matter of urgency, in the case of unauthorised occupiers on land under the control of the council.   | all assistant directors           |
| (15)           | Authorisation of the institution of legal proceedings for the recovery of monies due to the council, in respect of any function under the jurisdiction of a portfolio holder, together with the authorisation of all steps in connection with such proceedings.  | all assistant directors           |

| Responsibility |   | Delegated To                                       |
|----------------|---|--|
| (16)           | Authorisation of all steps in connection with any civil or criminal legal proceedings, in respect of any function under the jurisdiction of a portfolio holder, the institution or defence of which have been previously authorised, together with the authorisation of the withdrawal or settlement or compromise of any such proceedings. | all assistant directors                            |
| (17)           | Authorisation to seek an order from the magistrates' court under section 78 of the Criminal Justice and Public Order Act 1994 (Order for removal etc) and to institute proceedings against persons who fail to comply with a direction or order of the court.   | director place and director people and communities |
| (18)           | The administration of the community activities and small grants policy (awards less than £2,000).   | assistant director community service               |
| (19)           | Authorisation of all steps in connection with defending any appeal, in respect of any matter under the jurisdiction of a portfolio holder, to a magistrates' court, county court or crown court arising from the issue of a statutory notice by the council or arising from any determination by the council of any statutory application.  | all assistant directors                            |
| (20)           | The designation of "liaison" officers for emergency planning purposes.  | director place                                     |
| (21)           | Corporate health and safety.  | managing director                                  |
| (22)           | The appointment of staff below head of service level for the purpose of secondment under any agreement reached to second staff to other local authorities pursuant to any partnership arrangements.   | all directors                                      |



## **5. Policy – responsibilities of portfolio holder (Leader)**

### **5.1 Terms of reference**

Overall political management of the authority. To be responsible for the co-ordination of the exercise of executive functions. To ensure effective communication of cabinet business including appropriate liaison with the overview and scrutiny committee. Internal Control. Emergency planning. Providing management services and information technology services to support the work of the council. Executive functions relating to electoral services. Oversight of the constitution. Strategic Planning Policy.

5.2 All decisions taken by the leader must comply with the council's constitution and associated procedure rules. In particular decisions must:

- Be in accordance with the council's budget and policy framework rules.
- If key decisions, be in accordance with the council's decision-making rules.
- Be taken after professional advice from the managing director or other appropriate officers

### **5.3**

- (1) To have overall responsibility for the political management of the authority, the delivery of agreed council priorities, strategies and policies and the delivery of effective and efficient services.
- (2) To appoint and dismiss members of the cabinet and to allocate individual portfolios to them as specified in the scheme of delegation to members of the cabinet.
- (3) To chair the cabinet and to be the leading voice of the council on all matters not in the province of the relevant portfolio holders and for overall policy.
- (4) To nominate a deputy to chair meetings of the cabinet in his absence, in the event of sickness, holiday or other short-term unavailability.
- (5) To be the principal member representative of the council to the community, the region, businesses, the voluntary sector, the Local Government Association and other local, regional and national organisations. (The leader may delegate some of these functions to the appropriate portfolio holder or other members whilst retaining overall responsibility).
- (6) To work with other portfolio holders to consider and agree actions to ensure effective delivery of services within their portfolio against the agreed policies of the council and to ensure cabinet responsibilities are fulfilled.
- (7) In the event that a portfolio holder is absent, as a result of sickness, holiday or other extended cause, the leader may assign that portfolio holder's responsibilities to another portfolio holder, or undertake them himself.
- (8) To have authority to undertake portfolio holders' delegated responsibilities in circumstances of urgency or at the request of a portfolio holder.

- (9) To have regard to the views of the overview and scrutiny committee and to ensure its views are fully considered when executive decisions are made.
- (10) To ensure effective communication to the council and the public of all cabinet recommendations and decisions.
- (11) To ensure portfolio and cross-portfolio issues are considered and dealt with on a corporate basis.
- (12) The council's responsibilities under the Children Act 2004.
- (13) In consultation with the managing director, the approval of the council's annual governance statement following consideration by the audit committee.
- (14) All matters relating to emergency planning.
- (15) Council's appointee to serve on the Health & Wellbeing Board. (Note this has been delegated to the portfolio holder for Communities, Housing and Planning.)
- (16) The development implementation and amendment of information technology related strategies and statements for consideration by the cabinet for proposal to full council.
- (17) The planning and implementation of all aspects of the council's information systems and information technology based on the information technology strategy including meeting the council's corporate information requirements.
- (18) The planning and implementation of all aspects of the council's communications networks and systems.
- (19) The council's executive functions relating to electoral services.
- (20) The management and control of strategic planning matters.

#### 5.4 The following responsibilities are delegated to officers

|     | <b>Responsibility</b>  | <b>Delegated to</b>                             |
|-----|--|---|
| (1) | The management of the council's telecommunications systems.  | Assistant Director Transformation & ICT/Digital |
| (2) | The management of the council's information technology resources including the council's corporate information management, systems and strategies and information technology strategies. | Assistant Director Transformation & ICT/Digital |

## **6. Finance – responsibilities of portfolio holder**

### **6.1 Terms of reference**

To develop and recommend an annual budget strategy for consideration by the cabinet. To carry out ongoing monitoring of capital and revenue budgets. Internal and external audit. The exercise of the council's functions, powers and duties relating to local taxation, housing and council tax benefit functions. Corporate procurement including central ordering arrangements. Risk management. Asset Management. Legal services.

### **6.2 The overall responsibility for the effective and efficient delivery of the council's finance and revenues services including:**

- (1) The preparation and recommendation of an annual budget strategy to the cabinet, for proposal to the council.
- (2) Consultation with the local community and businesses on the council's budget.
- (3) The receiving and monitoring of revenue and capital reports from the head of finance & revenue services.
- (4) The exercise of functions devolved to the portfolio holder from the financial procedure rules.
- (5) The regulation and overall control of the finances of the council and making recommendations on the exercise of the functions devolved to the cabinet by the financial procedure rules.
- (6) The implementation and monitoring of the treasury policy statement setting out the council's strategy and procedures with regard to treasury management.
- (7) The management and operation of the council's anti-fraud and corruption strategy.
- (8) The receiving of periodic reports on progress towards the identification of the actions required by the council's financial strategy.
- (9) The administration and control of all local taxation matters within policy set by the cabinet.
- (10) The monitoring and control of the procurement function within the council.
- (11) The development of the council's risk management strategy.
- (12) The development and implementation of the council's asset management plan.
- (13) The provision of legal services to the council.

6.3 The following responsibilities are delegated to officers in consultation with the portfolio holder.

| Responsibility |   | Delegated To   |
|----------------|---|--|
| (1)            | The exercise and performance of the council's functions, powers and duties in relation to authorisation of travelling and subsistence allowance payments to members when undertaking visits outside the district.   | Chief of Staff   |
| (2)            | The determination of the use of discretionary powers relating to the implementation and administration of the local taxation system in those cases where local authorities are empowered to use discretionary powers under statutory regulations.   | assistant director finance                             |
| (3)            | The updating of the council's anti-fraud and corruption strategy, as necessary from time to time, to maintain its effectiveness.  | director resources                                     |
| (4)            | The exercise and performance of the council's functions, powers and duties in relation to the repayment of public works loan board debt.  | director resources                                     |
| (5)            | Arranging negotiable bond issues.   | director resources                                     |
| (6)            | Borrowing money by way of mortgage.   | director resources                                     |
| (7)            | To determine applications for housing advances for the purchase or improvement of property.   | director resources                                     |
| (8)            | To consider and approve applications for housing benefit, council tax benefit and council tax support.  | director resources and director people and communities |
| (9)            | To consider and approve discretionary housing payments under the Discretionary Financial Assistance Regulations 2001.   | director people and communities                        |
| (10)           | To consider and approve backdating of benefit applications under the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 and to consider and approve backdating of council tax support/council tax reduction scheme in line with council policy. | director people and communities                        |
| (11)           | To consider and approve the sanction to be applied to customers to combat fraud under the relevant legislation.   | director resources                                     |

| Responsibility |   | Delegated To                                    |
|----------------|---|---|
| (12)           | To represent the council at Her Majesty's Courts and Tribunal Service under the Housing Benefit (Decisions and Appeals) Regulations 2001 as subsequently amended and the Valuation Tribunal Service as determined under the appropriate Act.            | director people and communities                 |
| (13)           | To carry out the role of corporate property officer in accordance with the council's asset management plan responsibilities.  | managing director                               |
| (14)           | Where not already delegated to another portfolio holder or officer, to negotiate, agree and conclude the terms and conditions of the acquisition of land and property where the principle of purchase has been agreed by the relevant portfolio holder. | all assistant directors                         |
| (15)           | Management of the legal services contract.  | Chief of Staff                                  |
| (16)           | The development of the council's risk management strategy   | Assistant Director Transformation & ICT/Digital |
| (17)           | Approval of projects below £15,000 from the Broadland Growth Reserve. In the absence of the finance portfolio holder this authorisation is delegated to the deputy leader.  | assistant director planning                     |

#### 6.4 The following responsibilities are delegated to officers

| Responsibility |  | Delegated To               |
|----------------|--|----------------------------|
| (1)            | To be responsible for the proper administration of the financial affairs of the council including:   |                            |
|                | <p>(a) To operate the council's bank accounts, as well as:</p> <p>(i) the arranging of overdraft facilities;</p> <p>(ii) the opening, operation and closing of any subsidiary bank accounts, he considers necessary;</p> <p>(iii) management of the day-to-day cash resources of the council and the arrangement of any temporary borrowing or investment of any surplus money;</p> <p>(iv) the negotiation, receipt and repayment of loans;</p> | assistant director finance |
|                | (b) To make arrangements for the investment and realisation of monies surplus to the council's requirements;   | assistant director finance |
|                | (c) To deal with insurances;   | assistant director finance |
|                | (d) To be the Registrar of Bonds;  | assistant director finance |
|                | (e) To pay all creditors;  | assistant director finance |
|                | (f) To take any necessary action arising from changes in the standard national rate of interest for local authority mortgages;   | assistant director finance |
|                | (g) To make transfers from the general fund to the council's other funds at the end of each financial year;  | assistant director finance |
|                | (h) To write-off any monies owed to the council (excluding NNDR, council tax and housing benefit overpayments and homelessness temporary accommodation and associated costs) which do not exceed £100,000, together with attendant costs, where all reasonable recovery action has been exhausted and subject to half yearly reports to the cabinet with any budgetary consequences highlighted;   | assistant director finance |
|                | (i) To determine capital financing;  | assistant director finance |

| Responsibility |  | Delegated To               |
|----------------|--|----------------------------|
|                | (j) To approve virement between budget heads up to a maximum sum of £10,000.   | assistant director finance |
|                | <b>NOTE:</b> The exercising of the above delegated powers must be in accordance with CIPFA's Code for Treasury Management in Local Authorities and the council's treasury management policy statement.               |                            |
| (2)            | To consent to transfers of interests in residential property charged to the council.   | assistant director finance |
| (3)            | The approval of Housing Corporation grants and conditions.   | assistant director finance |
| (4)            | To administer the collection fund established under section 89 of the Local Government Finance Act 1988.   | assistant director finance |
| (5)            | To serve, withdraw and deal with completion notices in relation to national non-domestic rating and council tax.   | assistant director finance |
| (6)            | To collect, administer and enforce council tax.  | assistant director finance |
| (7)            | The setting of the council tax base in accordance with council policy. (NOTE: This is a key decision)  | assistant director finance |
| (8)            | To complete and submit the national non-domestic rates return 1 (NNDR1). (NOTE: This is a key decision)  | assistant director finance |
| (9)            | To collect, administer and enforce national non-domestic rates.  | assistant director finance |
| (10)           | To undertake enforcement action for recovery of council tax and non-domestic rates under the Local Government Finance Act 1998 and the Local Government Finance Act 1992 to include committal and insolvency action. | assistant director finance |
| (11)           | To represent the authority at valuation tribunals considering appeals against the council tax.   | assistant director finance |
| (12)           | To consider and approve applications for disabled reductions for council tax.  | assistant director finance |

| <b>Responsibility</b> |  | <b>Delegated To</b>        |
|-----------------------|--|----------------------------|
| (13)                  | To consider and approve applications for discretionary rate relief under section 47 of the Local Government Finance Act 1988. To consider and approve applications for the continuation of Discretionary Rate Relief (Hardship) granted under section 49 of the Local Government Finance Act 1988.   | assistant director finance |
| (14)                  | To consider and approve applications for village shop rate relief under the Local Government and Rating Act 1997, the Rating (Former Agricultural and Rural Shops) Act 2001 and the Rating (Public Houses and Petrol Filling Stations) Order 2001.   | assistant director finance |
| (15)                  | To consider and approve applications for discounts and exemptions for council tax under the Local Government Finance Act 1992 as subsequently amended and in compliance with the council tax support policy/reduction scheme.  | assistant director finance |
| (16)                  | To write-off any monies owed to the council (relating to NNDR, council tax and housing benefit overpayments and homelessness temporary accommodation and associated costs) which do not exceed £100,000, together with attendant costs, where all reasonable recovery action has been exhausted and subject to half yearly reports to the cabinet with any budgetary consequences highlighted. | assistant director finance |
| (17)                  | All matters relating to the preparation and finalisation of the Annual Statement of Accounts   | assistant director finance |



## **7. Economic development – responsibilities of portfolio holder**

### **7.1 Terms of reference**

The exercise and performance of the council's executive functions relating to the economic development of the district including business, culture and tourism and the management of industrial estates.

### **7.2 The overall responsibility for the development and operation of the council's economic development functions (embracing business, culture and tourism) including:**

- (1) The generation of proposals for the economic development of the district and tourism promotion.
- (2) The development of research into ways of stimulating the economy of the district.
- (3) The generation of proposals for publicity and promotional literature relating to the future expansion of tourism, culture, industry and commerce within the district.
- (4) The development and maintenance of liaison with other public and private sector organisations in connection with the responsibilities of the portfolio holder.
- (5) The management and control of industrial estates.
- (6) The management of the Broadland Council Training Centre and agreements with training scheme agencies.
- (7) The development and amendment of the tourism strategy for consideration by the cabinet for proposal to full council.
- (8) The implementation of the tourism strategy approved by full council.
- (9) The development and amendment of the economic development strategy for consideration by the cabinet for proposal to full council.
- (10) The implementation of the economic development strategy approved by full council.
- (11) Transportation issues including car parking.
- (12) The control and development of all land and associated assets under the jurisdiction of the portfolio holder including public open space, public parks and gardens, recreation grounds, nature reserves, woodlands, children's playgrounds, children's activity areas and related facilities.
- (13) The development and amendment of the council's culture and leisure strategy for consideration by the cabinet for proposal to full council.
- (14) The implementation and review of the culture and leisure strategy.
- (15) The adoption, conveyance or transfer of land for public open space or other leisure, heritage or cultural purposes.
- (16) The management of all council owned sport and recreational facilities including joint use sports centres in partnership with schools and where appropriate Norfolk County Council.

- (17) The provision of sports initiatives, a sports development service, children's activity sessions and school holiday play schemes.
- (18) The management and promotion of all leisure buildings, structures and assets, including scheduled ancient monuments and listed structures.
- (19) The management of all trading activities on land or in premises under the jurisdiction of the portfolio holder.
- (20) The provision of arts, entertainment, culture and heritage initiatives and events within the district.
- (21) The museums related functions of the council.
- (22) Oversight of the council's grants policy.

### **7.3 The following economic development responsibilities are delegated to officers**

| <b>Responsibility</b> |  | <b>Delegated To</b>                |
|-----------------------|--|------------------------------------|
| (1)                   | The management and development of all land held by the council for economic development purposes.  | assistant director economic growth |
| (2)                   | The placing of commercial or tourism advertisements in the media in accordance with council policy or in connection with the joint marketing of tourism facilities, industrial and commercial land and premises with the private sector. | assistant director economic growth |
| (3)                   | The management and development of tourist information centres and visitor information points.  | assistant director economic growth |
| (4)                   | The setting of fees and charges associated with the organisation of promotional events.  | assistant director economic growth |
| (5)                   | To provide financial assistance to industry and commerce in accordance with the council's economic development strategy.   | assistant director economic growth |
| (6)                   | The setting of advertising rates for participation in tourism and regeneration marketing publications.   | assistant director economic growth |
| (7)                   | To enter into contracts and agreements with training scheme agencies subject to no new or additional budgetary implications.   | assistant director economic growth |
| (8)                   | The setting of charges for courses offered by Broadland Council Training Services.   | assistant director economic growth |

#### 7.4 The following leisure responsibilities are delegated to officers

| Responsibility |  | Delegated To   |
|----------------|--|--|
| (1)            | The authorisation of agreements with developers to adopt open space after the initial maintenance period, as a result of a planning requirement.   | assistant director planning  |
| (2)            | The organisation, marketing and delivery of events and the heritage of the district.   | assistant director economic growth and assistant director planning   |
| (3)            | The management of grounds maintenance of land under the jurisdiction of the council including public open space, public parks and gardens and related facilities.  | assistant director economic growth and assistant director regulatory |
| (4)            | The management and maintenance of nature reserves, country parks, pocket parks and nature areas.   | assistant director economic growth and assistant director regulatory |
| (5)            | The management and maintenance of all leisure buildings, structures and assets.  | assistant director community service                                 |
| (6)            | The management and maintenance of children's playgrounds and children's activity areas.  | assistant director community service                                 |
| (7)            | The determination of applications for the holding of events on council-owned land and the use of property under the jurisdiction of the portfolio holder.  | assistant director economic growth                                   |
| (8)            | The enforcement of byelaws (other than the issue of legal proceedings) relating to all appropriate land and facilities under the jurisdiction of the portfolio holder.   | assistant director community service                                 |
| (9)            | The management and maintenance of all sports facilities and seasonal facilities and amenities under the direct control of the council and the setting of charges in respect thereof, including the issue of complimentary tickets. | assistant director community service                                 |
| (10)           | The management of sports initiatives and the youth sports development services.  | assistant director community service                                 |
| (11)           | The making of sports developments grants to individuals.   | assistant director community service                                 |
| (12)           | The development and management of children's activity sessions and school holiday play-schemes.  | assistant director community service                                 |
| (13)           | The granting of trading rights in straightforward cases, including the assignment of leases.   | assistant director economic growth                                   |

| <b>Responsibility</b> |  | <b>Delegated To</b>                  |
|-----------------------|--|--------------------------------------|
| (14)                  | The development and management of art, entertainment, cultural and heritage initiatives and events.  | assistant director community service |
| (15)                  | The implementation of approved strategies in relation to services under the jurisdiction of the portfolio holder.  | assistant director economic growth   |
| (16)                  | Liaison with voluntary and private clubs and organisations relating to the sustainability and development of services and activities under the jurisdiction of the portfolio holder. | assistant director community service |
| (17)                  | To determine applications for street closures under the Town Police Clauses Act 1847.  | Assistant Director Regulatory        |

## **8. Planning – responsibilities of portfolio holder**

### **8.1 Terms of reference**

The exercise and performance of the council's executive functions as the district planning authority. The exercise of the council's executive conservation functions. All matters relating to community engagement.

### **8.2 The overall responsibility for the development and operation of the council's planning policies and for the effective and efficient delivery of the conservation and land charges functions.**

- (1) The development and amendment of the plans and policies which together comprise the development plan and documents set out in the local development scheme for consideration by the cabinet and recommendation to full council.
- (2) The management and control of all development plan and the local development framework. and strategic planning matters.
- (3) The implementation of the plans and alterations which together comprise the development plan and local development framework, approved by full council not specifically the responsibility of the planning committee.
- (4) Ensuring that there is effective two-way communication between the cabinet and the planning committee. In particular in relation to the implementation of current development plan policies and the drafts of any review of the development plan.
- (5) To exercise the council's function to name new streets, rename existing streets and number properties within the district.
- (6) The provision of a local land charges service, including the setting of appropriate fees.
- (7) The making of directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.
- (8) Executive conservation functions.
- (9) The management of land held for the purposes of the Town and Country Planning Acts.
- (10) To liaise with and advise the head of planning on all executive matters relating to his service.
- (11) Council's appointee to serve on the CNC Building Control Joint Committee and CNC Building Control Consultancy Services.
- (12) All matters relating to the making of proposals to the cabinet for the designation of conservation areas including consultation on the proposed boundary.
- (13) To achieve sustainable development for Broadland that meets current and future needs.
- (14) To advise on the council's communication strategy insofar as it relates to community engagement.

- (15) To build knowledge and skills within Broadland's communities to help them respond to local needs.
- (16) To bring forward proposals for new projects under the Broadland Growth Initiative for consideration by cabinet and to monitor current projects and report to cabinet on an annual basis.

### 8.3 The following responsibilities are delegated to officers

| Responsibility |   | Delegated To                |
|----------------|---|-----------------------------|
| (1)            | The determination of applications for a certificate of appropriate alternative development under section 17 of the Land Compensation Act 1961 (as amended).   | assistant director planning |
| (2)            | The day-to-day management of the local land charges service.  | assistant director planning |
| (3)            | The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land in connection with functions that are the responsibility of the executive.   | assistant director planning |
| (4)            | To authorise entry onto land for purposes described in sections 196A, 196B, 214B, 214C and 324 of the Town and Country Planning Act 1990 and sections 88 and 88A of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and sections 36 and 36A of the Planning (Hazardous Substances) Act 1990 and Regulations 12 and 13 of the Hedgerows Regulations 1997. | assistant director planning |
| (5)            | The issue and service of discontinuance notices under the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992 except where there are compensation implications.  | assistant director planning |
| (6)            | Consultation on, or the making of, a formal objection to the grant of any, application for a goods vehicle operator's licence.  | assistant director planning |
| (7)            | The power to issue a listed building enforcement notice under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.  | assistant director planning |
| (8)            | The authority to make grants under sections 57 and 58 of the Planning (Listed Buildings and Conservation Areas) Act 1990.   | assistant director planning |

| Responsibility |  | Delegated To  |
|----------------|--|---|
| (9)            | Determination of all procedural and other matters relating to the conduct and content of the council's case at planning appeals including appointing professional advisers in accordance with the contracts procedure rules in part 4 of the constitution. | assistant director planning   |
| (10)           | The determination of applications for the council to fell dangerous trees on private property under section 23(3) of the Local Government (Miscellaneous Provisions) Act 1976.   | assistant director planning   |
| (11)           | The council's function to name new streets, rename existing streets and number properties within the district.   | assistant director planning   |
| (12)           | The management of all horticultural and arboriculture services on land under the jurisdiction of the portfolio holder.   | assistant director planning   |
| (13)           | Approval of the annual monitoring report under Section 35 of the Planning and Compulsory Purchase Act 2004.  | assistant director planning in consultation with the *planning portfolio holder |
| (14)           | The development and amendment of the plans and policies which together comprise the development plan and documents set out in the local development scheme for consideration by cabinet and recommendation to council.                                     | assistant director planning in consultation with the *planning portfolio holder |
| (15)           | The preparation of local plans and supplementary planning guidance including design briefs, local development documents and supplementary planning documents.  | assistant director planning in consultation with the *planning portfolio holder |
| (16)           | All observations on proposals made by or to be determined by other bodies relating to functions within the jurisdiction of the portfolio holder.   | assistant director planning in consultation with the *planning portfolio holder |
| (17)           | To enforce the provisions of S224 of the Town and Country Planning Act 1990 in respect of illegal fly posting and to authorise relevant officers to enforce these provisions.  | assistant director planning and assistant director regulatory                   |
| (18)           | To enforce the provisions of S132 of the Highways Act 1980 in respect of illegal fly posting and to authorise the relevant officers to enforce these provisions.   | assistant director planning and assistant director regulatory                   |

| Responsibility |  | Delegated To  |
|----------------|--|---|
| (19)           | The administration of cautions in accordance with the relevant Home Office circular for offences under any legislation falling within the remit of planning. | assistant director planning   |
| (20)           | To approve all the preliminary stages of making Neighbourhood Plans (with the final adoption being decided by Council).                                      | assistant director planning in consultation with the *portfolio holder for planning |
| (21)           | Responsibility for the maintenance of the Self Build and Custom Housebuilding Register.  | assistant director planning   |



## **9. Communities, Housing – responsibilities of portfolio holder**

### **9.1 Terms of reference**

The exercise and performance of the council's functions with regard to financial assistance for the repair or improvement of private sector housing stock or their adaptation for use by disabled persons and all its functions under the Housing Act 2004.

The exercise and performance of the council's function as a local housing authority, as an enabler of social housing, specifically homelessness, housing advice and the enabling and development of new housing opportunities. The monitoring responsibilities of the housing management board. Community safety. To take council wellbeing initiatives to improve the lives of Broadland residents.

### **9.2 The overall responsibility for the effective delivery of the council's housing and community engagement, which are functions of the executive including:**

- (1) The duties and responsibilities set out in the Local Government Acts, Rent Acts, Housing Acts, Landlord and Tenant Acts and other relevant legislation, government regulations and guidance.
- (2) The provision of housing accommodation, advice and other direct and indirect assistance to homeless persons and other people in housing need.
- (3) The development and enablement of new housing opportunities for people in housing need or with special needs through working in partnership with housing associations, the Housing Corporation, registered social landlords, Social Services, Health Authority and other statutory and voluntary agencies.
- (4) The implementation and review of the council's homelessness policy.
- (5) The council's empty homes and wasted space strategy.
- (6) The development and amendment of the housing investment programme for consideration by the cabinet, for proposal to full council.
- (7) The implementation of the housing investment programme approved by full council.
- (8) The determination of matters relating to applications that fall outside of approved policy for disabled facilities and other financial assistance.
- (9) The determination of applications for non-payment or partial repayment of house renovation grants.
- (10) The review of implementation of the council's responsibilities in relation to the regulation of private sector housing (including application of the housing health and safety rating system, houses in multiple occupation licensing and inspection).

- (11) The determination, in cases of urgency, of any proposals for amendment to the approved housing investment programme.
- (12) Council representative on the Norfolk Strategic Housing Board.
- (13) The exercise of the council's functions relating to community safety.
- (14) Council's appointee to serve on the Health & Wellbeing Board as the leader's representative.
- (15) All matters relating to the council's housing and council tax benefits functions.

**9.3 The following housing responsibilities are delegated to officers in consultation with the portfolio holder**

| Responsibility |  | Delegated To  |
|----------------|--|---|
| (1)            | Power to consent to authorisations for the dispersal of groups under section 31(2) of the Anti-social Behaviour Act 2003.  | assistant director individuals and families                                       |
| (2)            | Authority to apply for anti-social behaviour orders under section 1 of the Crime and Disorder Act 1998.  | assistant director individuals and families in consultation with portfolio holder |
| (3)            | <p>Under the Anti-social Behaviour, Crime and Policing Act 2014:</p> <ul style="list-style-type: none"> <li>• to apply for an Anti-social Behaviour Injunction and to initiate all associated follow up action required (in consultation with the Portfolio Holder for Policy);</li> <li>• to serve Community Protection Notices, all Fixed Penalty Notices and any associated enforcement action;</li> <li>• to designate Housing Associations with the power to serve Community Protection Notices and associated Fixed Penalty Notices PNs if they agree in writing to resource all associated enforcement action;</li> <li>• to serve a closure notice closing a premises for 24 hours;</li> <li>• to set the level of fine attached to a fixed penalty notice served under this legislation so it is the same as that charged by the Police.</li> </ul> | assistant director individuals and families                                       |
| (4)            | To extend a closure notice to 48 hours or initially serve a notice closing a premises for 48 hours under the Anti-Social Behaviour, Crime and Policing Act 2014.   | managing director   |

| Responsibility |   | Delegated To  |
|----------------|---|---|
| (5)            | Virements as may occasionally be required to the housing investment programme (HIP) subject to the total HIP allocation as approved by the cabinet not being exceeded.                        | director people and communities and assistant director individuals and families |
| (6)            | To allocate funding to registered social landlords for the purpose of providing social housing to meet identified housing needs in Broadland within the terms of the agreed housing strategy. | director people and communities and assistant director individuals and families |
| (7)            | In cases of urgency the consideration of applications for housing that fall outside the approved housing register.  | director people and communities and assistant director individuals and families |
| (8)            | In cases of urgency the approval of housing allocations that fall outside the approved allocation scheme.   | director people and communities and assistant director individuals and families |
| (9)            | To undertake to seek Compulsory Purchase Orders under the Housing and Planning Act 2016   | director people and communities   |
| (10)           | Authority to decide whether to impose a fine under The Redress Schemes for Estate Agents and Property Managers  | director people and communities and assistant director individuals and families |
| (11)           | To commence proceedings at the First Tier Tribunal for Rent Repayment Orders  | assistant director individuals and families                                     |

#### 9.4 The following housing responsibilities are delegated to officers

| Responsibility |   | Delegated To                                |
|----------------|---|---|
| (1)            | The determination of applications for housing in accordance with the approved housing register.   | assistant director individuals and families |
| (2)            | The provision of housing advice and assistance to eligible homeless persons in accordance with the council's duties under Part VII, Housing Act 1996. | assistant director individuals and families |
| (3)            | To arrange for the provision of accommodation under the Housing Act 1985 and to discharge the other functions of the council under that act.          | assistant director individuals and families |
| (4)            | To provide a housing advisory service to the public.  | assistant director individuals and families |
| (5)            | To enter into arrangements under Section 33 of the Local Government (Miscellaneous Provisions) Act 1976.  | assistant director individuals and families |

| <b>Responsibility</b> |   | <b>Delegated To</b>                         |
|-----------------------|---|---|
| (6)                   | The investigation, administration and determination of all financial assistance under the terms of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and the council's financial assistance policy and subsequent amendments.               | assistant director individuals and families |
| (7)                   | Authority to carry out all local housing authority functions including the issue, service and enforcement of statutory notices, orders, declarations and the power to recover expenses in accordance with the Housing Act 1985 and the Housing Act 2004 as amended. | assistant director individuals and families |
| (8)                   | Authority to issue, serve and enforce demolition orders under Part IX of the Housing Act 1985.  | assistant director individuals and families |
| (9)                   | The licensing of houses in multiple occupation under the provisions of the Housing Act 2004.  | assistant director individuals and families |
| (10)                  | The issue and service of notices under section 29 of the Local Government (Miscellaneous Provisions) Act 1982 of intention to carry out work on an unoccupied building to secure it against unauthorised entry.   | assistant director individuals and families |
| (11)                  | To impose fixed penalty notices under the Housing Act 2004 as amended.  | assistant director individuals and families |
| (12)                  | To make application to the Homes and Communities Agency for the waiver of Designated Protected Area conditions of grant.  | assistant director individuals and families |

## **10. Environmental Excellence – responsibilities of portfolio holder**

### **10.1 Terms of reference**

The exercise and performance of the council's strategic functions relating to waste collection and disposal, recycling and waste minimisation. The council's waste strategy, refuse and recycling, street cleansing, water safety and water quality.

Championing environmental and sustainability policy development within the district including developing, integrating and maintaining environmental performance management throughout the council's services.

The exercise and performance of the council's functions relating to public protection and environmental health, environmental crime, food safety and hygiene, communicable disease control, consumer protection, health education, home safety, pest control, dog control, cemeteries, public conveniences, street lighting, gypsy welfare liaison, abandoned vehicles, licensing (which is not specifically the responsibility of the licensing & regulatory committee) and domestic energy efficiency and fuel poverty.

### **10.2 The overall responsibility for the effective and efficient delivery of the council's environmental services and waste management functions which are functions of the executive including:**

- (1) The strategic management of waste collection and disposal functions including any consequent contractual arrangements.
- (2) The development and control of recycling and waste minimisation initiatives.
- (3) The development and implementation of the council's waste strategy.
- (4) The promotion, advice and education of sustainable lifestyles.
- (5) Recovery of recycling credits.
- (6) The identification of local government and sustainability priorities and championing the development, maintenance and implementation of environmental and sustainability strategies and policies.
- (7) The development of environmental information and observation capacity in order to provide reliable and relevant information on the state of the environment as a basis for improved policymaking and public awareness.
- (8) Considering the need for and development of recommendations, methodologies and guidelines and performance indicators for improving environmental management and sustainability in Broadland.
- (9) Oversight of activities that promote environmental protection and sustainable development in Broadland including promoting cooperation among relevant partners in order to encourage public participation and make action effective and cost-efficient.

- (10) Promote implementation of policy instruments and tools for strengthening the environmental protection and performance capabilities of the council, partner agencies and individual members of the public through advice, technical assistance and capacity-building.
- (11) Assist other portfolio holders as necessary to integrate environmental and sustainability considerations into other policies and to use indicators to assess progress as appropriate.
- (12) The development and amendment of the climate change strategy for consideration by the cabinet for proposal to full council.
- (13) The implementation of the climate change strategy for approval by full council.
- (14) The management and supervision of refuse and recycling collection, street sweeping and cleansing services.
- (15) The monitoring and control of water safety and water quality issues.
- (16) The management and control of public conveniences.
- (17) The provisions of Public Health, Environmental and Public Protection Acts including the Home Energy Conservation Act and the public and environmental health and related provisions of any relevant legislation not specifically the responsibility of the licensing & regulatory committee.
- (18) The management of the dog control service and allied matters including the application of dog control legislation.
- (19) The management and control of the pest control service and allied matters including the application of pest control legislation.
- (20) The development and operation of gypsy and travellers' liaison.
- (21) The management and control of abandoned vehicles.
- (22) All matters relating to footway lighting.
- (23) The management of land held by the council within the responsibilities of the director place.
- (24) The implementation of the health improvement programme approved by full council.
- (25) The council's responsibilities under the Clean Neighbourhoods and Environment Act 2005 and the Noise Act 1996.
- (26) All matters relating to control of the use of sunbeds.
- (27) To achieve sustainable development for Broadland that meets current and future needs.

**10.3 The following responsibilities are delegated to officers in consultation with the portfolio holder**

| <b>Responsibility</b> |   | <b>Delegated To</b>  |
|-----------------------|---|--|
| (1)                   | The determination of applications for sites for recycling points. | assistant director community service and assistant director regulatory |

**10.4 The following responsibilities are delegated to officers**

| <b>Responsibility</b> |   | <b>Delegated To</b>   |
|-----------------------|---|---|
| (1)                   | The day to day management, administration and control of the executive functions of the following services: <ul style="list-style-type: none"> <li>▪ waste collection</li> <li>▪ recycling</li> <li>▪ waste minimisation</li> <li>▪ refuse and recycling services</li> <li>▪ street cleansing</li> <li>▪ public conveniences</li> </ul>   | assistant director regulatory   |
| (2)                   | The approval of applications for the payment of waste disposal credits.   | assistant director regulatory   |
| (3)                   | The day to day management, administration and control of the executive functions of the following services: <ul style="list-style-type: none"> <li>▪ dog control</li> <li>▪ pest control</li> <li>▪ abandoned vehicles</li> <li>▪ pollution control</li> <li>▪ food safety</li> <li>▪ animal and other licensing</li> <li>▪ infection control</li> <li>▪ housing standards</li> </ul> | assistant director regulatory   |
| (4)                   | Authority to issue and serve statutory notices under public health, environmental protection and housing legislation.   | assistant director regulatory and assistant director individuals and families |
| (5)                   | To take appropriate action with regard to statutory nuisances.  | assistant director regulatory and assistant director individuals and families |

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|------|---|---|
| (6)  | To serve statutory notices in cases where a dwelling is found to have either category 1 or 2 hazards under the housing health and safety risk rating system in the Housing Act 2004.                                | assistant director individuals and families |
| (7)  | The provisions of section 20 of the Local Government (Miscellaneous Provisions) Act 1976 requiring the provision of sanitary appliances at places of entertainment.   | assistant director regulatory               |
| (8)  | To exercise all the council's functions under the Public Health Act 1961.   | director place                              |
| (9)  | The issue and service of notices under Part I of the Prevention of Damage by Pests Act 1949 requiring the destruction of rats and mice and/or the carrying out of structural repairs or other works.                | assistant director regulatory               |
| (10) | The issue and service of notices under section 35 of the Local Government (Miscellaneous Provisions) Act 1976 to remove obstructions from private sewers (48 hours).  | assistant director regulatory               |
| (11) | The issue and service of notices under Part III of the Building Act 1984 dealing with provisions relating to drainage, provision of sanitary conveniences, buildings, defective premises, yards and passages.       | assistant director regulatory               |
| (12) | The issue and service of notices in respect of section 2A, 2B and 3 (The Removal and Disposal of Abandoned Vehicles) and section 6 (Removal and Disposal of Other Refuse) of the Refuse Disposal (Amenity) Act 1978 | assistant director regulatory               |
| (13) | The provisions of the Public Health Act 1936, including the issue and service of notices relating to sanitation and buildings, watercourses, ditches, ponds and power of entry.                                     | assistant director regulatory               |
| (14) | The authorisation of legal proceedings in respect of the following: <ul style="list-style-type: none"> <li>control of dog orders</li> <li>Dogs (Protection of Livestock) Act 1953.</li> </ul>                       | assistant director regulatory               |
| (15) | Implementation and enforcement of a Public Space Protection Order to control dog fouling across the District.   | assistant director regulatory               |
| (16) | To exercise all the council's functions under the Public Health (Control of Disease) Act 1984.  | assistant director regulatory               |



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|------|--|-------------------------------|
|      |  |                               |
| (17) | <p>Duties under Part III, Chapter III of the Water Industry Act 1991:</p> <p>Section 78 (Local Authority Functions in relation to Undertakers Supplies),</p> <p>section 79 (Local Authority functions where Piped Supplies Insufficient or Unwholesome),</p> <p>section 80 (Remedial powers of Local Authorities in relation to Private Supplies),</p> <p>section 81 (Confirmation of Private Supply Notices),</p> <p>section 82 (Enforcement and Variation of Private Supply Notice),</p> <p>section 85 (Local Authority Powers to obtain Information for the Purposes of Functions under Part III Chapter III of the Water Industry Act 1991).</p> | assistant director regulatory |
| (18) | To serve notices under section 57 of the Water Act 1989 relating to unsatisfactory private water supplies.   | assistant director regulatory |
| (19) | To serve notices under section 25 of the Land Drainage Act 1991.   | assistant director regulatory |
| (20) | To exercise the council's powers under section 14 of the Land Drainage Act 1991.   | assistant director regulatory |
| (21) | To exercise all the council's functions with regard to sewers and drains.  | assistant director regulatory |
| (22) | The administration of cautions in accordance with the relevant Home Office circular for offences under any legislation falling within the remit of Environmental Services.   | assistant director regulatory |
| (23) | To issue permits, enforcement, variation, prohibition and revocation notices; and to take legal proceedings where necessary to enforce compliance with such notices relating to permits and authorisations under Schedule "B" processes under the Environmental Protection Act 1990.   | assistant director regulatory |
| (24) | To exercise all the council's functions under the Environmental Protection Act 1990.   | assistant director regulatory |
| (25) | The issue of fixed penalty notices under the Dogs (Fouling of Land) Act 1996 in respect of dog fouling.  | assistant director regulatory |

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|------|---|---|
| (26) | The issue of fixed penalty notices under the Litter (Fixed Penalty Notices) Order 1991.   | assistant director regulatory   |
| (27) | The authorisation of appropriate officers to discharge the council's powers and duties under the Food and Environmental Protection Act 1985 and the Control of Pesticides Regulations 1986.   | assistant director regulatory   |
| (28) | <p>The authorisation and appointment of officers (and dog wardens in respect of the council's contracted dog warden service) as are appropriately qualified to discharge the council's executive powers and duties under:</p> <p>Animal Boarding Establishment Act 1963</p> <p>Animal Welfare Act 2006</p> <p>Anti-social Behaviour Act 2003</p> <p>Anti-social Behaviour, Crime and Policing Act 2014</p> <p>Betting Gaming and Lotteries Act 1963</p> <p>Breeding of Dogs Acts 1973 and 1991</p> <p>† Building Act 1984</p> <p>* Caravan Sites Act 1968</p> <p>* Caravan Sites and Control of Development Act 1960 and Mobile Home Act 2013</p> <p>Christmas Day (Trading) Act 2004</p> <p>Civic Amenities Act 1967</p> <p>Clean Air Act 1993</p> <p>† Clean Neighbourhoods and Environment Act 2005</p> <p>Control of Pollution Act 1974</p> <p>Control of Pollution (Amendment) Act 1989</p> <p>† Criminal Justice and Police Act 2001</p> <p>† Criminal Justice and Public Order Act 1994</p> <p>Dangerous Dogs Act 1991</p> <p>Dangerous Wild Animals Act 1976</p> <p>Dogs Act 1871</p> <p>Dogs (Fouling of Land) Act 1996</p> <p>Dogs (Protection of Livestock) Act 1953</p> <p>Energy Act 2013</p> <p>Environment Act 1995</p> <p>Environmental Protection Act 1990</p> | <p>assistant director regulatory</p> <p>Note:</p> <p>* assistant director individuals and families</p> <p>† assistant director regulatory and assistant director individuals and families</p> |

|  |  |
|--|--|
| <p>European Communities Act 1972</p> <p>Food and Environment Protection Act 1985</p> <p>Food Safety Act 1990</p> <p>Game Act 1831</p> <p>Game Licensing Act 1860</p> <p>Gaming Act 1968</p> <p>Health Act 2006</p> <p>Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and Amendments</p> <p>House to House Collections Act 1939</p> <p>* Housing Acts 1985, 1988, 1996 and 2004</p> <p>* Housing Grants Construction and Regeneration Act 1996</p> <p>Hypnotism Act 1952</p> <p>Land Drainage Act 1991</p> <p>† Local Government Acts 1982 and 2003</p> <p>* Local Government and Housing Act 1989</p> <p>† Local Government (Miscellaneous Provisions) Acts 1976 and 1982</p> <p>Lotteries and Amusements Act 1976</p> <p>National Assistance Act 1948</p> <p>Noise Act 1996</p> <p>Noise and Statutory Nuisance Act 1993</p> <p>Pet Animals Act 1951</p> <p>Poisons Act 1972</p> <p>Police, Factories, &amp; c (Miscellaneous Provisions) Act 1916</p> <p>Pollution Prevention and Control Act 1999</p> <p>† Prevention of Damage by Pests Act 1949</p> <p>Products of Animal Origin (Import and Export) Regulations 1996</p> <p>* Protection from Eviction Act 1977</p> <p>† Public Health Acts 1936 and 1961</p> <p>† Public Health (Control of Disease) Act 1984</p> <p>Public Health Acts Amendment Act 1907</p> <p>Refuse Disposal (Amenity) Act 1978</p> <p>Riding Establishments Act 1964 and 1970</p> <p>Road Traffic Regulation Act 1984</p> |  |
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|------|---|--|
|      | <p>Scrap Metal Dealers Act 2013</p> <p>Sunbeds (Regulation) Act 2010</p> <p>Sunday Trading Act 1994</p> <p>Town Police Clauses Act 1847 (as extended by the Public Health Act 1875 and Transport Act 1985)</p> <p>Vehicles (Crime) Act 2001</p> <p>Water Act 1989</p> <p>Water Industry Act 1991</p> <p>Zoo Licensing Act 1981</p> <p>† Any orders or regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972 and any modification or re-enactment of any of the foregoing.</p> |  |
| (29) | The determination of applications for consent in respect of large shops in accordance with section 2 of Schedule 3 (2) to the Sunday Trading Act 1994.  | assistant director regulatory  |
| (30) | Action under section 33 of the Local Government (Miscellaneous Provisions) Act 1976, as amended, for restoration or continuation of supply of water, gas or electricity.  | assistant director regulatory  |
| (31) | <p>The authorisation of appointment of proper officers under the provisions of the:</p> <p>(a) National Assistance Act 1948 (as amended 1951)</p> <p>(b) Public Health (Control of Disease) Act 1984</p> <p>(c) Public Health (Infectious Diseases) Regulations 1988.</p>   | <p>assistant director regulatory</p> <p>and</p> <p>assistant director regulatory and assistant director individuals and families</p> |

|      |   |  |
|------|---|--|
| (32) | To institute proceedings to prosecute under the provisions of the Clean Neighbourhoods and Environment Act 2005, the Noise Act 2006, the Anti-social Behaviour Act 2003 and the Control of Pollution (Amendment) Act 1989.  | assistant director regulatory in consultation with the portfolio holder for environmental excellence   |
| (33) | The exercise of all the council's functions under part IV of the Environment Act 1995.  | assistant director regulatory  |
| (34) | Development of terms and conditions of the Broadland Community Renewables Scheme.   | assistant director regulatory in consultation with the portfolio holder for environmental excellence   |
| (35) | To exercise all the council's functions, including where appropriate the authorisation of officers and the closure of premises used for unauthorised alcohol sales under the Criminal Justice and Police Act 2001.  | assistant director regulatory  |
| (36) | To exercise all the council's functions, including where appropriate the authorisation of officers under the Police, Factories & c (Miscellaneous Provisions) Act 1916.   | assistant director regulatory  |
| (37) | To exercise all the council's functions, including where appropriate the authorisation of officers under the Protection from Eviction Act 1977.   | assistant director individuals and families  |
| (38) | To exercise the council's functions in respect of the management of land held by the council within the responsibilities of housing and environmental services  | assistant director regulatory and assistant director individuals and families  |
| (39) | <p>Under Part 1 of the Business &amp; Planning Act 2020:</p> <ul style="list-style-type: none"> <li>to decide whether to approve, refuse or revoke temporary pavement licences and set their durations;</li> <li>to decide which licence conditions are attached to each licence</li> </ul> | <p>Licensing &amp; Enforcement Officers</p> <p>Senior Environmental Health Officer (Licensing)</p> <p>Food, Safety and Licensing Team Manager</p> <p>Assistant Director Regulatory</p> <p>Director for Place</p> |

|  |   |  |
|--|---|--|
|  | <ul style="list-style-type: none"> <li>to enforce licence conditions and to vary or revoke individual licences</li> </ul> | <p>Senior Environmental Health Officer (Licensing)</p> <p>Food, Safety and Licensing Team Manager</p> <p>Assistant Director Regulatory</p> <p>Director for Place</p> |
|--|---|--|

## **11. Transformation and organisational development – responsibilities of portfolio holder**

### **11.1 Terms of reference**

To develop opportunities for collaborative and partnership working. The exercise of the council's human resources responsibilities

### **11.2**

- (1) The responsibility for developing opportunities for collaborative and joint working initiatives.
- (2) To progress the transformation project with South Norfolk Council.
- (3) The management and development of the council's human resources.
- (4) Oversight of the whistleblowing policy.
- (5) Equalities and diversity.
- (6) Corporate health and safety.
- (7) Elected member development.
- (8) Data protection and Freedom of Information.
- (9) The provision and management of office and staff accommodation, furniture, office and information technology equipment.

### **11.3 The following responsibilities are delegated to officers**

| <b>Responsibility</b> |  | <b>Delegated to</b>                 |
|-----------------------|--|-------------------------------------|
| (1)                   | Where their insurance cover allows authorisation of the use by members of staff of their vehicles on council business on a casual user mileage allowance basis.  | all assistant directors             |
| (2)                   | To authorise staff to engage in additional employment, provided he is satisfied such employment or activities will not adversely affect the interest or reputation of the council.   | managing director and all directors |
| (3)                   | To take such action as he considers appropriate with regard to management development, manpower planning, staff training and other personnel matters and the implementation and interpretation of national agreements or awards relating to general conditions of service. | managing director                   |
| (4)                   | To take actions necessary to implement the council's equalities policies.  | assistant director chief of staff   |

|      |   |   |
|------|---|---|
| (5)  | To pay all salaries, wages and allowances to employees and to interpret and implement any local and national agreements or awards.  | Chief of Staff  |
| (6)  | To respond to requests under the Freedom of Information Act 2000, the Data Protection Act 2018, the Environmental Information Regulations 1992 and the Re-use of Public Sector Information Regulations 2005.  | Chief of Staff  |
| (7)  | To determine any appeals under the council's complaints scheme against the council's failure to provide information under the Freedom of Information Act 2000, the Data Protection Act 2018, the Environmental Information Regulations 1992 and the Re-use of Public Sector Information Regulations 2005. | Chief of Staff  |
| (8)  | To deal with the allocation and re-arrangement (including physical alterations) of space and ancillary accommodation at the council's offices and any other general-purpose building occupied by the council  | Assistant Director Transformation & ICT/Digital         |
| (9)  | To deal with the allocation and re-arrangement (including physical alterations) of space and ancillary accommodation at the council's offices and any other general purpose building occupied by the council.   | Chief of Staff  |
| (10) | The authorisation of members and officers to travel abroad on council business and the approval of expenses in respect thereof.   | managing director and assistant director Chief of Staff |

## **12. Non-executive functions – delegation of powers to officers**

### **12.1 Managing director**

- (1) To be the proper officer of the council for any function or the provisions of any legislation, where no other officer is appointed to be the proper officer.
- (2) To be the returning officer for district and parish council elections.
- (3) To be the registration officer for the purposes of section 8 of the Representation of the People Act, 1983.
- (4) To be the Acting Returning Officer for Parliamentary Elections.
- (5) To be the Local Returning Officer for European Elections.
- (6) To be the Counting Officer for Neighbourhood Planning Referenda.
- (7) To be head of the paid service.
- (8) The powers of the managing director can be exercised in his absence, or when he is not otherwise available, by any director.



- (9) To calculate any changes in the political balance on existing committees and sub-committees which may be required after the start of each municipal year and any subsequent changes following changes in the composition of the council during the municipal year.
- (10) To implement the changes arising from the re-allocation of seats to political groups including, in accordance with the wishes of the group leaders, the appointment of members to fill the seats on committees and sub-committees, and to report all such calculations and changes effected immediately to group leaders and in the Members' Bulletin.

## 12.2 **Assistant Director Planning**

- (1) To exercise all the Council's functions relating to planning (including without limitation trees, advertisement, listed buildings, conservation areas and planning enforcement) save for the following exceptions:
  - Applications contrary to the provisions of an approved or draft Development Plan (post deposit stage) which it is intended to approve
  - Applications which a Member requests is determined by Planning Committee provided the request is made in writing within 21 days of the details of the application being made available
  - Applications submitted by Members, Officers or persons related to them (by birth or otherwise) to which an objection has been made
  - Compulsory Purchase Orders
  - Revocation orders or discontinuance orders under sections 97 and 102 of the Town and Country Planning Act 1990
  - Matters which the assistant director planning considers should be determined by Members as being in the public interest.
- (2) To allow proposals contrary to policy to be approved where they relate to the change of use of agricultural land to residential curtilage.
- (3) To refer applications to Committee where the proposal has potential to generate employment, but the recommendation is for refusal or the proposal has potential to result in the loss of employment, but the recommendation is for approval.

### 12.3 **Director Place**

- (1) To manage all the council's enforcement functions under any of the relevant statutory provisions of the council in relation to the legislation listed in paragraph 19.31 (28) including but not exclusively: powers of entry, evidence gathering, the issue, suspension and revocation of permits, registrations, orders, declarations, licences (except where the applicant is a member or employee of the council or anywhere there is public advertisement of the proposal or application and objection to such proposal or application is made and not withdrawn).
- (2) The administration of cautions in accordance with the relevant Home Office circular for offences under any legislation falling within the remit of Environmental Services.
- (3) To be the proper officer for section 47 of the National Assistance Act 1948.
- (4) To manage all the council's functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the council's capacity as an employer.
- (5) The authorisation and appointment of officers as are appropriately qualified to discharge the council's non-executive powers and duties under the legislation.
- (6) To set fees when appropriate under the Gambling Act 2005.
- (7) To designate officers as authorised persons for the purposes of Section 304 of the Gambling Act 2005.
- (8) To discharge the functions of the council under the Licensing Act 2003 and the Gambling Act 2005 that have not been reserved to the council or delegated to the licensing & regulatory committee.

## Part 6 – The Full Council

### 1. Full Council

*This section explains those functions reserved for council decision. This is done to make clear what authority the council has in relation to other parts of the constitution.*

#### 1.1. Meanings

- (1) **Policy framework.** The policy framework means the council's vision, aims and ambitions and plans, policies and strategies covering the following areas:
  - Anti fraud, corruption and money laundering
  - Children and young people
  - Crime and disorder
  - Development planning
  - Licensing
  - Sustainable Community
  - Community Safety
  - Equalities
  - Economic development and tourism
  - Housing including
    - Housing strategy
    - Private sector housing policy
    - Homelessness prevention strategy
    - Empty homes strategy
  - Capital Strategy
  - Broadland Council Plan
  - all plans and strategies which the cabinet refers to the council for adoption
- (2) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the council's borrowing requirement and the control of its capital expenditure.
- (3) **Housing land transfer.** Housing land transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

## **1.2. Functions of the full council**

- (1) Only the council will exercise the following functions:
  - (a) adopting and changing the constitution;
  - (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer;
  - (c) subject to the urgency procedure contained in the access to information procedure rules in part 14 of this constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
  - (d) appointing the chairman;
  - (e) appointing the leader;
  - (f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
  - (g) appointing representatives to outside organisations unless the appointment is an executive function or has been delegated by the council;
  - (h) adopting an allowances scheme under part 4;
  - (i) changing the name of the area;
  - (j) confirming the appointment of the proper officer head of paid service, section 151 officer and monitoring officer;
  - (k) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal bills;
  - (l) all local choice functions set out in part 5 of this constitution which the council decides should be undertaken by itself rather than the executive;
  - (m) represent the views of the local community on matters of significance and
  - (n) all other matters which, by law, must be reserved to council.

## **1.3. Council meetings**

- (1) There are three types of council meeting:
  - (a) the annual meeting;
  - (b) ordinary meeting and
  - (c) extraordinary meeting and they will be conducted in accordance with the council procedure rules in part 6 of this constitution.

#### 1.4. Responsibility for functions

- (1) The council will maintain the tables in part 5 of this constitution setting out the responsibilities for the council's functions which are not the responsibility of the executive.

## 2. Chairing the council

#### 2.1. Role and function of the chairman

- (1) The chairman of the council and in his absence, the vice-chairman, will have the following roles and functions:
  - (a) **Ceremonial role.** The chairman of council is a symbol of the authority, a symbol of an open society and an expression of social cohesion.
  - (b) **Chairing the council meeting.** The chairman will be the person presiding over council meetings.
- (2) The chairman will be elected by the council annually. The chairman will have the following responsibilities:
  - (a) to uphold and promote the purposes of the constitution and to interpret the constitution when necessary;
  - (b) to preside over meetings of the council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
  - (c) to ensure that the council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive or hold committee chairmanships are able to hold the executive and committee chairmen to account;
  - (d) to promote public involvement in the council's activities;
  - (e) to be the conscience of the council and
  - (f) to attend such civic and ceremonial functions as the council and he determines appropriate.

### **3. Council Procedure Rules**

#### **Contents**

##### **Rule**

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2. Ordinary meetings
3. Extraordinary meetings
4. Time and place of meetings
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6. Chairman of meeting
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## **1. Annual meeting of the council**

### **1.1. Timing and business**

In a year when there is an ordinary election of councillors, the annual meeting will take place between 8 and 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.

### **1.2. The annual meeting will:**

- (1) elect a person to preside if the chairman of the council is not present;
- (2) elect the chairman of the council;
- (3) elect the vice-chairman of the council;
- (4) receive declarations of interest under council procedure rule 8;
- (5) receive apologies for absence;
- (6) approve the minutes of the last meeting;
- (7) deal with any matters arising from the minutes;
- (8) deal with any business required by law to be done first;
- (9) receive, in a year of ordinary election, the report of the returning officer on the result of elections;
- (10) deal with any business remaining from the last meeting;
- (11) receive any announcements from the chairman and/or head of paid service;
- (12) elect the leader;
- (13) appoint the overview and scrutiny committee, a standards committee and such other committees as the council considers appropriate – to deal with matters which are neither reserved to the council nor are executive functions (as set out in part 5, table 1 of this constitution);
- (14) agree the scheme of delegation – or such part of it as the constitution determines it is for the council to agree (as set out in part 5 table 3 of this constitution);
- (15) approve a programme of ordinary meetings of the council for the year;
- (16) consider any business set out in the notice convening the meeting;
- (17) answer any questions under council procedure rules 10 and 12;
- (18) consider motions under council procedure rule 13 and
- (19) deal with any matters authorised by the chairman as urgent business.

### **1.3. Selection of councillors on committees and outside bodies**

- (1) At the annual meeting, the council will:
  - (a) decide which committees to establish for the municipal year;
  - (b) decide the size and terms of reference for those committees;

- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) receive nominations of councillors and substitute councillors to serve on committees;
- (e) appoint to those committees councillors and substitutes;
- (f) receive nominations to serve on outside bodies and appoint to those bodies;
- (g) appoint the chairmen and vice chairmen of committees and
- (h) confirm or deny the appointment of the co-opted members of the standards committee.

#### **1.4. Substitute members on committees and working groups**

- (1) Appointed substitute members may attend meetings in that capacity to take the place of the member for whom they are substituting.
- (2) Written notice of substitution must be given to the assistant director Chief of Staff no later than 9 am on the day of the meeting of the intended substitution.
- (3) If the appointed member is present when the meeting begins, the substitution will not have effect for that meeting.
- (4) If the appointed member arrives when the meeting is in progress, the substitution will remain effective. It is not possible to substitute for part of a meeting.
- (5) At the commencement of the meeting the committee officer will inform the meeting of the substitution.
- (6) Cabinet members shall not be appointed as substitutes on the overview and scrutiny committee.
- (7) Meetings of the full council can receive nominations to change named substitutes provided the nomination has been made in writing to the assistant director Chief of Staff at least seven clear working days before the council meeting which is to receive the nomination.

#### **1.5. Substitution Scheme**

- (1) Substitute members may be appointed as follows:

| <b>Committee/Panel</b>   | <b>Substitutes permitted</b>   |
|--|--|
| Audit Committee, Awards Panel, Joint Appointment Panel, Joint Scrutiny Committee, Member Development Panel, Overview and Scrutiny Committee, Planning Committee, Service Improvement & Efficiency Committee, | Substitute members may substitute for any member from the same political group subject to where relevant mandatory training has been taken |



| <b>Committee/Panel</b>  | <b>Substitutes permitted</b>   |
|---|--|
| Economic Success Policy Development Panel, Environmental Excellence Policy Development Panel, Communities Housing and Planning Policy Development Panel                     | Substitutes can be any member from the same political group. No member of the Council's Executive may be a member of, or attend as a substitute member of the Panel. |
| Licensing & Regulatory Hearings (sub Committee) and Appeals Panel (sub Committee)   | Substitutes may be only be drawn from the wider membership of each full Committee  |
| Electoral Arrangements Committee  | Substitutes can be any member from the same political group.   |
| Appeals Panel (full), Emergency Committee, Licensing & Regulatory Committee (full), Performance Management Sub-Committee, Standards Committee, Time and Task Limited Panels | No substitutes permitted   |

### **1.6. Casual vacancies**

- (1) In the event of a casual vacancy arising during the municipal year the political balance on committees and sub-committees will be recalculated.
- (2) In the event of the vacancy arising in the office of chairman of the council, a committee or sub-committee, the vice-chairman shall assume the office of chairman until the next annual meeting.
- (3) In the event of the vacancy arising in the office of leader of the council, an extraordinary meeting of the council will be called to elect the leader.

## **2. Ordinary meetings**

2.1. Ordinary meetings of the council will take place in accordance with a programme decided at the council's annual meeting. Ordinary meetings will:

- (1) elect a member or officer to preside if the chairman and vice chairman are not present;
- (2) receive declarations of interest under council procedure rule 8;
- (3) receive apologies for absence;
- (4) approve the minutes of the last meeting;
- (5) deal with any matters arising from the minutes;
- (6) deal with any business required by law to be done first;
- (7) receive any announcements from the chairman, leader, members of the cabinet or the head of paid service;
- (8) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the council;
- (9) deal with any business from the last council meeting;

- (10) receive reports from the overview and scrutiny committee, the cabinet and the council's other committees and receive questions and answers on any of those reports;
- (11) receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations;
- (12) answer questions under council procedure rules 10 and 12;
- (13) consider motions under council procedure rule 13;
- (14) appoint councillors to serve on committees and outside bodies in place of councillors so appointed at the annual meeting provided the nomination has been made in writing to the assistant director Chief of Staff at least ten working days before the council meeting;
- (15) consider any other business specified in the summons to the meeting, including consideration of proposals from the cabinet in relation to the council's budget and policy framework and reports of the overview and scrutiny committee for debate and
- (16) deal with any matters authorised by the chairman as urgent business.

### **3. Extraordinary meetings**

#### **3.1. Calling extraordinary meetings**

- (1) Those listed below may request the proper officer to call council meetings in addition to ordinary meetings:
  - (a) the council by resolution;
  - (b) the chairman of the council;
  - (c) the monitoring officer and
  - (d) any five members of the council if they have signed a requisition presented to the chairman of the council and he has refused to call a meeting or has failed to call a meeting within five working days of the presentation of the requisition.

#### **3.2. Business**

- (1) Any request for an extraordinary meeting must specify the business to be dealt with. No other business can be considered at the extraordinary meeting.

### **4. Time and place of meetings**

- 4.1. The time and place of meetings will be determined by the proper officer and notified in the summons.

## **5. Notice of and summons to meetings**

- 5.1. The proper officer will give notice to the public of the time and place of any meeting in accordance with the access to information procedure rules in part 14 of this constitution.
- 5.2. At least five clear working days before a meeting, the proper officer will send a summons signed by him by post to every member of the council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by all reports to be considered at the meeting.
- 5.3. In exceptional cases as determined by the proper officer reports may be circulated at a later date.

## **6. Chairman of meeting**

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

## **7. Quorum**

- 7.1. The quorum of a meeting will be one third of the whole number of members (rounded up to the nearest whole number), with a minimum of three members.
- 7.2. The quorum for the planning committee will be one half of the membership rounded up to the nearest whole number.
- 7.3. The quorum of any three member committee, panel or sub-committee shall be three members.
- 7.4. During any meeting if the chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **8. Interests to be declared at meetings**

- 8.1. Except as provided otherwise in the members' code of conduct contained in part five of this constitution, as soon as possible at the beginning of a meeting, or as soon as it becomes apparent in the meeting, members of the council or of the cabinet, a committee, a sub-committee, a joint committee, a joint sub-committee or area committee, must declare the existence and nature of any disclosable pecuniary interest, non disclosable pecuniary interest or non pecuniary interest in the business to be discussed.
- 8.2. If the interest is also a pecuniary interest the member must leave the room in which the meeting is being held whilst the business is being considered, unless:
  - (1) the member attends the meeting for the purpose of making representations, answering questions or giving evidence relating to the business and leaves immediately after doing so; or
  - (2) the member has been granted a dispensation by the monitoring officer.

8.3. A member who has disclosed an interest must notify the chairman immediately before leaving the meeting.

## **9. Duration of meeting**

9.1. The duration of meetings will be at the discretion of the chairman.

## **10. Questions from the public**

### **10.1. General**

Members of the public may ask questions of members of the cabinet, the leader of the council and any chairman of a committee at the annual general meeting and at ordinary meetings of the council but not at extraordinary meetings.

### **10.2. Order of questions**

Questions will be asked in the order notice of them was received, except that the chairman may group together similar questions.

### **10.3. Notice of questions**

- (1) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than midday five working days before the day of the meeting.
- (2) Each question must give the name and address of the questioner and must name the member of the council to whom it is to be put.

### **10.4. Number of questions**

- (1) At any one meeting no person may submit more than three questions and no more than three such questions may be asked on behalf of one organisation.
- (2) The time allowed for public questions shall be 30 minutes unless the chairman rules otherwise.

### **10.5. Scope of questions**

The proper officer may reject a question if it:

- (a) is not about a matter for which the local authority has a responsibility or which affects the local authority area;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the council in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

### **10.6. Record of questions**

- (1) The proper officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.
- (2) Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

**10.7. Asking the question at the meeting**

- (1) The chairman will invite the questioner to put the question to the member named in the notice.
- (2) If a questioner who has submitted a written question is unable to be present, the chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with at the meeting.

**10.8. Supplementary question**

- (1) A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his original question. A supplementary question must arise directly out of the original question or the reply.
- (2) The chairman may reject a supplementary question on any of the grounds in rule 10.5 above.

**10.9. Written answers**

Any question, which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the questioner or of the member to whom it was to be put, will be dealt with by a written answer.

**10.10. Reference of question to the cabinet or a committee**

Unless the chairman decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

**11. Public speaking and attendance at council meetings**

- 11.1. Members of the public may speak at council meetings on any matter on the agenda for the meeting excluding the minutes of previous meetings.
- 11.2. Speakers must advise the assistant director Chief of Staff of their wish to speak two clear working days before the council meeting.
- 11.3. If the quota for public speaking meeting / agenda item is reached, members of the public and Members will be advised and offered ways to exercise their the right to speak, including through written representation or by joining the meeting remotely via a video link, where available.
- 11.4. The time allowed for public speakers will be fifteen minutes. Each speaker may speak for three minutes only. The chairman has the discretion to extend these periods in special circumstances.

## **12. Questions by members**

### **12.1. On reports of the cabinet or committees**

A member of the council may ask the leader, or a chairman of a committee, any question without notice upon an item of the report of the cabinet or a committee when that item is being received or under consideration by the council.

In addition to the above, whilst social distancing restrictions are in place, members who wish to physically attend committee meetings in order to speak or observe will be required to advise the Democratic Services Team two clear working days before the meeting.

### **12.2. Questions on notice at full council**

Subject to rule 12.4, a member of the council may ask:

- (a) the chairman;
- (b) a member of the cabinet;
- (c) the leader; or
- (d) the chairman of any committee or sub-committee

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

### **12.3. Questions on notice at committees and sub-committees**

Subject to rule 12.4, a member of a committee or sub-committee may ask the chairman of it a question on any matter in relation to which the council has powers or duties or which affect Broadland and which falls within the terms of reference of that committee or sub-committee.

### **12.4. Notice of questions**

A member may only ask a question under rule 12.2 or 12.3 if either:

- (a) they have given at least five working days notice in writing of the question to the proper officer; or
- (b) the question relates to urgent matters, they have the consent of the chairman to whom the question is to be put and the content of the question is given to the proper officer by midday on the last working day before the meeting.

### **12.5. Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

#### **12.6. Supplementary question**

- (1) A member asking a question under rule 12.2 or 12.3 may ask one supplementary question without notice of the member to whom the first question was asked.
- (2) The supplementary question must arise directly out of the original question or the reply.

#### **12.7. Time limits**

- (1) The time available to the questioner will be two minutes initially with one minute allowed for a supplementary question.
- (2) The respondent shall have five minutes initially to reply and two minutes to reply to a supplementary question.

### **13. Motions on notice**

#### **13.1. Notice**

- (1) Except for motions which can be moved without notice under rule 14, written notice of every motion, signed by at least two members and stating the date of the council meeting to which the motion is to be submitted, must be delivered to the assistant director Chief of Staff not later than seven clear working days before the date of the meeting.
- (2) On receipt, the notice will be dated, numbered and entered in a book which anyone can inspect.

#### **13.2. Motion set out in agenda**

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

#### **13.3. Scope**

Motions must be about matters for which the council has a responsibility or which affect Broadland.

### **14. Motions without notice**

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business on the agenda;
- (d) to refer something to an appropriate body or individual (provided that this does not apply to a reference back to cabinet of a resolved matter, except in accordance with the overview and scrutiny procedure rules in part 8 of this constitution);
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;

- (g) to withdraw a motion;
- (h) to amend a motion (other than one made under rule 13.1);
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular council procedure rule;
- (n) to exclude the public and press in accordance with the access to information procedure rules;
- (o) to not hear further a member named under rule 21.3 or to adjourn the meeting under rule 21.4;
- (p) to give the consent of the council where its consent is required by this constitution and
- (q) to record the council's appreciation or condolence

## **15. Rules of debate**

### **15.1. No speeches until motion seconded**

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

### **15.2. Right to require motion in writing**

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

### **15.3. Secunder's speech**

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

### **15.4. Content and length of speeches**

- (1) Speeches must be directed to the question under discussion or to a personal explanation or point of order.
- (2) The speech made by the proposer of any motion or amendment after it has been moved and seconded must not last longer than five minutes. Other speeches must not last longer than three minutes.

### **15.5. When a member may speak again**

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

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he last spoke;



- (c) if his first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order and
- (f) by way of personal explanation.

#### 15.6. **Amendments to motions**

- (1) An amendment may be moved to a motion under rule 13.1 prior to its referral to committee but only after:
  - (a) notice of the amendment is given in writing to the assistant director Chief of Staff by 4pm on the last working day before the day of the meeting and
  - (b) that notice gives the names of a proposer and seconder.
- (2) Copies of the notice of amendment will be made available to every member present at the council meeting. The amendment may be moved at the council meeting by either the proposer or his seconder, or by other members acting on their behalf.
- (3) An amendment to all other motions (excluding procedural motions under rule 15.10) must be relevant to the motion and will either be:
  - (a) to refer the matter to an appropriate body or individual for consideration or reconsideration (provided that this does not apply to a reference back to cabinet of a resolved matter, except in accordance with the overview and scrutiny procedure rules in part 4 of this constitution);
  - (b) to leave out words;
  - (c) to leave out words and insert or add others; or
  - (d) to insert or add words.

as long as the effect of (a) to (d) is not to negate the motion.
- (4) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (5) If an amendment is not carried, other amendments to the original motion may be moved.
- (6) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (7) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### 15.7. **Alteration of motion**

- (1) A member may alter a motion of which he has given notice with the consent of the meeting. The meeting's consent will be signified

without discussion.

- (2) A member may alter a motion, which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (3) Only alterations, which could be made as an amendment, may be made.

**15.8. Withdrawal of motion**

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

**15.9. Right of reply**

- (1) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (2) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (3) The mover of the amendment has the final right of reply to the debate on his amendment.

**15.10. Motions which may be moved during debate including closure motions**

- (1) When a motion is under debate, no other motion may be moved except the following procedural motions which must be duly seconded. No amendment may be moved to a procedural motion.
  - (a) to withdraw a motion;
  - (b) to amend a motion;
  - (c) to move to the next item of business on the agenda;
  - (d) to put the question being discussed to the vote immediately;
  - (e) to adjourn the debate;
  - (f) to adjourn the meeting;
  - (g) to exclude the public and press in accordance with the access to information procedure rules;
  - (h) to not hear further a member named under rule 21.3 or to adjourn the meeting under rule 21.4 and
  - (i) to give the agreement of the council where it is required by these rules.
- (2) If a motion to proceed to next business is seconded and the chairman thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

- (3) If a motion that the question be now put is seconded and the chairman thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.
- (4) If a motion to adjourn the debate or to adjourn the meeting is seconded and the chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

**15.11. Point of order**

- (1) A point of order is a request to the chairman for a ruling on any illegality or irregularity in the constitution or conduct of the meeting.
- (2) A member may raise a point of order at any time. The chairman will hear them immediately.
- (3) A point of order may only relate to an alleged breach of these council procedure rules or the law. The member must indicate the rule or law and the way in which he considers it has been broken.
- (4) The ruling of the chairman on the matter will be final.

**15.12. Personal explanation**

- (1) A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member, which may appear to have been misunderstood in the present debate.
- (2) The ruling of the chairman on the admissibility of a personal explanation will be final.

**16. Previous decisions and motions**

**16.1. Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of council within the past six months cannot be moved unless the notice of motion is signed by at least a third of the members (rounded up to the nearest whole number).

**16.2. Motion similar to one previously rejected**

- (1) A motion or amendment in similar terms to one that has been rejected at a meeting of council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least a third of the members (rounded up to the nearest whole number).
- (2) Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **17. Voting**

### **17.1. Majority**

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

### **17.2. Chairman's casting vote**

- (1) If there are equal numbers of votes for and against, the chairman will have a second or casting vote.
- (2) There will be no restriction on how the chairman chooses to exercise his casting vote.

### **17.3. Show of hands**

- (1) Unless a recorded vote is demanded under rule 17.4(1), the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.
- (2) Members voting by show of hands will raise their hand or otherwise indicate clearly and will continue to do so until the vote has been counted.
- (3) The result will be announced by the committee officer whose decision on the votes cast for, against and any abstentions shall be final.

### **17.4. Recording of votes**

- (1) If one sixth rounded up of the members present at the meeting demand it by indicating appropriately, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- (2) A member's vote will only be recorded if he says that he is "for" or "against" the motion, or is abstaining, immediately after his name is called.
- (3) A member at a meeting of the council, a committee, sub-committee or any joint committee of the council and its committees and sub-committees, may request immediately after a vote is taken that his vote for or against a motion or his abstention is recorded in the minutes of the meeting and his vote shall be so recorded in the minutes.
- (4) In accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 a recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the budget or setting of the council tax. As this is a mandatory requirement this Procedural Rule cannot be suspended.

### **17.5. Voting on appointments**

Voting to fill appointments to or by the council will be as follows:

- (a) Single vacancy
  - (i) One candidate – members of the council will be invited to vote for or against the candidate by a show of hands.
  - (ii) Two or more candidates – members of the council will be invited to vote for each candidate by a show of hands. The candidate receiving the highest number of votes will be appointed. In the event of an equality of votes between two or more candidates there will be a further vote between the candidates concerned when the chairman may use his casting vote to determine the matter.
- (b) Two or more vacancies
  - (i) Insufficient number of candidates – where the number of candidates nominated does not exceed the number of vacancies to be filled members of the council will be invited to vote for or against the candidates by a show of hands.
  - (ii) More candidates than there are vacancies – members of the council will be invited to vote for each candidate by a show of hands. Each member may vote for up to as many candidates as there are vacancies. The candidates with the highest number of votes will be appointed until each vacancy is filled.

## **18. Minutes**

### **18.1. Signing the minutes**

- (1) The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record.
- (2) The only part of the minutes that can be discussed is their accuracy.

### **18.2. No requirement to sign minutes of previous meeting at extraordinary meeting**

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

### **18.3. Form of minutes**

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

## **19. Record of attendance**

- 19.1. All members present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of every meeting to assist with the record of attendance and validation of allowances claims.

## **20. Exclusion of public**

- 20.1. Members of the public and press may only be excluded either in accordance with the access to information procedure rules in part 14 of this constitution or rule 23 (disturbance by public).

## **21. Members' conduct**

### **21.1. Indicating to speak**

- (1) A member wishing to speak at full council should signify his wish by indicating appropriately to the chairman.
- (2) When a member speaks at full council he must address the meeting through the chairman.
- (3) If more than one member wishes to speak, the chairman will ask one to speak and the others must remain silent.
- (4) Other members must remain silent whilst a member is speaking unless they wish to make a point of order or a point of personal explanation when they must indicate to the chairman appropriately.
- (5) Members must refer to one another in meetings by their correct title of "chairman" or "councillor".

### **21.2. Chairman calling order**

When the chairman indicates he wishes to speak during a debate, any member speaking at the time must stop. The meeting must be silent.

### **21.3. Member not to be heard further**

- (1) If a member persistently disregards the ruling of the chairman by behaving improperly or offensively or deliberately obstructs business, the chairman may move that the member be not heard further.
- (2) If seconded, the motion will be voted on without discussion and the reasons for the decision will be recorded in the minutes.

### **21.4. Meeting to be adjourned for a specified period**

- (1) If the member continues to behave improperly after such a motion is carried, the chairman may move that the meeting is adjourned for a specified period.
- (2) If seconded, the motion will be voted on without discussion and the reasons for the decision will be recorded in the minutes.

### **21.5. General disturbance**

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

## **22. Recording of meetings**

Any filming or recording of public meetings must be undertaken in full compliance with the protocol adopted by the council for the filming and recording of public meetings.

## **23. Disturbance by public**

### **23.1. Removal of member of the public**

- (1) If a member of the public interrupts proceedings, the chairman will warn the person concerned.
- (2) If they continue to interrupt, the chairman will order their removal from the meeting room.

### **23.2. Clearance of part of meeting room**

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

## **24. Suspension and amendment of council procedure rules**

### **24.1. Suspension**

- (1) Any of these council procedure rules except rules 17.4(3) and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the council are present.
- (2) Suspension can only be for the duration of the meeting and the reasons for the suspension will be recorded in the minutes.

### **24.2. Amendment**

Any motion to add to, vary or revoke these council procedure rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council.

## **25. Application to committees and sub-committees**

25.1. All of the council procedure rules apply to meetings of full council.

25.2. Rules 2.1(1), 7, 8, 12.3, 12.4, 12.5, 12.6, 12.7, 14, 15.1, 15.5, 15.7, 15.8, 15.9, 15.10, 15.11, 17, 18, 19, 20, 21, 22, 23, and 26 apply to meetings of committees and sub-committees with any necessary modifications, meetings of the overview and scrutiny committee and the quorum for any three member panel or committee.

## **26. Interpretation of council procedure rules**

26.1. The chairman's ruling on the interpretation of these rules will be final.

## **Part 7 – The Executive**

### **1. The role of the Executive**

*The executive procedure rules in part 7 of this constitution set out how the executive will operate. These include arrangements for meetings, individual decision making, scheme of delegation and sub-delegation of functions.*

#### **1.1. Role**

- (1) The executive will carry out all of the council's functions, which are not the responsibility of any other part of the council, whether by law or under this constitution.

#### **1.2. Form and composition**

- (1) The executive will consist of the executive leader together with six councillors appointed to the executive by the leader. The leader must appoint six councillors to the executive and must appoint councillors to fill vacancies that occur when any councillor ceases to be a member of the executive before the end of the term of office of the executive leader.

#### **1.3. Leader**

- (1) The leader will be a councillor elected to the position by the council at its annual meeting. The leader will hold office until:
  - (a) he resigns from the office; or
  - (b) he is no longer a councillor; or
  - (c) he is removed from office by resolution of the council; or
  - (d) he is not re-elected at the annual meeting.

#### **1.4. Other executive members**

- (1) The leader will appoint the other executive members including the deputy leader. Only councillors may be appointed to the executive. There may be no co-optees and no deputies or substitutes for executive members. Neither the chairman nor vice chairman of the council may be appointed to the executive and members of the executive (including the leader) may not be members of the overview and scrutiny committee.
- (2) Other executive members shall hold office during the term of office of the leader who appointed them unless before then
  - (a) they resign from office; or
  - (b) they are no longer councillors; or
  - (c) they are removed from office by the leader who must give written notice of any removal to the proper officer. The removal will take effect two working days after receipt of the notice by the proper officer.

#### **1.5. Proceedings of the executive**

- (1) Proceedings of the executive shall take place in accordance with the executive procedure rules set out in part 7 of this constitution.



## **1.6. Responsibility for functions**

- (1) The leader will maintain a list in part 5 of this constitution setting out which individual members of the executive, committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions.

## **2. Executive procedure rules**

### **1. How does the executive operate?**

#### **1.1. Who may make executive decisions?**

- (1) The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the council. In either case, the arrangements may provide for executive functions to be discharged by:
  - (a) the cabinet as a whole;
  - (b) a committee of the cabinet;
  - (c) an individual member of the cabinet;
  - (d) an officer;
  - (e) joint arrangements; or
  - (f) another local authority.

#### **1.2. Sub-delegation of executive functions**

- (1) Where the cabinet, a committee of the cabinet or an individual member of the cabinet is responsible for an executive function, they may delegate further to joint arrangements or an officer.
- (2) Unless the leader directs otherwise, a committee of the cabinet to whom functions have been delegated may delegate further to an officer.
- (3) Even where cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

#### **1.3. The council's scheme of delegation and executive functions**

- (1) The council's scheme of delegation will be subject to adoption by the council and may only be amended by the council. It will contain the details required in part 7, section 1 and set out in part 5 of this constitution.

#### **1.4. Conflicts of interest**

- (1) Where the leader has an interest, whether or not leading to a conflict of interest, this should be dealt with as set out in the council's code of conduct for members in part 4 of this constitution.
- (2) If every member of the cabinet has a conflict of interest this should be dealt with as set out in the council's code of conduct for members in part 4 of this constitution.

- (3) If the exercise of an executive function has been delegated to a committee of the cabinet, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the council's code of conduct for members in part 4 of this constitution.

### **1.5. Cabinet meetings**

- (1) The cabinet will meet at least ten times per year at times to be agreed by the leader. The cabinet shall meet at the council's main offices or another suitable location to be agreed by the leader.
- (2) Meetings will take place in public in accordance with the access to information procedure rules in part 5 of this constitution.

### **1.6. Quorum**

- (1) The quorum for a meeting of the cabinet, or a committee of it, shall be four members of the cabinet (one of whom must be the leader or deputy leader).

### **1.7. How are decisions to be taken by the executive?**

- (1) Executive decisions which have been delegated to the cabinet as a whole will be taken at a meeting convened in accordance with the access to information procedure rules in part 14 of the constitution.
- (2) Where executive decisions are delegated to a committee of the cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the cabinet as a whole.

## **2. How are the cabinet meetings conducted?**

### **2.1. Who presides?**

- (1) If the leader is present he will preside. In his absence, then the deputy leader shall preside.

### **2.2. Who may attend?**

- (1) Attendance at meetings of the cabinet shall be in accordance with the access to information procedure rules in part 14 of this constitution.

### **2.3. What business?**

- (1) At each meeting of the cabinet the following business will be conducted:
  - (a) declarations of interest;
  - (b) consideration of the minutes of the last meeting;
  - (c) matters referred to the cabinet (whether by the overview and scrutiny committee or by the council) for reconsideration by the cabinet in accordance with the provisions contained in the overview and scrutiny procedure rules or the budget and policy framework procedure rules set out in part 14 of this constitution;
  - (d) consideration of reports from the overview and scrutiny

committee and

- (e) matters set out in the agenda for the meeting, which shall indicate which matters are key decisions in accordance with the access to information procedure rules set out in part 14 of this constitution.

- (2) The cabinet shall consider the report of the overview and scrutiny committee and decide what action to take in respect of it. If a recommendation from the overview and scrutiny committee is not accepted by the cabinet the reasons for this shall be recorded in a resolution of the cabinet.

#### **2.4. Consultation**

- (1) All reports to the cabinet from any member of the cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the overview and scrutiny committee and the outcome of that consultation.
- (2) Reports about other matters will set out the details and outcome of consultation as appropriate.
- (3) The level of consultation required will be appropriate to the nature of the matter under consideration.

#### **2.5. Who can put items on the cabinet agenda?**

- (1) The leader will decide upon the schedule for the meetings of the cabinet. He may put on the agenda of any cabinet meeting any matter which he wishes, whether or not authority has been delegated to the cabinet, a committee of it or any member or officer in respect of that matter.
- (2) The proper officer will comply with the leader's requests in this respect.
- (3) Items may be placed on the agenda by any of the following ways:
  - (a) Any member of the cabinet may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the cabinet for consideration. If he receives such a request the proper officer will comply.
  - (b) The proper officer will make sure that an item is placed on the agenda of the next available meeting of the cabinet where the overview and scrutiny committee or the full council have resolved that an item be considered by the cabinet. However, there may only be up to three such items on any one agenda.
  - (c) There will be a standing item on the agenda of each meeting of the cabinet for matters referred by the overview and scrutiny committee. However there may only be up to three such items per cabinet meeting.
  - (d) Any member of the council may ask the leader to put an item on the agenda of a cabinet meeting for consideration and if the leader agrees the item will be considered at the next available meeting of the cabinet. The notice of the meeting will give the

name of the member who asked for the item to be considered. The member will be invited to attend the meeting, whether or not it is a public meeting. However, there may only be up to three such items per cabinet meeting.

- (e) The monitoring officer and/or the chief finance officer may include an item for consideration on the agenda of a cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties.
- (f) In other circumstances, where any two of the head of paid service, monitoring officer and chief finance officer are of the opinion that a meeting of the cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a cabinet meeting. If there is no meeting of the cabinet soon enough to deal with the issue in question, then the person entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

### **3. Non cabinet members and public speaking at cabinet meetings**

- 3.1 Non cabinet members may speak at cabinet meetings on any matter on the agenda for the meeting. Members of the public may speak at cabinet meetings on any matter on the agenda for the meeting excluding the minutes of previous meetings.
- 3.2 Public speakers must advise the assistant director Chief of Staff of their wish to speak two clear working days before the cabinet meeting.
- 3.3 The time allowed for speakers will be fifteen minutes for non cabinet members and fifteen minutes for public speakers. Each speaker may speak for three minutes only. The chairman has the discretion to extend these periods in special circumstances.
- 3.4 At the discretion of the person chairing the cabinet meeting members may be permitted to speak on items on the agenda without complying with this rule.

## Part 8 – Overview & Scrutiny

### 1. The role of the Overview & Scrutiny

#### 1.1 Introduction

- (1) The overview and scrutiny function is central to the council's constitution. Overview and scrutiny meets in public to discuss and make recommendations on the development of policies and to hold the cabinet to account for their actions. Overview and scrutiny has a key role in considering other matters of local concern and may be proactive in ensuring the well being of Broadland District Council's residents.
- (2) The responsibility for successful overview and scrutiny rests with all members and is embedded throughout the council's operations.

#### 1.2 Arrangements for overview and scrutiny

- (1) The organisational structure for the overview and scrutiny function is as follows:

| Body                            | Role  |
|---------------------------------|---|
| Council                         | <ul style="list-style-type: none"><li>• Decides the arrangements for overview and scrutiny.</li><li>• Establishes and appoints policy development panels.</li><li>• Sets the council's developmental work programme and allocates resources.</li><li>• Receives reports from the overview and scrutiny committee and policy development panels.</li><li>• Deals with call ins referred from the overview and scrutiny committee.</li><li>• Commissions work by the overview and scrutiny committee and policy development panels.</li><li>• Monitors the effectiveness of the overview and scrutiny function.</li></ul> |
| Overview and Scrutiny Committee | <ul style="list-style-type: none"><li>• Develops the overview and scrutiny work plan.</li><li>• Allocates work between policy development panels, time and task limited panels and sub-committees.</li><li>• Monitors the performance of the council and the cabinet through scrutiny of decisions taken.</li><li>• Service reviews.</li><li>• Calls in for scrutiny executive decisions and key decisions by officers.</li><li>• Establishes time and task limited panels and sub-committees to undertake work.</li></ul>  |

|   |  |
|---|--|
|   | <ul style="list-style-type: none"> <li>• Receives reports from policy development panels, time and task limited panels and sub-committees as appropriate.</li> <li>• Responds to Councillor Calls for Action.</li> <li>• Receives periodic reports on resilience matters.</li> </ul>   |
| Policy Development Panels                       | <ul style="list-style-type: none"> <li>• Undertake work allocated by council, cabinet and the overview and scrutiny committee.</li> <li>• Submit reports on policy development matters to council, cabinet and the overview and scrutiny committee.</li> </ul>   |
| Time and Task Limited Panels and Sub-Committees | <ul style="list-style-type: none"> <li>• Undertake work allocated by the overview and scrutiny committee.</li> <li>• Report to the overview and scrutiny committee.</li> </ul>   |
| Cabinet   | <ul style="list-style-type: none"> <li>• Commissions policy development work from the policy development panels.</li> <li>• Receives reports and recommendations from the overview and scrutiny committee and policy development panels as a result of: <ul style="list-style-type: none"> <li>- policy development work;</li> <li>- performance monitoring and</li> <li>- called in decisions (in the case of the overview and scrutiny committee only).</li> </ul> </li> </ul> |
| Policy Development Panels                       | <ul style="list-style-type: none"> <li>• A policy development panel linked to each of the council's ambitions will be appointed to inform and advise portfolio holders on ensuring the council meets its ambitions as set out in the Business Plan</li> </ul>  |

- (2) The composition and procedural rules of the overview and scrutiny committee, policy development panels, time and task limited panels and sub-committees are contained in the overview and scrutiny procedure rules set out in part 8 of the constitution.

### 1.3 General role

- (1) The overview and scrutiny committee and where appointed policy development panels will:
- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions;
  - make reports and/or recommendations to the full council and/or the cabinet and/or any joint committee in connection with the discharge of any functions;
  - consider any matter affecting the area and
  - in the case of the overview and scrutiny committee only,

exercise the right to call in, for reconsideration, decisions made but not yet implemented by the executive.

- (2) Neither the overview and scrutiny committee nor the policy development panels, time and task limited panels or overview and scrutiny sub-committees should scrutinise individual decisions made by the planning, licensing & regulatory, standards and audit committees, or the appeals, awards or the appointments and pay panels

#### 1.4 Specific functions

- (1) **Policy development and review.** The overview and scrutiny committee and policy development panels may:
  - (a) assist the council and the cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
  - (b) conduct research, community and other consultation in carrying out its functions;
  - (c) consider and implement mechanisms to encourage and enhance community participation in the council's work;
  - (d) question members of the cabinet and/or committees and chief officers about their views on issues and proposals affecting the area and
  - (e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (2) **Scrutiny.** The overview and scrutiny committee may:
  - (a) review and scrutinise the decisions made by and performance of the cabinet and/or committees and council officers both in relation to individual decisions and over time;
  - (b) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas;
  - (c) question members of the cabinet and/or committees and officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives, policies or projects;
  - (d) make recommendations to the cabinet and/or appropriate committee and/or council arising from the outcome of the scrutiny process;
  - (e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance;

- (f) to review services delivered to local people regardless if the service is funded by the authority, including third party organisations as well as partnerships;
  - (g) question and gather evidence from any person (with their consent).
- (3) **Finance.** The overview and scrutiny committee will be responsible for the finances made available to it.
- (4) **Annual report.** The overview and scrutiny committee must report annually to the council on its workings and amended working methods if appropriate.
- (5) **Officers.** The overview and scrutiny committee will exercise overall responsibility for the work programme of any officers employed to support its work.

### 1.5 Proceedings of overview and scrutiny committees

- (1) The overview and scrutiny committee, policy development panels, time and task limited panels and sub-committees will conduct proceedings in accordance with the overview and scrutiny procedure rules set out in part 8 of this constitution.



## **2. Overview & Scrutiny procedure rules**

### **1. Overview and scrutiny committee**

- (1) The overview and scrutiny committee shall be politically balanced and shall have a membership within the range of between 10 and 15 members, the final number being the most relevant to reflect the political balance of the council.
- (2) All members, except members of the cabinet, are eligible to be appointed to the overview and scrutiny committee.
- (3) The overview and scrutiny committee will undertake the role allocated to it in part 8 of the constitution.

### **2. Policy development panels**

- (1) The annual council meeting may establish and appoint policy development panels.
- (2) Policy development panels shall be politically balanced and shall have a membership within the range of between 7 and 10 or between 10 and 15 members, the final number being the most relevant to reflect the political balance of the council.
- (3) All members are eligible to be appointed to policy development panels.
- (4) Within their area of responsibility, the policy development panels will undertake the role allocated to them in article 6 of the constitution.

### **3. Time and task limited panels**

- (1) The overview and scrutiny committee may appoint time and task limited panels. Time and task limited panels will not be politically balanced.
- (2) The composition, terms of reference and reporting arrangements of time and task limited panels will be determined by the overview and scrutiny committee and will be consistent with the role of time and task limited panels set out in part 8 of the constitution.
- (3) All members are eligible to be appointed to time and task limited panels.

### **4. Sub-committees**

- (1) The overview and scrutiny committee may appoint sub-committees. Such sub-committees do not need to be politically balanced.
- (2) The composition, terms of reference and reporting arrangements of sub-committees will be determined by the overview and scrutiny committee and will be consistent with the role of sub-committees set out in part 8 of the constitution.
- (3) Only members of the overview and scrutiny committee shall be eligible to be appointed to sub-committees.

## **5. Meetings of the overview and scrutiny committee**

- (1) There shall be at least 10 ordinary meetings of the overview and scrutiny committee in each year provided that a meeting may be cancelled by the proper officer following consultation with the chairman of the overview and scrutiny committee.
- (2) Extraordinary meetings may be called from time to time as and when appropriate. An overview and scrutiny committee meeting may be called by:
  - a. the chairman;
  - b. a majority of members of the committee; or
  - c. the proper officer if he/she considers it necessary or appropriate.

## **6. Quorum**

- (1) The quorum for the overview and scrutiny committee shall be as set out for committees in rule 7 of the council procedure rules in part 6 of this constitution. Currently the quorum is one third of the membership rounded up to the nearest whole number.

## **7. Chairman and vice chairman**

- (1) The chairman and vice chairman of the overview and scrutiny committee can be appointed from any member of the committee.
- (2) In the event that more than one group is represented on the cabinet and the cabinet includes members who do not belong to a political group, then the chairman of the overview and scrutiny committee shall be appointed from the group with the smallest representation on the cabinet (members who do not belong to a political group being treated as a group for the purpose of determining the group with the smallest representation) and the vice chairman will be appointed from the group with the next smallest representation on the cabinet.

## **8. Work programme**

- (1) The Overview and Scrutiny Committee is responsible for setting its own work programme. The work programme must provide for the review and scrutiny of the crime and disorder reduction partnership at least once in every twelve month period. The timetable for production of the work programme is as follows:
- (2) The council may make amendments to the work programme only on the following grounds:
  - previous consideration of the item by overview and scrutiny in the last 12 months;
  - the item is not within the role of overview and scrutiny as set out in part 8 of this constitution; or
  - it cannot be achieved within the resources available.

## 9. Agenda items

- (1) Any member of the Council or the public can raise an item for inclusion in the Work Programme either at a committee meeting or with an officer.
- (2) The proposed item is then considered by the requester and the Strategic Advisor & DMO, together with any potential report author, to ensure it meets the criteria to be added to the Work Programme, using the TOPIC analysis:

*T Is this the right time to review this issue and is there sufficient officer time and resource to conduct the review? What is the timescale?*

*O What is the reason for review; do officers have a clear objective?*

*P Can performance in this area be improved by input from Overview and Scrutiny?*

*I Is there sufficient public interest in this topic to achieve a real difference?*

*C Will the review assist the Council achieve its Corporate Priorities?*

- (3) If the request is deemed to be necessary and justified, the Strategic Advisor & DMO will meet with the Chairman of the Overview and Scrutiny Committee to agree objectives and a timescale for the item to be added to the Work Programme.
- (4) The overview and scrutiny committee shall respond, as soon as its work programme permits, to requests from the council and the cabinet, to review particular areas of council activity. Where it does so, the committee shall report its findings and any recommendations back to the cabinet and/or the council. The cabinet and/or the council shall consider the report at its next available meeting.

## 10. Policy review and development

- (1) The role of the overview and scrutiny committee in relation to the development of the council's budget and policy framework is set out in detail in part 8 and the budget and policy framework procedure rules in part 14 of this constitution.
- (2) The committee may:

1. go on site visits;
  2. conduct public surveys;
  3. hold public meetings;
  4. commission research;
  5. hold informal meetings with members and officers
  6. receive presentations and
  7. do all other things that it reasonably considers necessary to inform its deliberations.
- (3) The committee may ask witnesses to attend to address it and answer questions on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for so doing.
- (4) The committee takes responsibility for developing criteria based on social, economic, and environmental considerations for accepting expressions of interests under Community Right to Challenge. Any methodology produced would need to be endorsed by the cabinet for council approval. Additionally the committee could take responsibility for monitoring any service then delivered by charities/mutuals/voluntary groups.

#### **11. Reports from the overview and scrutiny committee.**

- (1) The overview and scrutiny committee will prepare a formal report on each of its pieces of work and submit it to the proper officer for consideration by:
1. the cabinet (if the proposals are consistent with the existing budgetary and policy framework); or
  2. the council as appropriate (eg if the recommendation would require a departure from, or a change to, the agreed budget and policy framework).
- (2) Any reports and recommendations made by the overview and scrutiny committee will include any dissenting views.
- (3) The council or cabinet shall consider the report of the overview and scrutiny committee at the next available meeting and decide what action to take in respect of it. If a recommendation from the overview and scrutiny committee is not accepted by the council or cabinet the reasons for this shall be recorded in a resolution of the council or cabinet.

#### **12. Access to information**

- (1) In addition to their rights as councillors, members of the overview and scrutiny committee have the additional rights to documents and to notice of meetings contained in the access to information procedure rules in part 14 of this constitution.
- (2) Nothing in this paragraph prevents more detailed liaison between the cabinet and the overview and scrutiny committee, as appropriate, depending on the particular matter under consideration.

### **13. Members and officers giving account**

- (1) Subject to section 1.4 (2) of part 8 of this constitution, the overview and scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions.
- (2) As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the cabinet, the head of paid service and/or any senior officer to attend before it to assist in the scrutiny process.
- (3) Where any member or officer is required to attend the overview and scrutiny committee under this provision, the chairman of the committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least five clear 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 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.
- (4) Where the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance to take place.

### **14. Attendance by others**

- (1) The overview and scrutiny committee may invite people other than those people referred to in 13 (3) above to address it, discuss issues of local concern and/or answer questions. It may hear from residents, stakeholders, members and officers in other parts of the public sector and may invite such people to attend. Attendance is entirely optional.

### **15. Call in**

- (1) Call in applies to the following:
  1. a cabinet decision;
  2. a portfolio holder decision;
  3. a decision by a committee of the executive and
  4. a key decision (as defined in section 2 (1.2) of part 5 of this constitution) made by an officer.
- (2) The decision shall be sent to all members of the council and be available at the main offices of the council normally within five working days of being made.
- (3) Notice of the decision will state the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of five working days after the publication of the decision, unless the overview and scrutiny committee objects to it and calls it in.

- (4) During that period, the proper officer shall call in a decision for scrutiny by the overview and scrutiny committee if so requested by
- the chairman or
  - any three members of the overview and scrutiny committee.
- (5) The request for call in must contain the detailed reasons why the decision has been called in to enable the decision maker to prepare for scrutiny of the decision
- (6) The proper officer will inform all members, directors and assistant directors of the call in and either:
1. refer the decision for consideration to the next available meeting of the overview and scrutiny committee; or
  2. call a special meeting of the overview and scrutiny committee.
- (7) If, having considered the decision, the overview and scrutiny committee is still concerned about it, then it may:
1. refer it back to the decision making person or body for reconsideration; or
  2. refer the matter to the next available meeting of the full council provided that the committee consider that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget, setting out in either case the nature of its concerns and the reason for them.
- (8) If the matter is referred to the decision maker, they shall then consider amending the decision or not, before adopting a final decision.
- (9) If the overview and scrutiny committee does not meet as set out above in (6) or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the overview and scrutiny committee meeting.
- (10) If the matter was referred to full council and the council does not object to the decision, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the council does object, the council will refer the decision back to the decision making person or body, together with the council's views on the decision. The decision making person or body shall consider whether to amend the decision or not before reaching a final decision and implementing it.
- (11) If the council does not meet, as set out above in (6) or does meet but does not refer the matter back to the decision making person or body the decision shall take effect on the date of the council meeting.
- (12) Once the decision making person or body has reconsidered the matter following call in, no further call in of that matter will be allowed.

- (13) In order to ensure that call in is not abused nor causes unreasonable delay, decisions on a particular subject may not be called in more than once in any six month period.

### **Call in and urgency**

- (1) The call in procedure set out above shall not apply where the decision being taken by the cabinet is urgent.
- (2) 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.
- (3) The chairman of the council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- (4) In the absence of the chairman, the vice-chairman's consent shall be required. In the absence of both, the head of paid service or his nominee's consent shall be required.
- (5) Decisions taken as a matter of urgency must be reported to the next available meeting of the council, together with the reasons for urgency.
- (6) The operation of the provisions relating to call in and urgency shall be monitored annually and a report submitted to council with proposals for review if necessary.

### **16. The party whip**

- (1) The council views the use of the party whip as incompatible with overview and scrutiny. The "party whip" means "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 speak or vote in any particular manner."

### **17. Procedure at overview and scrutiny committee meetings**

- (1) The overview and scrutiny committee shall consider the following business:
  1. declarations of interest;
  2. apologies for absence;
  3. minutes of the last meeting;
  4. matters arising from the minutes;
  5. consideration of any matter referred to the committee for a decision in relation to call in of a decision;
  6. responses of the cabinet to reports of the committee;
  7. the committee's work programme and
  8. the business otherwise set out on the agenda for the meeting.

## **18. Councillor Call for Action**

- (1) In responding to a Councillor Call for Action the overview and scrutiny committee will follow the Councillor Call for Action Protocol.

## **19. Investigations**

- (1) The overview and scrutiny committee may ask people to attend to give evidence at committee. The giving of evidence should be conducted in accordance with the following principles:
  1. the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees and to contribute and speak;
  2. those assisting the committee by giving evidence be treated with respect and courtesy and
  3. the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (2) Following any investigation the committee shall prepare a report for submission to the cabinet and/or council as appropriate and shall make its report and findings public.

## **20. Public Speaking**

- (1) Members of the public may speak at overview and scrutiny committee meetings on any matter on the agenda for the meeting excluding the minutes of previous meetings.
- (2) Speakers must advise the assistant director Chief of Staff of their wish to speak two clear working days before the overview and scrutiny committee meeting.
- (3) The time allowed for public speakers will be fifteen minutes. Each speaker may speak for three minutes only. The chairman has the discretion to extend these periods in special circumstances.

## **21. Meetings of policy development panels**

- (1) There shall be at least six ordinary meetings of the policy development panels in each year provided that a meeting may be cancelled by the proper officer following consultation with the chairman of the panel.
- (2) Rules 5, 6, 7, 10, 11, 13, 17 and 19 of these rules shall apply to meetings of policy development panels with any necessary modifications.
- (3) The panels shall consider the following business:
  1. declarations of interest;
  2. apologies for absence;
  3. minutes of the last meeting;
  4. matters arising from the minutes and
  5. the business otherwise set out on the agenda for the meeting.



## **22. Meetings of time and task limited panels and sub-committees**

- (1) Rules 6, 10.2, 10.3, 17 and 19 of these rules shall apply to meetings of time and task limited panels and sub-committees with any necessary modifications.

## **23. Chairman**

- (1) The chairman of time and task limited panels shall be appointed by the panel from among the members of the panel at its first meeting.
- (2) The panel shall consider the following business:
  1. in the absence of the chairman, to appoint a chairman for the meeting;
  2. declarations of interest;
  3. apologies for absence;
  4. minutes of the last meeting;
  5. matters arising from the minutes and
  6. the business otherwise set out on the agenda for the meeting.

## **Part 9 – Regulatory and Other Committees**

### **1. Appeals Panel**

#### **1.1. Power to resolve:**

- (1) To determine whether tree preservation orders to which there are formal objections, should be confirmed.

1.2. The appeals panel for hearing appeals shall comprise a panel of three members one of whom shall normally be the chairman or vice chairman of the panel the remaining two to be appointed from among members of the appeals panel assistant director Chief of Staff being given delegated authority to determine the final composition of the panel from a rota established by the alphabetical order of the surnames of the members of the panel on a case-by-case basis.

### **2. Audit Committee**

#### **1.1. Power to resolve:**

- (1) To review and approve the Annual Statement of Accounts, to ensure that appropriate accounting policies have been followed and whether there are any concerns arising from the financial statements or from the audit which need to be brought to the attention of the Council.
- (2) To review and approve the Annual Governance Report
- (3) To consider annually, the Internal Audit Strategic and Annual Plans in addition to the Plans of the External Auditor and monitor subsequent performance against these plans.
- (4) To consider Internal and External Audit reports and letters.
- (5) To comment on the scope and depth of Internal and External audit work in addressing the Authority's significant risks and reviewing the Authority's programme and processes for achieving value for money.
- (6) To commission ad hoc work from Internal and External Audit.
- (7) To satisfy itself that the system of internal control has operated effectively throughout the year.
- (8) To consider and comment on the effectiveness of the system of Internal and External Audit.
- (9) To review the Council's arrangements to counter fraud and corruption.
- (10) To consider the extent of the Council's compliance with its own and other published financial standards and controls.
- (11) To monitor the effective development and operation of the Risk Management in the Council.
- (12) To make a formal Annual Report on the Committee's work and performance during the year to full Council.
- (13) To assess the Committee's own effectiveness on an annual basis.
- (14) To consider and comment on the formulation of the Council's annual

budget.

### **3. Awards Panel**

1.1. Power to resolve:

- (1) To award the:
  - Broadland Enhancement Award
  - Broadland Green Award and
  - Broadland Design Award

1.2. The awards panel shall comprise between 7 and 10 members.

### **4. Community Grant Scheme**

#### **TERMS OF REFERENCE**

##### **Purpose**

1.1. To consider and make recommendation to the AD Individuals & Families in relation to the awarding of grants from the Community Grant Scheme.

##### **Membership**

1.2. The Panel will consist of five members of the Council and be politically balanced.

1.3. Three must be:

- Portfolio Holder Communities and Housing
- Portfolio Holder Finance
- Leader of the Council

1.4. The two other members will be appointed to achieve political balance.

1.5. The Chair will be the Portfolio Holder Communities and Housing.

1.6. The following officers will also be in attendance:

- Assistant Director Individuals & Families
- Help Hub and Communities Senior Manager OR relevant substitute

##### **Substitutes**

1.7. This is allowed in line with the substitution scheme.

##### **Quorum**

1.8. A minimum of three members (Named or substitutes) must be present to transact any business of the Panel.

##### **Procedures, protocol and public speaking**

1.9. The Chair of the Panel shall be responsible for maintaining order and the effective conduct of business at meetings of the Panel.

- 1.10. Members who have put in applications may attend and speak at the Panel at the discretion of the Chair.
- 1.11. Members of the public may not attend the Panel.

### **Voting**

- 1.12. Voting shall be by a simple majority show of hands. Voting members may request that their votes are recorded.

## **5. Electoral Arrangements Committee**

### **TERMS OF REFERENCE**

#### **Purpose**

- 1.1. To oversee Community Governance Reviews, and in particular:
- to approve Terms of Reference for Community Governance Reviews
  - approve draft proposals for public consultation
  - make recommendations to Council on Community Governance Orders, taking into account any feedback received
- 1.2. To oversee the progression of Boundary Commission Reviews across the District, to include Parliamentary, District and Parish boundaries.
- 1.3. To oversee the statutory review of Polling Districts and Polling Places in relation to Parliamentary, District and Parish elections.

#### **Membership**

- 1.4. The Committee shall have a membership of 10 members.

#### **Quorum**

- 1.5. The minimum number of Members to transact any business shall be three.

#### **Procedures, protocols and public speaking**

- 1.6. Except as provided below, the Chairman shall be responsible for maintaining order and the effective conduct of business at meetings.
- 1.7. Any Member of the Council can attend and may speak on any issue.
- 1.8. Members of the press and public may attend. General arrangements for public speaking apply.

#### **Voting**

- 1.9. Voting at meetings is by show of hands.
- 1.10. Voting Members may request that their votes are recorded.
- 1.11. In the event of an equality of votes, the Chairman shall have a second or casting vote.

## **6. Emergency Committee**

### **TERMS OF REFERENCE**

#### **Purpose**

- 1.1. To enable the Council to function in emergency situations when fewer Councillors and / or officers are available to attend meetings.

#### **Terms of Reference**

- 1.2. The Committee will be convened, as required, as part of the District Council's major emergency and Emergency Planning process.
- 1.3. The decision to convene the Committee will be made by the Managing Director through consultation with the Leader. Equally the decision to stand down the Committee will be made by the Managing Director through consultation with the Leader.
- 1.4. Once the Committee is convened it can take on the role of the delegations afforded to the following Committees and Council itself; Council, Cabinet, Planning, Licensing and Audit. This will be decided by the Managing Director through consultation with the Leader. These powers can be in full or in part.
- 1.5. Portfolio Holder delegations, Portfolio Holder with Officer delegations and Officer delegations will remain as per the Constitution.
- 1.6. The Committee will also meet as required and consider the immediate strategic issues for the District Council arising from the particular incident, having received reports from the Managing Director and/or the Chairman of the District Council Tactical Response Team.
- 1.7. The Committee may authorise action affecting any of the District Council's functions, if the urgency of the situation demands this, subject to such action being reported, together with the Committee's reasons for acting, to the next meeting of the Council. The Committee must ensure that steps are being taken to provide, to members of the public and the press, regular information bulletins on the incident and the action being taken.
- 1.8. Members of the Committee are to be suitably briefed and prepared to make appropriate statements to the media.
- 1.9. The Committee should consider the longer-term implications arising from the incident and the impact these may have on the District Council.

#### **Membership**

- 1.10. The Committee shall consist of six named Members of the district council, to include:
  - Chairman of the Cabinet (who will be the Chairman of this Committee)
  - Vice-Chairman of the Cabinet

- Leader of the main opposition group (to provide a scrutiny role)
- The Portfolio Holder whose responsibility includes Housing and Wellbeing
- Two other named Members to achieve a political balance

1.11. If there is a change of political balance on the Council, this composition will be recalculated by the Proper Officer and amended accordingly.

1.12. Succession arrangements are key and for clarity it is confirmed that formal delegations between Councillors will ensure continuity of the Committee.

### **Quorum**

1.13. The minimum number of members to transact any business shall be three.

### **Procedures, protocols and public speaking**

1.14. Except as provided below, the Chairman shall be responsible for maintaining order and the effective conduct of business at meetings.

1.15. Any Member of the Council can attend and may speak on any issue once, as agreed through the Chairman, in line with the legislation in force at the time.

1.16. Members of the press and public may attend. General arrangements for public speaking as set out in the “Rights of the Public at Meetings” apply, in line with the legislation in force at the time.

### **Voting**

1.17. Voting at meetings is by show of hands and this shall be recorded.

1.18. In the event of an equality of votes, the Chairman shall have a second or casting vote.

### **Training**

1.19. All training requirements for the Committee will be ensured to enable them to undertake the delegations afforded to them when undertaking the role of another Committee.

## **7. Licensing & Regulatory Committee**

1.1. The licensing functions of the authority under the Licensing Act 2003, the Gambling Act 2005 and Local Authorities (Misc Provisions) Act 1976.

1.2. The licensing & regulatory committee has made the following schemes of delegation.

(1) Licensing Act 2003

| <b>Matter to be dealt with</b>   | <b>Hearing</b>                | <b>Officers</b>      |
|----------------------------------|-------------------------------|----------------------|
| Application for personal licence | If a police objection is made | If no objection made |

| <b>Matter to be dealt with</b>   | <b>Hearing</b>                    | <b>Officers</b>   |
|--|-----------------------------------|---|
| Application for personal licence with unspent convictions  | If a police objection is made     | If no objection made  |
| Application for premises licence/club premises certificate   | If a relevant representation made | If no relevant representation made                          |
| Application for provisional statement  | If a relevant representation made | If no relevant representation made                          |
| Application to vary premises licence/club premises certificate<br>(except in the case of an application for a minor variation) | If a relevant representation made | If no relevant representation made                          |
| Determination of minor variation application for a premises licence / club premises certificate                                |                                   | All cases   |
| Application to vary designated premises supervisor   | If a police representation made   | All other cases   |
| Request to be removed as designated premises supervisor  |                                   | All cases   |
| Application for transfer of premises licence   | If a police representation made   | All other cases   |
| Application for Interim Authority Notice   | If a police representation made   | All other cases   |
| Application to review premises licence/club premises certificate   | All cases                         |   |
| Decision on whether a complaint is irrelevant, frivolous, vexatious, etc   |                                   | All cases but with discretion to refer to the sub-committee |
| Decision to object when local authority is a consultee and not the lead authority  | All cases                         |   |
| Determination of a police representation to a  | All cases                         |   |

| <b>Matter to be dealt with</b>   | <b>Hearing</b> | <b>Officers</b>                                    |
|--|----------------|--|
| temporary event notice   |                |  |
| The designation of officers as authorised persons and authorised officers for the purposes of the Licensing Act 2003 |                | interim head of housing and environmental services |

(2) Gambling Act 2005

| <b>Matter to be dealt with</b>                              | <b>Hearing</b>   | <b>Officers</b>  |
|---|--|--|
| Application for premises licences                           | Where representations have been received and not withdrawn   | Where no representations received/ representations have been withdrawn |
| Application for a variation to a licence                    | Where representations have been received and not withdrawn   | Where no representations received/ representations have been withdrawn |
| Application for a transfer of a licence                     | Where representations have been received from the Commission | Where no representations received from the Commission                  |
| Application for a provisional statement                     | Where representations have been received and not withdrawn   | Where no representations received/ representations have been withdrawn |
| Review of a premises licence                                | All cases  |  |
| Application for club gaming/club machine permits            | Where representations have been received and not withdrawn   | Where no representations received/ representations have been withdrawn |
| Cancellation of club gaming/club machine permits            | All cases  |  |
| Applications for other permits                              |  | All cases  |
| Cancellation of licensed premises gaming machine permits    |  | All cases  |
| Consideration of temporary use notice                       |  | All cases  |
| Decision to give a counter notice to a temporary use notice | All cases  |  |



### 1.3. Power to resolve:

- (3) Administration of the Sunday Trading Act 1994.
- (4) Byelaws and licensing functions of the committee (including private hire vehicle, lotteries and charitable collections) except that any proposal to change or adopt byelaws will be recommended to the council.
- (5) Applications for private hire vehicle and private hire vehicle drivers' licences and any other licences within the remit of the committee
  - where the director place or assistant director regulatory considers it appropriate for the application to be determined by members
  - which involve members or staff.
- (6) All matters relating to the functions of the council under the Vehicles (Crime) Act 2001 and the Motor Salvage Operators Regulations 2002.
- (7) All matters relating to the functions of the Council under the Scrap Metal Dealers' Act 2013.

1.4. The committee for hearings shall comprise a panel of three members, one of whom shall normally be the chairman or vice-chairman of the committee; the remaining two to be appointed from among members of the licensing & regulatory committee. The assistant director Chief of Staff has delegated authority to determine the final composition of the committee from a rota established by the alphabetical order of the surnames of the members of the committee on a case-by-case basis.

## 8. Planning Committee

### 1.1. Power to resolve

- (1) The exercise and performance of the council's non-executive functions relating to development management including procedural matters.
- (2) The determination of all and any planning, listed building, tree, advertisement or other allied applications, including prior approvals and notifications, not specifically delegated to the assistant director planning and/or in consultation with the director place.
- (3) Determinations in respect of applications for development which are the subject of an appeal against non-determination.
- (4) All non-executive matters relating to conservation (including listed buildings, trees and hedgerows).
- (5) The scheme for the Broadland Enhancement Award, the Broadland Green Award and the Broadland Design Award.
- (6) Any enforcement powers under any legislation relating to town and country planning or associated matters.

- (7) Applying for an injunction under section 187B of the Town and Country Planning Act 1990 to prevent a breach of development control.
- (8) To enter into, vary and revoke agreements and undertakings under section 106 of the Town and Country Planning Act 1990.
- (9) All matters relating to high hedges under Part 8 of the Anti-social Behaviour Act 2003.
- (10) Any formal comment or view on applications or proposals to be determined by Norfolk County Council, the Broads Authority or any district council in Norfolk, any statutory body and government department relating to matters within the functions of the committee.
- (11) Making any direction, order or issuing or serving any notice under any legislation relating to town and country planning.
- (12) Making any modification or revocation order.
- (13) Making any discontinuance order regarding the use of land under any legislation relating to town and country planning.
- (14) The consideration of supplementary planning documents including development and design briefs that accord with the council's adopted or emerging development plan.

## 9. The Standards Committee

1.1. The council meeting will establish a standards committee.

### Composition

- (1) **Political balance**  
*Standards committees must comply with the political balance rules.*
- (2) **Membership.** The standards committee will be composed of:
  - (a) five councillors;
  - (b) four members of parish or town councils in the council's area as co-opted members who will not be entitled to vote at meetings. At any time there shall be no more than two parish members from the same parish or town council.
- (3) **Parish members.** Parish members will be elected through acceptable nomination among the parish and town councils in the Broadland area and will continue to hold office unless they cease to be eligible to be a parish member, cease to be a parish councillor, or resign from the standards committee.
- (4) **Chairing the committee.** The council will appoint the standards committee chairman from amongst the council members.
- (5) **Quorum.** A meeting of the standards committee will not be quorate unless at least three district council members are present for its duration.

### 1.2. Role and Function

- (1) The standards committee will have the following roles and functions:
  - (a) promoting and maintaining high standards of conduct by councillors and co-opted members;
  - (b) assisting councillors and co-opted members to observe the members' code of conduct;
  - (c) advising the council on the adoption or revision of the members' code of conduct;
  - (d) monitoring the operation of the members' code of conduct;
  - (e) advising, training or arranging to train councillors and co-opted members on matters relating to the members' code of conduct;
  - (f) receive and consider the findings and recommendations of the monitoring officer and/or the independent person in relation to alleged breaches of the code of conduct and where appropriate make subsequent recommendations to either full council or group leaders for action;
  - (g) the determination of allegations of breach of the members' code of conduct;
  - (h) oversight of the planning code of practice;
  - (i) the exercise of (a) to (g) above in relation to the parish/ town councils wholly or mainly in its area and the members of those parish/town councils;
  - (j) review the Member Champion categories and recommend to Council successful applications for Member Champions and
  - (k) review the four year training plan for Members and ensure that all training, including the induction at the start of the four term is fit for purpose.
- (2) In the performance of their role and function co-opted parish members of the standards committee may attend meetings of the council, cabinet, committees, working groups or panels including meetings when the press and public are excluded and shall be permitted to speak to comply with council procedure rule 8 and at the invitation of the chairman on matters relating to the role and function of the standards committee.
- (3) The chairman of the standards committee shall present the minutes of the standards committee to council.

## **10. Area committees and fora**

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

1.2. The council will consult with relevant parish and town councils and the chairmen

of relevant parish meetings when considering whether and how to establish area committees.

## **Part 10 – Policy Development Panels**

### **1. Communities, Housing and Planning Policy Development Panel**

#### **TERMS OF REFERENCE**

The Panel will be responsible for undertaking work allocated to it by Cabinet for the purpose of advising the aforesaid in all matters pertaining to the Communities, Housing and Planning Portfolio, to ensure the responsibilities of the relevant Portfolio Holder are met as described Part 5 of the Council's Constitution and in alignment with Local Economic Development Strategies.

The Panel will provide reports and recommendations in order to inform and guide Cabinet.

#### **Panel membership**

- 1.1. The Panel will consist of 11 Members of the Council, with political representation from each recognised Party. The representation for each Party will be confirmed at the Annual General Meeting by the Leader and appointments made in line with this.
- 1.2. The relevant Portfolio Holder will attend Panel meetings ex-officio and not as a voting member of the Panel.
- 1.3. No member of the Council's Executive may be a member of, or attend as a substitute member of, the Panel.
- 1.4. Named substitutes may attend and vote.
- 1.5. The Chairman and Vice-Chairman of the Panel shall be appointed by the Leader of the Council.

#### **Quorum**

- 1.6. The quorum will be 4 members.

#### **Procedures, protocol and public speaking**

- 1.7. The Chairman of the Panel shall be responsible for maintaining order and the effective conduct of business at meetings of the Panel.
- 1.8. Public speaking will be allowed at the discretion of the Chairman. Speakers must advise the Monitoring Officer of their wish to speak two clear working days before the date of the meeting.
- 1.9. Any member of the Council may attend and speak at meetings of the Panel.
- 1.10. Subject matter experts may attend the meeting by way of invitation from the Chairman.

## **Voting**

- 1.11. The Panel will operate on a basis of reaching a consensus amongst members.
- 1.12. The Chairman for the meeting has the discretion to conduct a vote either by show of hands or, if there is no dissent, by affirmation of the meeting.
- 1.13. If there are equal numbers of votes for and against, the Chairman of the meeting will have a second or casting vote.

## **2. Economic Success Policy Development Panel**

### **TERMS OF REFERENCE**

The Panel will be responsible for undertaking work allocated to it by Cabinet, for the purpose of advising the aforesaid in all matters pertaining to the Economic Development Portfolio, to ensure the responsibilities of the relevant Portfolio Holder are met as described Part 5 of the Council's Constitution and in alignment with Local Economic Development Strategies.

The Panel will provide reports and recommendations in order to inform and guide Cabinet.

### **Panel membership**

- 1.1. The Panel will consist of 11 Members of the Council, with political representation from each recognised Party. The representation for each Party will be confirmed at the Annual General Meeting by the Leader and appointments made in line with this.
- 1.2. The relevant Portfolio Holder will attend Panel meetings ex-officio and not as a voting member of the Panel.
- 1.3. No member of the Council's Executive may be a member of, or attend as a substitute member of, the Panel.
- 1.4. Named substitutes may attend and vote.
- 1.5. The Chairman and Vice-Chairman of the Panel shall be appointed by the Leader of the Council.

### **Quorum**

- 1.6. The quorum will be 4 members.

### **Procedures, protocol and public speaking**

- 1.7. The Chairman of the Panel shall be responsible for maintaining order and the effective conduct of business at meetings of the Panel.
- 1.8. Public speaking will be allowed at the discretion of the Chairman. Speakers must advise the Monitoring Officer of their wish to speak two clear working days before the date of the meeting.
- 1.9. Any member of the Council may attend and speak at meetings of the Panel.
- 1.10. Subject matter experts may attend the meeting by way of invitation from the Chairman.

### **Voting**

- 1.11. The Panel will operate on a basis of reaching a consensus amongst members.
- 1.12. The Chairman for the meeting has the discretion to conduct a vote either by show of hands or, if there is no dissent, by affirmation of the meeting.

1.13. If there are equal numbers of votes for and against, the Chairman of the meeting will have a second or casting vote.



### **3. Environmental Excellence Policy Development Panel**

#### **TERMS OF REFERENCE**

The Panel will be responsible for undertaking work allocated to it by Cabinet for the purpose of advising the aforesaid in all matters pertaining to the Environmental Excellence Portfolio, to ensure the responsibilities of the relevant Portfolio Holder are met as described Part 5 of the Council's Constitution and in alignment with Local Economic Development Strategies.

The Chairman at his discretion may call Industrial, Environmental, Scientific or other relevant experts to report and present innovative ideas for consideration by the Panel.

The Panel will provide reports and recommendations in order to inform and guide Cabinet.

#### **Panel membership**

- 1.1. The Panel will consist of 11 Members of the Council, with political representation from each recognised Party. The representation for each Party will be confirmed at the Annual General Meeting by the Leader and appointments made in line with this.
- 1.2. The relevant Portfolio Holder will attend Panel meetings ex-officio and not as a voting member of the Panel.
- 1.3. No member of the Council's Executive may be a member of, or attend as a substitute member of, the Panel.
- 1.4. Named substitutes may attend and vote.
- 1.5. The Chairman and Vice-Chairman of the Panel shall be appointed by the Leader of the Council.

#### **Quorum**

- 1.6. The quorum will be 4 members.

#### **Procedures, protocol and public speaking**

- 1.7. The Chairman of the Panel shall be responsible for maintaining order and the effective conduct of business at meetings of the Panel.
- 1.8. Public speaking will be allowed at the discretion of the Chairman. Speakers must advise the Monitoring Officer of their wish to speak two clear working days before the date of the meeting.
- 1.9. Any member of the Council may attend and speak at meetings of the Panel.
- 1.10. Subject matter experts may attend the meeting by way of invitation from the Chairman.

#### **Voting**

- 1.11. The Panel will operate on a basis of reaching a consensus amongst

members.

- 1.12. The Chairman for the meeting has the discretion to conduct a vote either by show of hands or, if there is no dissent, by affirmation of the meeting.
- 1.13. If there are equal numbers of votes for and against, the Chairman of the meeting will have a second or casting vote.

## **4. Service Improvement and Efficiency Committee**

### **TERMS OF REFERENCE**

Councils are constantly finding new and innovative ways to deliver services and improve the lives of people in their local communities. The role of the Service Improvement & Efficiency Committee is to consider ideas for improving the efficiency, quality and accountability of public services in the district with due regard to equality diversity, inclusivity and effectiveness. This will be achieved through learning, sharing knowledge and delivering improvement solutions. It aims to support continuous improvement by building on the expertise within local authorities and working in partnership with stakeholders in the public, private and voluntary sectors.

#### **Purpose**

1.1. To advise Cabinet on the design and delivery of corporate work streams on service improvement and efficiency to:

- (1) Focus on delivering the ambition in the Broadland Council Plan “a modern caring council, safeguarding our future”
- (2) Drive transformation delivery and change management process
- (3) Identify financial savings and efficiencies which contribute to the medium-term financial plan (capital and revenue)
- (4) Consider proposals for income generation and
- (5) Ensure the needs of customers and residents are met in all service areas

#### **Objectives are:**

- (1) To oversee the transformation and collaboration of services. Progress reports will be provided to assist with this objective.
- (2) To advise and review the implementation of the IT Strategy and the programme management of the IT infrastructure projects.
- (3) To advise and review the Communications Strategy of the Council.
- (4) To highlight specific project and service areas for review.
- (5) Monitor change management process and seek to transform management, staffing and services to make them more efficient and effective through redesigning services and ensuring a more effective and efficient process and procedure.
- (6) To explore opportunities to generate income.
- (7) To report and make recommendations to Cabinet on the findings from service reviews and monitor the results.
- (8) To undertake other corporate projects as requested by Cabinet or Council.

#### **Membership**

1.2. The Committee will consist of 11 Members of the Council to be appointed at the Annual General Meeting and be politically balanced.

1.3. Named substitutes may attend and vote at the Committee.

1.4. The Panel will be chaired by the Portfolio Holder Transformation and Organisational Development.

### **Quorum**

1.5. A minimum of 4 members of the Council (either members of the Committee or named substitutes) must be present to transact any business of the Committee.

### **Procedures, protocol and public speaking**

1.6. The Chairman of the Committee shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.

1.7. At the discretion of the Chairman, any person attending the Committee may speak to provide 'subject matter expertise'.

1.8. Any member of the Council may attend and speak (at the Chairman's discretion, at meetings of the Committee.

### **Voting**

1.9. Voting shall be by a simple majority show of hands.

1.10. In the event of an equality of votes the Chairman shall have a second or casting vote.

## **Part 11 – Quasi-Judicial Procedure Rules**

**Hearings for licensing matters under the Licensing Act 2003 (“the act”), the Licensing Act 2003 (Hearings) Regulations 2005 (“the regulations”) and the Local Government (Miscellaneous Provisions) Act 1976**

When dealing with licensing matters, the rules of natural justice must be seen to be applied in that all parties must be afforded an equal opportunity to present their cases. Thus, when determining an application, the Licensing & Regulatory Committee (in these rules “the committee” unless the context requires otherwise) will be required to act in a judicial manner and to conduct the proceedings in accordance with the following rules. In these rules words and expressions not defined in the rules have the same meaning as they have in the act and the regulations.

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### **Declarations of interest**

1.1. The committee will receive any declarations of interest under the members’ code of conduct.

### **Apologies for absence**

1.2. The committee will receive any apologies for absence.

### **Quorum**

1.3. The Licensing & Regulatory Committee shall comprise 13 members and a quorum shall be four.

1.4. Meetings for hearings shall comprise three members and a quorum shall be three.

### **Opening remarks by the chairman of the committee**

1.5. The chairman will introduce those present at the hearing and will ensure those present understand the procedure to be followed.

1.6. The chairman will give brief details of the matter before the committee.

1.7. The committee shall determine the matter before them in accordance with this procedure.

### **Admission of the public**

1.8. The hearing shall take place in public which expression includes:

- (1) any person assisting or representing a party,
- (2) any member of the council who is not a member of the committee making the determination and
- (3) any officer or legal advisor of the council.

1.9. The committee may exclude the public (except the committee officer and legal advisor) where it considers that the public interest in doing so outweighs the public interest in the hearing, or part of it, taking place in public.

1.10. The public will normally be excluded at the conclusion of the hearing when the

committee is deliberating on the determination to be made.

### **Absence of parties**

- 1.11. If a party has told the committee that they do not intend to be present or be represented at the hearing, the hearing may proceed in their absence.
- 1.12. If a party otherwise fails to attend or be represented the committee may
- (1) Where necessary in the public interest, adjourn the hearing to a date specified by the committee before the adjournment, or
  - (2) Conduct the hearing in the party's absence, considering the matter before them, representations or notice made by that party.

### **Documents**

- 1.13. The committee may take into account documentary or other information produced by a party in support of their case, representations or notice (as applicable). Such material should be provided to the committee before the hearing.
- 1.14. Documentary or other information provided by parties at the hearing may be considered by the committee provided that all other parties consent.

### **Report from licensing officer**

- 1.15. The licensing officer or his representative will present his report on the matter to be determined by the committee.
- 1.16. Members of the committee may ask questions of the licensing officer.
- 1.17. The applicant/licence holder or their representative may ask questions of the licensing officer.
- 1.18. The other parties or their representatives may then ask questions of the licensing officer.

### **The applicant/licence holder's case**

- 1.19. The applicant/licence holder or their representative will be asked to speak in support of their case.
- 1.20. The applicant/licence holder or their representative may call witnesses.
- 1.21. The committee may then ask questions of the applicant/licence holder or their witnesses.
- 1.22. The other parties or their representatives may then question the applicant/licence holder, their representative or witnesses.
- 1.23. The applicant/licence holder or their representative, will be invited to respond to any new point arising from the questions.

### **The representations of other parties to the hearing**

- 1.24. The representations of the other parties to the hearing will then be considered in turn by the committee in the order determined by the committee and in accordance with the following procedure:
- 1.25. The other parties will be invited to speak in support of their representations.
- 1.26. The other parties or their representatives may call witnesses.
- 1.27. The committee may then ask questions of the other parties or their witnesses.
- 1.28. The applicant/licence holder or their representative, may then question the other parties, their representatives or witnesses.
- 1.29. The other parties or their representatives will be invited to respond to any new points arising from the questions.

### **Closing statements**

- 1.30. Closing statements will then be made in the following order:
  - (1) the parties who made representations or their representatives;
  - (2) the applicant/licence holder or their representative.

### **The committee's decision**

- 1.31. The committee will then consider its decision. This will normally take place in the absence of the public.
- 1.32. During the decision making process, the committee may seek the advice and guidance of its legal advisor.
- 1.33. When it has made a determination the committee will announce its decision in public with a summary of the reasons.
- 1.34. A detailed decision with reasons shall follow no later than five days after the hearing.

## **Applications for a private hire vehicle driver's licence**

The committee comprises three district councillors. At least three members of the committee must be present at each hearing.

When dealing with applications, the rules of natural justice must be seen to be applied, in that the applicant must be afforded an opportunity to present their case. Thus, when determining an application, the committee will be required to act in a judicial manner and to conduct the proceedings in accordance with the following rules.

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### **Opening remarks by the chairman of the committee**

- 1.1. The chairman will introduce those present at the hearing and will ensure those present understand the procedure to be followed.
- 1.2. The chairman will give a brief outline of the nature of the matter to be considered.

### **The council's case**

- 1.3. The council's representative will present its case.
- 1.4. The council's representative may then be questioned by the following in the order shown:
  - (1) the applicant or his representative;
  - (2) the council's legal representative;
  - (3) the representatives of statutory consultees (eg police, general practitioner) and
  - (4) the members of the committee.

### **The applicant's case**

- 1.5. The applicant or representative will present his case.
- 1.6. The applicant or representative may then be questioned by the following in the order shown:
  - (1) the council's representative and/or legal representative;
  - (2) the representatives of any consultees (eg police, general practitioner), and
  - (3) the members of the committee.

### **Representatives/consultees**

- 1.7. The representatives of any consultees present shall then each present their case.
- 1.8. The representatives of any statutory consultees present may then each be questioned by the following in the order shown:
  - (1) the applicant or his representative;
  - (2) the council's representative and/or legal representative;



- (3) the representative of any other statutory consultee, and
- (4) the members of the committee.

### **Closing statements**

1.9. Closing statements will then be made in the following order:

- (1) The council's representative and/or legal representative;
- (2) The representative of each of the statutory consultees, and
- (3) The applicant or his representative.

1.10. All persons present, with the exception of the members of the committee, the advisor and the clerk, will then leave the meeting.

### **The committee's decision**

1.11. The committee will discuss and then vote on the application.

1.12. In the event of an equality of votes, the chairman has a second or casting vote.

1.13. During the decision making process, the committee may seek the advice and guidance of its clerk and advisor.

1.14. All persons referred to in paragraph 1.10 above will be asked to re-join the meeting. The chairman will announce the committee's decision with a summary of the reasons why if the application is refused or special conditions are added.

1.15. The applicant will be provided with a full written copy of the committee's decision within 5 working days of the hearing.

1.16. If the application is refused, the decision must state clearly the reasons why.

1.17. Where an application is granted, the committee should, where applicable, advise the applicant if any special conditions are imposed.

1.18. Where an application is refused or the grant of a licence is subject to the imposition of any special term, condition or restriction, the applicant should be advised that he has a right of appeal to the magistrates' court within 21 days of receiving the written decision.

## **Suspension and revocation of private hire vehicle driver's licences**

The committee comprises three district councillors. At least three members of the committee must be present at each hearing.

The council may suspend, revoke or refuse to renew a driver's licence on the following grounds:

- (1) The driver has, since the grant of the licence, been convicted of an offence involving dishonesty, indecency or violence.
  - (2) The driver has, since the grant of the licence, been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses (1847) or Local Government Miscellaneous Provisions (1976) Acts.
  - (3) Any other reasonable cause.
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### **Opening remarks by the chairman of committee**

- 1.1. The chairman will introduce those present at the hearing and will ensure that all present understand the procedure to be followed.
- 1.2. The chairman will give a brief outline of the nature of the matter to be considered.

### **The council's case**

- 1.3. The council's representative will present its case.
- 1.4. The council's representative may then be questioned by the following in the order shown:
  - (1) the private hire vehicle driver or his representative;
  - (2) the council's legal representative;
  - (3) the representatives of consultees (eg police, general practitioner) and
  - (4) the members of the committee.

### **The private hire vehicle driver's case**

- 1.5. The private hire vehicle driver or his representative will present their case.
- 1.6. The private hire vehicle driver or his representative may then be questioned by the following in the order shown:
  - (1) the council's representative and/or legal representative;
  - (2) the representative of any consultee (eg the police, general practitioner) and
  - (3) the members of the committee.

### **Representatives/consultees**

1.7. The representatives of any consultees present shall then each present their case.

1.8. The representatives of any statutory consultees present may then each be questioned by the following in the order shown:

- (1) the private hire vehicle driver or his representative;
- (2) the council's representative and/or legal representative;
- (3) the representative of any other consultee and
- (4) the members of the committee.

### **Closing statements**

1.9. Closing statements will then be made in the following order:

- (1) the council's representative and/or legal representative;
- (2) the representative of each consultee and
- (3) the private hire vehicle driver or his representative.

1.10. All persons present, with the exception of members of the committee, the advisor and the clerk, will then leave the meeting.

### **The committee's decision**

1.11. The committee will discuss the matters under consideration and determine by voting, the action to be taken.

1.12. In the event of an equality of votes, the chairman has a second or casting vote.

1.13. During the decision making process, the committee may seek the advice and guidance of its clerk and advisor.

1.14. All persons referred to in paragraph 1.10 above, will be asked to re-join the meeting. The chairman will announce the committee's decision with a summary of the reasons why if the application is refused or special conditions are added.

1.15. The private hire vehicle driver will be provided with a full written copy of the committee's decision within 5 working days of the hearing.

1.16. In the event of a decision that is of disbenefit to the private hire vehicle driver, the committee must clearly state the reasons how the committee reached its decision.

1.17. The private hire vehicle driver should be advised that he has a right of appeal to the magistrates' court within 21 days of receiving the written decision.

**Hearings for applications relating to premises licences under Part 8 of the Gambling Act 2005 (“the act”), the Gambling Act 2005 (Proceedings of Licensing Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 and the Local Government (Miscellaneous Provisions) Act 1976**

When dealing with licensing matters, the rules of natural justice must be seen to be applied in that all parties must be afforded an equal opportunity to present their cases. Thus, when determining an application, the Licensing & Regulatory Committee (in these rules “the committee” unless the context requires otherwise) will be required to act in a judicial manner and to conduct the proceedings in accordance with the following rules. In these rules words and expressions not defined in the rules have the same meaning as they have in the act and the regulations.

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**Declarations of interest**

- 1.1. The committee will receive any declarations of interest under the members’ code of conduct.

**Apologies**

- 1.2. The committee will receive any apologies for absence.

**Quorum**

- 1.3. The Licensing & Regulatory Committee shall comprise 13 members and a quorum shall be four.
- 1.4. Meetings for hearings shall comprise three members and a quorum shall be three.

**Opening remarks by the chairman of the committee**

- 1.5. The chairman will introduce those present at the hearing and will ensure those present understand the procedure to be followed.
- 1.6. The chairman will give brief details of the matter before the committee.
- 1.7. The committee shall determine the application or review in accordance with this procedure.

**Admission of the public**

- 1.8. The hearing shall take place in public which expression includes:
- (1) any person assisting or representing a party,
  - (2) any member of the council who is not a member of the committee making the determination and
  - (3) any officer or legal advisor of the council.
- 1.9. The committee may exclude the public (except the committee officer and legal advisor) for all or part of the hearing if it is satisfied that it is necessary in all the circumstances of the case, having regard to
- (1) any unfairness to a party that is likely to result from a hearing in public; and

- (2) the need to protect as far as possible, the commercial or other legitimate interests of a party.

1.10. The public will normally be excluded at the conclusion of the hearing when the committee is deliberating on the determination to be made.

### **Exclusion of disruptive persons**

1.11. The committee may require any person who in their opinion is behaving in a disruptive manner, or in breach of conditions specified by the committee to leave the hearing.

1.12. The committee may refuse to permit the person to return or permit him to return only on such conditions as the committee may specify.

1.13. The committee may allow a person who is behaving in a disruptive manner or in breach of conditions specified by the committee to remain at the hearing only on such conditions as the committee may specify.

1.14. Where a person is required to leave the hearing under this rule the committee must

- (1) permit him to submit in writing, before the end of the hearing, any information which he would have been entitled to give orally had he not been required to leave; and
- (2) take into account that information in reaching a determination of the application or review.

### **Absence of parties**

1.15. If a party

- (1) has told the committee that he does not intend to attend or be represented at the hearing;
- (2) failed to inform the committee whether he intends to attend or be represented at the hearing; or
- (3) left the hearing in circumstances enabling the committee reasonably to conclude that he does not intend to participate further, the hearing may proceed in his absence.

1.16. If a party otherwise fails to attend or be represented the committee may

- (1) Where necessary in the public interest, adjourn the hearing to a date specified by the committee before the adjournment, or
- (2) Conduct the hearing in the party's absence, considering the application, review or representations made by that party.

### **Documents**

- 1.17. The committee may take into account documentary or other information produced by a party in support of their application, review or representations (as applicable). Such material should be provided to the committee before the hearing.
- 1.18. Documentary or other information provided by parties at the hearing may be considered by the committee provided that all other parties attending the hearing consent.

### **Report from licensing officer**

- 1.19. The licensing officer or his representative will present his report on the matter to be determined by the committee.
- 1.20. Members of the committee may ask questions of the licensing officer
- 1.21. The applicant, licensee or their representatives may ask questions of the licensing officer.
- 1.22. The other parties or their representatives may then ask questions of the licensing officer.

### **The applicant's or licensee's case**

- 1.23. The applicant, licensee or their representatives will be asked to speak in support of his application or licence in the case of a review.
- 1.24. The applicant, licensee or his representative may call witnesses.
- 1.25. The committee may then ask questions of the applicant, licensee or his witnesses.
- 1.26. The other parties or their representatives may then question the applicant, licensee, their representatives or witnesses.
- 1.27. The applicant, licensee or their representatives will be invited to respond to any new point arising from the questions.

### **The representations of other parties to the hearing**

- 1.28. The representations of the other parties to the hearing will then be considered in turn by the committee in the order determined by the committee and in accordance with the following procedure.
- 1.29. The other parties will be invited to speak in support of their representations.
- 1.30. The other parties or their representatives may call witnesses.
- 1.31. The committee may then ask questions of the other parties or their witnesses.

- 1.32. The applicant or his representative may then question the other parties, their representatives or witnesses.
- 1.33. The other parties or their representatives will be invited to respond to any new points arising from the questions.

### **Closing statements**

- 1.34. Closing statements will then be made in the following order:
- (1) the parties who made representations or their representatives;
  - (2) the applicant, licensee or their representatives.

### **The committee's decision**

- 1.35. The committee will then consider its decision. This will normally take place in the absence of the public.
- 1.36. During the decision making process, the committee may seek the advice and guidance of its legal advisor.
- 1.37. When it has made a determination the committee will announce its decision in public with a summary of the reasons.
- 1.38. A detailed decision with reasons shall follow no later than five working days after the hearing.

## **Appeals lodged against the making of tree preservation orders (TPOs)**

The Panel comprises three District Councillors. At least three members of the Panel must be present at each hearing.

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### **Notes on procedure**

#### **Site Visit**

- 1.1. Before or on the day of the hearing, members of the Appeals Panel may visit the site to inspect the trees subject of the appeal. If the trees are not visible from the highway, arrangements will be made with the objectors for members to gain access to the area.
- 1.2. Where it is not possible to hold a site visit, photographs of the trees will be made available to members.

#### **The Hearing**

- 1.1. All parties (public, local parish council/district council ward representatives, council officers directly involved in the TPO, and the objector) may attend the meeting which will be held in public. If any party cannot attend the meeting, they may appoint someone to act on their behalf or they may submit written representations for consideration. Note: If the objector cannot attend the meeting nor appoint an agent to act on his behalf and they decide to submit written representations, no cross question will be allowed of any party.
- 1.2. The chairman of the Panel formally opens the hearing and explains the procedure.
- 1.3. The objector presents the case for objecting to the making of the order and calls any witnesses in support of their case.
- 1.4. The Council's officer and Panel members ask questions (if any) of the objector and their witnesses.
- 1.5. The Council's officer puts the case for the making of the order and calls any witnesses in support of their case.
- 1.6. The objector and Panel members ask questions (if any) of the council's officer and their witnesses.
- 1.7. Any parish council representative, or any District Councillor (who is not a member of the Panel) or member of the public present, may speak to the Panel.
- 1.8. The Panel, the objector and the Council's officer ask questions (if any) of anyone speaking at 1.7 above.
- 1.9. The Council's officer makes a closing statement.
- 1.10. The objector makes a closing statement.
- 1.11. A final opportunity is given to Panel members to seek clarification on any outstanding matter.
- 1.12. The Panel members then retire to consider their decision in private (the representative of the Assistant Director Chief of Staff will accompany them to give



advice on procedural matters).

1.13. The Panel will re-join the public meeting and its decision will be announced in public with a summary of the reasons for making its decision.

1.14. The Chairman will advise the objector of the right of appeal, as follows:

*If any person is aggrieved by a local authority's confirmation of a Tree Preservation Order, they may, within 6 weeks of that confirmation, apply to the High Court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.*

## **Joint Statutory Officer Hearing Committee**

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### **Terms of Reference**

- 1.1. To advise and make recommendations to Council on matters relating to the dismissal of relevant Statutory Officers of the Authority, namely the Head of Paid Service; the Monitoring Officer and the Section 151 Officer.
- 1.2. Before reaching a determination on any matter before it, to ensure appropriate investigatory work has been undertaken on which a recommendation should be made.

### **Membership**

- 1.3. The Committee shall consist of 6 persons, to be comprised of:
  - 1 Cabinet Member of Broadland District Council
  - 1 Cabinet Member of South Norfolk Council
  - 1 Member of Broadland District Council's Standard Committee
  - 1 Member to be drawn from the membership of South Norfolk Council's Standards and Licensing Pool of Members, and
  - 2 Independent Persons.
- 1.4. The Independent Persons shall ordinarily be both Council's appointed Independent Person, unless they confirm they are unable to act in relation to the matter, in which case an Independent Person from another Authority shall be appointed.
- 1.5. The Chairman and Vice-Chairman of the meeting shall be an Independent Person.

### **Quorum**

- 1.6. The minimum number of Members to transact any business of the Committee shall be 4, which must include 2 Independent Persons and a representative from each Council.

### **Procedures and protocol**

- 1.7. The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.
- 1.8. Proceedings upon matters brought before the Committee shall be by way of a hearing. The Committee shall settle its own procedure in accordance with the general law and relevant HR procedures.
- 1.9. Members of the press and public may not attend the Committee, under the provisions of the Local Authorities (Access to information) (variation) Order 2006.

**Voting**

- 1.10. The Committee shall, whenever possible, come to a consensus view. Where this is not possible voting shall be on a simple majority by a show of hands.
- 1.11. In the event of an equality of votes, the Chairman shall have a second or casting vote.

## **Joint Statutory Officer Appeals Committee**

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### **Terms of Reference**

- 1.1. To hear appeals against decisions of the Council to dismiss a Statutory Officer.
- 1.2. Before reaching a decision, the Committee must take into account all representations made to the Statutory Officer Hearing Committee and the Council meeting at which the decision to dismiss was made.

### **Membership**

- 1.3. The Committee shall consist of 6 Members; 3 Members of Broadland District Council' Standards Committee and 3 Members of South Norfolk Council to be appointed from the Members of the Standards and Licensing Pool of Members who were not present at the Statutory Officer Hearing Committee at which the original recommendation was made to Council.
- 1.4. The meeting shall ordinarily be chaired by a Chairman of the Standards Committee of either Broadland District Council or South Norfolk Council.

### **Quorum**

- 1.5. The minimum number of Members to transact any business of the Committee shall be 4 voting Members, with at least a representative from each Council.

### **Procedures and protocol**

- 1.6. The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.
- 1.7. Proceedings upon matters brought before the Committee shall be by way of a hearing. The Committee shall settle its own procedure in accordance with the general law and relevant HR procedures.
- 1.8. Members of the press and public may not attend the Committee, under the provisions of the Local Authorities (Access to information) (variation) Order 2006.

### **Voting**

- 1.9. The Committee shall, whenever possible come to a consensus view. Where this is not possible voting shall be on a simple majority by a show of hands.
- 1.10. In the event of an equality of votes, the Chairman shall have a second or casting vote.

## **Hearing procedures for the standards committee**

### **1. Formal Introductions of those present by the Chairman**

- Members introduced
- Officers introduced
- Monitoring Officer (MO) and any Deputies present
- Investigating Officer
- Independent Person
- Committee Officer

### **2. Preliminary Issues**

- Confirm Members interests disclosed in accordance with Code of Conduct.
- Confirm meeting is quorate.
- If the subject member is not present, decide whether to proceed.
- Confirm role of anyone accompanying the Subject Member.
- Confirm whether the meeting will be held in public or in private session. If the meeting will be held in public session, confirmation that the Committee may decide to make their determination in private.
- Chairman to advise of the process to be followed for the Hearing.
- Determine whether any witnesses are present, and whether they have been presented by the Subject Member, Investigating Officer or Complainant. Determine whether the witnesses will be allowed to speak if no prior notice has been given.

### **3. Hearing of complaint and findings**

- MO to present their report and draw the Committee's attention to areas of focus.
  - Investigating Officer to present their report and findings of fact, and conclusion regarding whether the Code of Conduct has been breached. They may invite any of their own witnesses to speak.
  - Complainant to make any further comments.
  - Committee invited to question the Investigating Officer, complainant, and their witnesses.
  - Subject member to make their representation to support their version of the fact (outlining any facts that they disagree with), make any further comments, and explain why they believe they have not breached the Code. The Subject member to invite any of their own witnesses to speak.
  - Committee may question the subject or their witnesses.
  - If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The committee may give the member an opportunity to challenge any evidence put forward by any witness called by the investigator.

- The Independent Person to present their views to the Committee.
- The Committee may ask further questions of the Independent Person, and any of the other parties present.
- The Subject Member should be invited to make any final relevant points.

#### **4. Determination**

- The Committee may resolve to close the meeting to deliberate in private.
- If so, the Committee to ask the Subject member, Complainant and any witnesses, members of the public and press to leave the room.
- Committee to determine the finding of facts and whether the member failed to follow the Code of Conduct.
- Committee to determine any sanctions or recommendations as a result of their findings as to whether the member breached the Code of Conduct.
- Committee to determine whether a formal press notice should be issued in respect of their findings.

#### **5. Confirmation**

- All parties are recalled to the meeting.
- The Chairman to summarise the Committee's deliberations and announce their findings of fact and whether the member has breached the Code of Conduct.
- The Chairman to confirm any sanctions to be undertaken (or, in respect of Parish Councillors, to be recommended to the Parish Council).
- The Chairman to confirm that a decision notice will be placed on the Council's website and available for public inspection and confirm whether a press notice will be issued.
- Chairman to close the meeting.

#### **Notes on the outcomes of Standards Committee Hearings:**

The decision of the Standards Committee is final. There are no further rights of appeal.

The Committee may decide on the following Sanctions where they identify that a Councillor has breached the Code of Conduct:

- No Sanction
- Training
- Mediation
- Public Apology
- Censure (written reprimand)
- Recommendation for removal from appointments
- Recommendation for removal of Council assets

When determining the sanctions that should be employed, the Committee may take

into account any subsequent action undertaken by the Councillor to remedy the breach (for example, receipt of training or apology).

In respect of District Councillors, the Monitoring Officer is charged with ensuring that the necessary action is undertaken, including making recommendations to Council where necessary. The subject member will receive formal written notification within two weeks of the hearing as to the outcome of the meeting and any sanctions to be undertaken.

In respect of Parish Councillors, the Monitoring Officer will notify the Parish Clerk within two weeks of the hearing of the outcome. The Parish Council is required to consider the Committee's findings and determine whether they agree with the findings or propose other action to be taken.

**Note:**

'Subject Member' means the member of the authority who is the subject of the allegation being considered by the standards committee.

'Investigator' means the officer appointed by the monitoring officer, to conduct the investigation of the complaint.

'Independent Person' means the person appointed under Section 28 of the Localism Act 2011 – they are neither councillors nor officers of the authority.

## **Part 12 – Joint Arrangements**

### **1. Joint Arrangements Overview**

1.1 The council or the executive, in order to promote the economic, social or environmental well-being of its area, may:

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

### **1.2 Joint arrangements**

- (1) The council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions, which are not executive 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.)
- (2) The executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (3) Except as set out below, the executive may only appoint executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (4) The executive may appoint members to a joint committee from outside the executive in the following circumstances:
  - (a) the joint committee is discharging a function in relation to five or more local authorities;
  - (b) 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 executive may appoint to the joint committee any councillor who is a member for an electoral division or ward which is wholly or partly contained within the area.

The political balance requirements do not apply to such appointments.
- (5) Details of any joint arrangements including any delegations to joint committees will be found in the council's scheme of delegation in part 5 of this constitution.

### **1.3 Access to information**

- (1) The access to information procedure rules in part 14 of this constitution apply.
- (2) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.



- (3) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

#### **1.4 Delegation to and from other local authorities**

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

#### **1.5 Contracting out**

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

1.6 The council is a member of two joint committees established under section 101 (5) of the Local Government Act 1972 which have responsibilities delegated to them as set out below.

| <b>Joint Committee</b> | <b>Membership</b>  | <b>Functions</b>   |
|------------------------|--|--|
| Museums                | 1 member of Broadland District Council<br>9 county councillors<br>3 Norwich City Council members<br>1 member from each of the remaining district councils in Norfolk                         | Section 12 Public Libraries and Museums Act 1964 with regard to the provision and maintenance of museums and art galleries |
| Records                | 1 member of Broadland District Council<br>3 county councillors<br>3 Norwich City Council members<br>1 member from each of the remaining district councils in Norfolk<br>6 non voting members | Local Government (Records) Act 1962  |

## **2. Joint Appointments Panel**

### **1.1. Power to resolve:**

- The recruitment of the managing director, chief officers and deputy chief officers.

1.2. Attendance at meetings held by the Panel are an approved duty for the purposes of the respective Councils' Members' Allowance Scheme.

1.3. Broadland District Council shall appoint four Members to the Panel, with political representation applied (with substitutes)

1.4. South Norfolk Council shall appoint four Members to the Panel, with political representation (with substitutes)

1.5. The meeting will appoint its own Chairman, who will not have a casting vote and who shall not be either Councils' Leader.

1.6. Any recommendation by the panel for the appointment of the managing director, chief officers or deputy chief officers requires a majority from each Council.

1.7. In the event of a tie of votes for chief officer and deputy chief officer appointments the managing director shall have a formal vote.

1.8. In the event that any decisions are required outside the normal remit of the joint appointment panel, then any such matters be delegated to the managing director in consultation with the group leaders.

### **3. Joint Informal Cabinet**

#### **TERMS OF REFERENCE**

##### **1. Meetings**

- 1.1. The Joint Informal Cabinet will meet regularly and according to business need, linked to the strategy and policy development and as part of the collaborative working between Broadland District Council and South Norfolk Council.

##### **2. Membership**

- 2.1. Broadland District Council and South Norfolk Council shall appoint all Cabinet members to the Group.
- 2.2. Two joint Chairmen of the Group shall be the Leaders of each Council. The role of Chairman will alternate between Broadland District Council and South Norfolk Council on a meeting by meeting basis.
- 2.3. In the absence of the host authority Chairman, the meeting will be chaired by the non-host Chairman. In the absence of both Chairmen the Group will be chaired by the Deputy Leader of the host authority.
- 2.4. No substitute members will be permitted.

##### **3. Quorum**

- 3.1. The minimum number of members from each Council required to transact any business of the Group shall be two thirds, rounded up to the nearest whole number.

##### **4. Protocol and Openness**

- 4.1. The Chairman of the meeting will be responsible for maintaining order and the effective conduct of business at meetings.
- 4.2. Members of either Council are welcome to attend the meetings, subject to the agreement of the Chairman and may speak.
- 4.3. Members of the public will not be permitted to attend meetings of the Group.
- 4.4. Members will ensure that they abide by their respective Council's code of conduct at all meetings.

##### **5. Terms of Reference**

- 5.1. Provide political leadership to ensure integration and transformation of services across the two Councils.
- 5.2. Aligning activities at member level where this is appropriate and necessary to facilitate collaborative working.
- 5.3. Provide a steer on the policy framework of the Councils, review strategy documents and review the Council's business plan.

## **4. Joint Scrutiny Committee**

### **TERMS OF REFERENCE**

#### **1. Meetings**

- 1.1. The Joint Scrutiny Committee will meet on an ad hoc basis, linked to the key stages of collaborative working between Broadland District Council and South Norfolk Council, as reports are progressed through for Member decision at each authority.

#### **2. Membership**

- 2.1. Broadland District Council and South Norfolk District Council shall appoint six members, with a political split of 5:1, of each council as voting members of the Committee, appointed from the political parties in proportion to the number of Council members from each political group.
- 2.2. Named substitutes may attend and vote at meetings of the Committee.
- 2.3. Two joint Chairmen of the Group shall be appointed, to be the Chairman of each Authority's Scrutiny Committee. The role of Chairman shall alternate between Broadland District Council and South Norfolk Council on a meeting by meeting basis, dependent on which Council is hosting the meeting.
- 2.4. In the absence of the host authority Chairman the meeting will be chaired by the non-host Chairman. In the absence of both Chairmen the Group will appoint a Chairman for the meeting.

#### **3. Quorum**

- 3.1. A minimum of three members of each council (either members or named substitutes) must be present to transact any business of the Committee.

#### **4. Voting**

- 4.1. The Chairman for the meeting has the discretion to conduct a vote either by show of hands or, if there is no dissent, by affirmation of the meeting.
- 4.2. If there are equal numbers of votes for and against, the Chairman of the meeting will have a second or casting vote.

#### **5. Venue and Time**

- 5.1. Meetings will be held in appropriate locations for the business, as determined by the Committee, at venues that are accessible to the public.
- 5.2. Meetings will commence at a date and time to be agreed by both of the Chairmen.

## **6. Protocol and Openness**

- 6.1. The Chairman of the meeting will be responsible for maintaining order and the effective conduct of business at meetings of the Committee. Members will be required to abide by their respective Council's Code of Conduct.
- 6.2. Any members of either Council may attend and speak at meetings of the Group, but not vote.
- 6.3. At the discretion of the Chairman of the meeting, any member attending the meeting may speak for five minutes in total.
- 6.4. At the commencement of each item of the Committee's business as set out on the agenda for the meeting, the Chairman for the meeting will introduce any witnesses and will ask for any other person who wishes to speak to identify themselves.

## **7. Terms of Reference**

- 7.1. To receive reports on the shared services project as the need arises, making recommendations to respective Cabinets and / or Council.

## **8. Secretariat**

- 8.1. Meetings will be convened and clerked by the host authority where the meeting is held.

## **9. Public Speaking**

- 9.1. Public speaking will be at the discretion of the Chairman.

## 5. Outside Bodies

| Outside body                                       | Overview  | Representative(s)   |
|--|---|---|
| A47 Alliance                                       | A group of organisations that campaign for Government to invest money into A47 improvements.  | 1 representative, 1 substitute  |
| Aylsham Cittaslow Committee                        | Cittaslow Aylsham is part of the UK network of Cittaslow towns which have been awarded accreditation to the international Cittaslow movement.   | 1 representative (must have resided in Aylsham, or within 3 miles of it, for the last 12 months or occupied as owner or tenant any land or premises therein or had their principal or only place of work there) |
| Broadland Futures Initiative Elected Members Forum | The Broadland Futures Initiative (BFI) is a partnership for future flood risk management in the Broadland area.   | 1 representative, 1 substitute (must be a member of the Cabinet)  |
| Broads Authority                                   | A statutory body set up under the Norfolk and Suffolk Broads Act 1988, whose general duty is to manage the Broads for the purposes of:<br>- conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;<br>- promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and<br>- protecting the interests of navigation | 1 representative  |
| CNC Building Control                               | Responsible for discharging the Council's building control and related functions as set out in the Joint Agreement for the Provision of Building Control Services.  | 1 representative, 1 substitute (automatic appointment of Portfolio Holder for Planning and substitute the Chairman of Planning Committee)   |
| Community Rail Norfolk                             | A part of Greater Anglia, Community Rail Groups help grow the rail market and make local lines and stations a stronger part of their local communities.   | 1 representative (appointee has option to join both the Bittern Line CRP Steering Group and Wherry Lines CRP Steering   |

| Outside body  | Overview   | Representative(s)  |
|---|--|--|
|   |  | Group)   |
| Community Safety Partnership Scrutiny Panel                   | <p>The role of the Norfolk Countywide Community Safety Partnership Sub Panel is to:</p> <ul style="list-style-type: none"> <li>• Scrutinise on a quarterly basis the Community Safety Partnership Plan and on such other occasions as are required to scrutinise the actions, decisions and priorities of the Norfolk Countywide Community Safety Crime and Disorder Partnership in respect of crime and disorder.</li> <li>• Scrutinise the priorities as set out in the annual Countywide Community Safety Partnership Plan.</li> <li>• Make any reports or recommendations to the Countywide Community Safety Partnership and/or where considered appropriate to the Scrutiny Committee.</li> </ul>   | 1 representative, 1 substitute   |
| District Councils' Network                                    | The District Councils' Network (DCN) is a cross-party network of 169 district and unitary councils.  | 1 representative (automatic appointment of Leader)   |
| East of England Local Government Association Assembly and AGM | The East of England LGA is a politically-led, cross party organisation which works on behalf of the 50 local councils in the East of England.  | 1 representative (automatic appointment of Leader)   |
| Greater Norwich Development Partnership Board                 | <p>The Greater Norwich Development Partnership Board exercises political leadership for the planning activities carried out jointly by the Greater Norwich Local Planning Authorities.</p> <p><b>Responsibilities</b></p> <p>a) To prepare and monitor a joint Local Plan for the three district local planning authority areas of Broadland, City of Norwich and South Norfolk, to include integrated land-use and transport policies; b) To oversee the work of the Greater Norwich Local Plan team and associate bodies and ensure all bodies work effectively;</p> <p>c) To make recommendations to the Councils and Broads Authority on any wider planning matter affecting the Broadland, City of Norwich and South Norfolk administrative areas;</p> <p>d) To advise on the development of the Local Transport Plan (LTP) implementation strategies and</p> | 3 representatives, 2 substitutes (must include the Leader and the Portfolio Holder for Planning) |

| Outside body  | Overview  | Representative(s)   |
|---|---|---|
|   | <p>on future reviews of the LTP relevant to the area, including the Norwich Area Transportation strategy (NATS);</p> <p>e) To facilitate joint working between the local planning authorities and the local transportation authority on matters of common interest and benefit; and</p> <p>f) To ensure the Greater Norwich Infrastructure Plan reflects the needs of the Greater Norwich Local Plan.</p>   |   |
| Greater Norwich Growth Board  | The Greater Norwich Growth Board provides strategic direction, monitoring and coordination of both the city deal and wider programme for the Greater Norwich area. It has representation on and links with the Business Growth Programme Operational board and the Employment and Skills Strategy Board. It works with the New Anglia Local Enterprise Partnership (LEP) and other relevant bodies and the private sector to promote the work of the Board and to secure funding for the benefit of the area. | 1 representative, 1 substitute (automatic appointment of Leader)  |
| HMP Bure Liaison Committee  | A committee to forge links between the prison and the local community.  | 3 representatives (two must be Members of Wards adjoining the prison (i.e. Buxton & Coltishall); the third to be Council's own choice)    |
| Internal Drainage Boards<br>(Broads, Norfolk Rivers, Waveney, Lower Yare and Lothingland) | Each internal drainage board (IDB) is a public body that manage water levels in an area, known as an internal drainage district, where there is a special need for drainage. IDBs undertake works to reduce flood risk to people and property, and manage water levels for agricultural and environmental needs within their district.  | <p>Broads – 5 representatives</p> <p>Norfolk Rivers – 2 representatives</p> <p>Waveney, Lower Yare and Lothingland – 1 representative</p> |
| Local Government Association – General Assembly   | The LGA's General Assembly, the 'parliament of Local Government', meets once a year, and is the only LGA decision making forum which all authorities in full membership are eligible to attend and to vote.   | 1 representative, 1 substitute  |
| Local Government  | A forum within the Local Government Association   | 1 representative  |



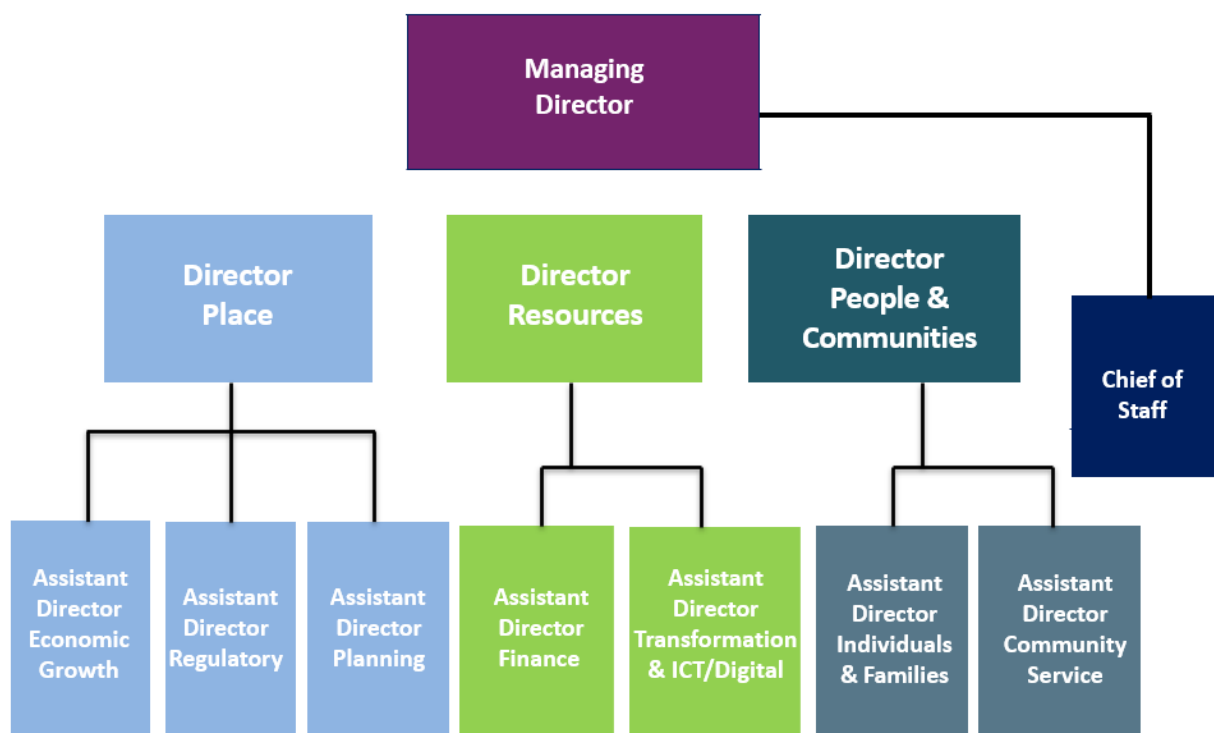
| Outside body  | Overview  | Representative(s)   |
|---|---|---|
| Association Strategic Aviation (Special Interest Group) (LGA (SASIG)) | (LGA) for all local authorities to discuss strategic aviation policies and major aviation issues and advancing sustainable aviation policy on behalf of local communities.  |   |
| Norfolk Against Scams Partnership                                     | A partnership of organisations committed to taking a stand against scams. NASP is open to any organisation, service, business, charity or community group who can play a role in protecting the public, businesses or customers from scams and fraud.   | 1 representative  |
| Norfolk Arts Forum Executive Committee                                | <p>The Norfolk Arts Forum strives to raise the profile of Arts and Culture across the county and to act as a forum for arts practitioners, arts organisations and groups including local government, regional and national bodies</p> <p>The Norfolk Arts Forum Executive Committee is accountable to the Arts Forum conference.</p>  | 1 representative, 1 substitute  |
| Norfolk Biodiversity Partnership                                      | The mission of the Norfolk Biodiversity Partnership is to conserve, enhance and restore the county's biological diversity.  | 1 representative, 1 substitute  |
| Norfolk Health & Wellbeing Board                                      | <p>The Health and Wellbeing Board is the forum for system leaders across the wider local health and care system.</p> <p>The Board plays a key role in promoting the close collaboration of the health and care systems across Norfolk. It does this by bringing together health and social care providers, local government, the voluntary, community and social enterprise sector, and other partners.</p> | 1 representative, 1 substitute  |
| Norfolk Health Overview and Scrutiny Committee                        | The Norfolk Health Overview and Scrutiny Committee includes both County and District Councillors and has powers to scrutinise National Health Service bodies in Norfolk.  | 1 representative, 1 substitute (must be Members of the O&S Committee)                                     |
| Norfolk Joint Museums Committee                                       | <p>The Joint Museums Committee is responsible for:</p> <ul style="list-style-type: none"> <li>a) the effective operation of the Norfolk Museums Service</li> <li>b) advising all the participating Councils on the strategic framework for museums in Norfolk</li> <li>c) agreeing policies for the Norfolk Museums Service in accordance with national and local guidelines</li> </ul>                     | 1 representative, 1 substitute (substitute must be from same political party as appointed representative) |

| Outside body                                | Overview   | Representative(s)   |
|---|--|---|
|   | d) agreeing an annual budget for the Museums Service   |   |
| Norfolk Parking Partnership Joint Committee | To carry out through the Councils the functions as laid down in the legal Agreement for the Joint Provision of Civil Parking Enforcement Services and the Functions currently in force.  | 1 representative, 1 substitute (both should be members of Cabinet)  |
| Norfolk Police & Crime Panel                | Norfolk's Police and Crime Panel is tasked with holding the Police and Crime Commissioner (PCC) to account for the way they perform their duties by scrutinising their actions and decisions.  | 1 representative, 1 substitute  |
| Norfolk Rail Group                          | Act as a special interest group to support the strategic case for improvements to rail for the benefit of the county.  | 1 representative, 1 substitute  |
| Norfolk Records Committee                   | The Norfolk Records Committee exercises the functions of the participating local authorities under the Local Government (Records) Act 1962 and for the control of the Norfolk Records Office with a view to ensuring as far as possible that:-<br><br>a) storage and maintenance facilities are provided to it for archives relating to or deriving from the areas of the participating local authorities; and<br><br>b) there is at the Record Office an adequate means of reference to the archives and facilities are provided for the public to inspect and take copies of deposited documents | 1 representative, 1 substitute  |
| Norfolk Strategic Flood Alliance            | The NSFA brings together all agencies and partners involved in planning for and responding to flooding in Norfolk. The aim is to ensure that Norfolk residents have confidence that flood risks are as low as reasonably practicable and will be well managed.   | 1 representative, 1 substitute  |
| Norfolk Strategic Planning Member Forum     | The Forum oversees the production of the Norfolk Strategic Planning Framework (NSPF) document on behalf of all the local planning authorities in Norfolk.  | 1 representative (Portfolio Holder for Planning), 1 substitute (Portfolio Holder for Housing & Wellbeing) |
| Norfolk Waste Partnership                   | Norfolk Waste Partnership (NWP) is a partnership of Norfolk's County, District, Borough and City councils working together to improve waste and recycling services for Norfolk's residents and visitors.   | 1 representative (must be Portfolio Holder for Environmental Excellence), 1 substitute                    |
| Norwich Airport Limited                     | The Airport Consultative Committee meets quarterly and is made up of representatives from the Airport,   | 1 representative, 1 substitute  |

| Outside body                          | Overview   | Representative(s)  |
|---------------------------------------|--|--|
| Consultative Committee                | aerodrome users, local parish councils, local authorities, associated businesses and other interested parties. It allows for the exchange of information and ideas and for concerns to be raised.  |  |
| Norwich Area Museums Committee        | The Norwich Museums Area Committee has a membership of 6 county councillors and 6 city councillors, with power to co-opt up to 5 additional non-voting members.  | 1 representative, 1 substitute   |
| NPLAW Board                           |  | 1 representative (must be a member of Cabinet)                               |
| Transport for Norwich Joint Committee | <p>Transport for Norwich is a programme of work to improve accessibility by all forms of transport around the city.</p> <p>It is responsible for:</p> <ul style="list-style-type: none"> <li>• Developing business cases for Transforming Cities funding, including development of individual schemes</li> <li>• Overseeing the development and delivery of schemes, including carrying out and considering the results of public consultation, setting the timetable for delivery of schemes</li> </ul> | 1 representative, 1 substitute   |
| Youth Advisory Board                  | Forum for young people to have a voice on public services.   | 1 representative (automatic appointment of Member Champion for Young People) |

## Part 13 – Officers

### 1. Management Structure Chart



### 2. Politically restricted posts

#### *Section 2 Local Democracy, Economic Development and Construction Act 2009 – List of politically restricted posts*

##### **Statutory Chief Officers**

- Head of Paid Service
- Section 151 Officer
- Monitoring Officer
- Returning Officer

##### **Non-Statutory Chief Officers**

- Director of People and Communities
- Director of Resources
- Director of Place

##### **Deputy Chief Officers**

- Deputy Section 151 Officers
- Deputy Monitoring Officers

Chief of Staff  
Assistant Director Transformation and ICT/Digital  
Assistant Director Economic Growth  
Assistant Director Individuals & Families  
Assistant Director Community Service  
Assistant Director Finance  
Assistant Director Planning  
Assistant Director Regulatory Services

**Advisory roles/Reporting to Chief Officer**

Governance Manager  
Electoral Services Manager  
Marketing and Communications Managers  
PR Manager  
Communications and Marketing Officers  
Transformation, Innovation and Internal Consultancy Manager  
Development Manager  
Internal Audit Manager  
Democratic Services Manager  
Democratic Services Officers  
Place Shaping Team Manager  
Principal Planning Policy Officer  
Principal Infrastructure & Planning Policy Officer  
Growth Delivery Team Manager  
Business Support and Promotion Manager  
Senior Economic Development Officer (Funding & Strategy)  
Senior Economic Development Officer (Business Support)  
Senior Economic Development Officer (Growth Delivery)  
Communities Senior Manager  
Waste Senior Operations Manager  
Leisure Business Development Manager  
General Manager  
Executive Assistants  
Housing and Wellbeing Senior Manager  
Housing Standards Senior Manager

### 3. Senior Management

#### 1.1. Management structure

*Appointment of staff cannot be the responsibility of the executive. Appointment of staff below head of service level must be the responsibility of the head of paid service or their nominee.*

- (1) **General.** The full council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (2) **Managing director, directors and assistant directors.** The council will engage persons for the following posts.

| officer                                      | Assistant director                 | Functions and areas of responsibility   |
|--|------------------------------------|---|
| managing director (and head of paid service) |                                    | Overall corporate management and operational responsibility (including overall management responsibility for all officers).<br><br>Leads the Corporate Management Leadership Team (CMLT). |
| (reporting to managing director)             | assistant director chief of staff  | Human Resources, Governance, Elections & Electoral Registration, Legal Services, Democratic Services and Audit  |
| director place                               | assistant director economic growth | Economic development  |
|  | assistant director regulatory      | Food, health, safety and licensing<br>Environmental services<br>Emergency planning  |
|  | assistant director planning        | CNC<br>Housing delivery, strategy and policy<br>Planning  |
|  | business support manager           | Customer services (BDC)   |
| director resources                           | assistant director finance         | Finance, accountancy, financial services and fraud<br>NNDR<br>Local taxation and council tax<br>Enforcement<br>procurement  |
|  | Transformation and ICT/Digital     | Service Improvement & Efficiency, IT, Facilities and Policy & Strategy.   |

|                                 |   |  |
|---------------------------------|---|--|
| director people and communities | assistant director individuals and families | Early Help Hub<br>Housing (options, standards, private sector, independent living)<br>Benefits<br>Community safety<br>Community capacity |
|                                 | assistant director community service        | Health and leisure services (SNC)<br>Community and sports<br>Development (BDC)<br>Depot (SNC)  |

- (3) **Head of paid service, monitoring officer and chief finance officer.** The council will designate the following posts as shown:

| Post                          | Designation                          |
|-------------------------------|--------------------------------------|
| Managing Director             | Head of Paid Service                 |
| Chief of Staff                | Monitoring Officer                   |
| Assistant Director of Finance | Chief Finance Officer (s151 Officer) |

In the absence of the Monitoring Officer, the Governance Manager and the Strategic Advisor & DMO shall act as Deputy Monitoring Officer. In the absence of the Chief Financial Officer (Section 151 Officer), the Senior Finance Business Partners and the Finance Manager shall act as Deputy Chief Financial Officer (Deputy Section 151 Officer).

Such posts will have the functions described in 1.2 – 1.4 below.

- (4) **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.
- (5) **Politically restricted posts.** The list of officers in politically restricted posts for the purposes of section 3 of the Local Government and Housing Act 1989 is contained in part 13 (1) of this constitution.

## 1.2. Functions of the head of paid service

- (1) **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.
- (2) **Restrictions on functions.** The head of paid service may not be the monitoring officer but may hold the post of chief finance officer, if a qualified accountant.

### 1.3. Functions of the monitoring officer

- (1) **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.
- (2) **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 executive in relation to an executive function if he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to Maladministration with Report. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (3) **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.
- (4) **Proper officer for granting dispensations.** The monitoring officer has been designated proper officer for this purpose under section 33 of the Localism Act 2011.
- (5) **Conducting investigations.** The monitoring officer will conduct investigations into complaints made to the council for alleged breaches of the Code of Conduct and make reports or recommendations in respect of them to the standards committee, council, relevant group leader and relevant town or parish council.
- (6) **Proper officer for access to information.** The monitoring officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (7) **Advising whether executive decisions are within the budget and policy framework.** The monitoring officer in conjunction with the chief finance officer will advise whether decisions of the executive are in accordance with the budget and policy framework.
- (8) **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, Maladministration with Report, financial impropriety, probity and budget and policy framework issues to all councillors.
- (9) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service.

### 1.4. Functions of the chief finance officer

- (1) **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 executive in relation to an executive function and the council's external auditor if he 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.



- (2) **Administration of financial affairs.** The chief finance officer will have responsibility for the administration of the financial affairs of the council.
- (3) **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.
- (4) **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.
- (5) **Give financial information.** The chief finance officer will provide financial information to the media, members of the public and the community.

#### **1.5. Duty to provide sufficient resources to the monitoring officer and chief finance officer**

- (1) 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.

#### **1.6. Conduct**

- (1) Officers will comply with the officers' code of conduct and the protocol on member/officer relations set out in part 13 of this constitution.

#### **1.7. Employment**

- (1) The recruitment, selection and dismissal of officers will comply with the officer employment procedure rules set out in part 13 of this constitution.

## **4. Officer employment procedure rules**

### **1. Recruitment and appointment**

#### **1.1. Declarations**

- (1) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, spouse, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor of the Council; or the partner of such persons.
- (2) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him / her.
- (3) All decisions relating to the salary or remuneration of Council officers must be made in line with the approved pay policy statement.

## **1.2. Seeking support for appointment**

- (1) Subject to 1.2 (3), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (2) Subject to paragraph 1.2 (3), no Councillor will seek support for any person for any appointment with the Council.
- (3) Nothing in paragraphs 1.2 (1) and 1.2 (2) will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

## **2. Recruitment of Chief Officers and Deputy Chief Officers**

2.1. Where the Council proposes to appoint to posts at this level, and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (1) Draw up a statement specifying:
  - (a) The duties of the officer concerned; and
  - (b) Any qualification or qualities to be sought in the person to be appointed.
- (2) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
- (3) And make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

## **3. Appointment of Head of Paid Service, Chief Officers and Deputy Chief Officers**

3.1. The function for appointment of the Head of Paid Service must be undertaken by the Joint Appointment Panel and that appointment must be approved by Council before an offer of employment can be made.

3.2. The function for appointment of Chief Officers and Deputy Chief Officers must be undertaken by the Joint Appointment Panel, with the Head of Paid Service having a formal vote in the event of a tie of votes. The chief officer appointments and the appointments to statutory posts – Monitoring Officer and Section 151 Officer, must be approved by Council.

3.3. Confirmation of statutory posts (Monitoring Officer and Section 151 Officer), regardless of level, require approval by Council before an offer of employment can be made.

## **4. Posts below Deputy Chief Officers**

- 4.1. The function for appointment of a member of staff below Deputy Chief Officer level must be undertaken by the Head of Paid Service or by an officer nominated by him / her and may not be made by Councillors.
- 4.2. The function for dismissal of, and taking disciplinary action against, a member of staff below Deputy Chief Officer level must be undertaken by the Head of Paid Service or by an officer nominated by him / her and may not be made by Councillors.
- 4.3. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

## **5. Objections to appointments**

- 5.1. In this section appointor means, in relation to the appointment of a person as an officer of the Authority, the Authority, or where a committee or sub-committee is discharging the function of appointment on behalf of the Authority, that committee or sub-committee, as the case may be.
- 5.2. An offer of appointment at Head of Paid Service, Chief Officer and Deputy Chief Officer level must not be made by the appointor until:
  - (1) 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.
  - (2) the Proper Officer has notified every Member of Cabinet of:
    - (a) the name of the person to whom the appointor wishes to make the offer;
    - (b) any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
    - (c) the period within which any objection to the making of the offer is to be made by the leader on behalf of the Cabinet to the Proper Officer.
  - (3) either:
    - (a) the Leader has, within the period specified, notified the appointor that no Member of Cabinet has any objection to the making to the offer;
    - (b) the Proper Officer has notified the appointor that no objection was received within that period from the leader;
    - (c) the appointor is satisfied that any objection received from the Leader within that period is not material and is not well-founded.

## **6. Disciplinary action – Statutory Officers**

- 6.1. Disciplinary action for the Head of Paid Service, Monitoring Officer or Section 151 Officer shall take place in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2015.
- 6.2. The Head of Paid Service, Monitoring Officer or Section 151 Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months, unless the investigator recommends the suspension should continue beyond that point.
- 6.3. An investigator shall be appointed by agreement between the Council and the officer and the investigator will be entitled to review all information necessary to enable them to make an informed and reasoned recommendation.
- 6.4. The Joint Statutory Officer Hearing Committee will be convened at least 20 working days before the meeting of Council. The Committee will consider the investigator's findings and be entitled to hear from any additional witnesses or parties they consider necessary prior to making a recommendation to Council.

## **7 Dismissal**

- 7.1. The function of the dismissal of the Head of Paid Service, Monitoring Officer or Section 151 Officer must be approved by Council before the dismissal notice is given to that person.
- 7.2. The Council, when making a decision, must take into account the recommendations of the Panel, the conclusions of the investigation into the proposed dismissal and any representations from the relevant officer.

## **8. Objections to dismissals**

- 8.1. In this section dismissor means, in relation to the dismissal of a person as an officer of the Authority, the Authority, or where a committee or sub-committee is discharging the function of appointment on behalf of the Authority, that committee or sub-committee, as the case may be.
- 8.2. Notice of the dismissal of the Head of Paid Service and Chief Officer level must not be made by the dismissor until:
  - (1) 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.
  - (2) the Proper Officer has notified every Member of Cabinet of:
    - (a) the name of the person to whom the dismissor wishes to dismiss;
    - (b) any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
    - (c) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Proper Officer.
  - (3) either:
    - (a) the Leader has, within the period specified, notified the

dismissor that no Member of Cabinet has any objection to the making to the dismissal;

- (b) the Proper Officer has notified the dismissor that no objection was received within that period from the Leader;
- (c) the dismissor is satisfied that any objection received from the Leader within that period is not material and is not well-founded.

## **9. Appeals**

- 9.1. Should the officer be dissatisfied with the outcome they are entitled to submit an appeal to the Joint Statutory Officer Appeals Committee.

## **5. Officer Code of Conduct**

### **1. Introduction**

- 1.1. The public expects the highest standards of conduct from those working on its behalf whether they be employees of the Councils agency workers or contractors, and public confidence in the integrity of the Councils must not be damaged.
- 1.2. All employees must conduct themselves in a way that ensures high standards of service and protects the good reputation of the Councils.
- 1.3. This code sets out principles which will help maintain and improve standards and protect both the employees and the employer from misunderstanding or criticism. To maintain public confidence, it refers both to work and private activities in so far as the Councils' reputation could be adversely affected and/or such activities could affect an employee's ability to undertake their Council work.
- 1.4. The Code applies to all employees, and also to all Council paid employment. Employees who are members of a professional body will be bound both by their professional codes of conduct and the Councils'. If any employee experiences any conflict between the Councils' and their profession's codes of conduct, they are to make their Director aware immediately.
- 1.5. In accordance with the Councils' disciplinary procedure, any breach of this Code may give rise to disciplinary action. A breach which is so serious as to undermine public confidence in the Councils could be held to be gross misconduct (see appendix 1).

### **2. Standards of Personal Behaviour**

- 2.1. Employees are expected to use their knowledge and expertise to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality.
- 2.2. Although the Nolan Committee on Standards in Public Life established its seven principles primarily with elected members in mind, they apply equally to employees in the public service. All employees are therefore expected to conduct themselves in accordance with those principles, which are:

**Selflessness:** Holders of public office should take decisions solely in terms of the public interest.

**Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or friends. They must declare and resolve any interests and relationships

**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 fairly and on merit, using the best evidence and without discrimination or bias.

**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 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 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. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 2.3. The Councils are committed to promoting equal opportunities, so employees must treat all members of the local community, suppliers, customers and other employees fairly, and promote a positive working environment where we follow our agreed Values including trust and integrity as part of the way we operate.
- 2.4. Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive, within the policies of the Councils, to ensure value for money for the local community and to avoid legal challenge to the Councils.

- 2.5. All employees must be clear about their contractual obligations to the Councils and must not take outside activities, which conflicts with the Councils' interests, or which is of such a nature as to raise concerns that the employee's work for the Councils, or its reputation, may be adversely affected. With regard to unpaid or voluntary activities/work, all employees must accordingly obtain their Assistant Director's permission before undertaking any such outside activities which could be considered a conflict with the Councils' interests, or which is of such a nature as to raise concerns that the employee's work for the Councils', or its reputation may be adversely affected. In the event that an employee is unsure of whether there is any potential conflict they should always gain guidance from their line manager or Assistant Director. Once agreed details of the activity and the permission will be recorded on the employee's personal file.
- 2.6. Furthermore, all employees will be required to obtain permission from their Assistant Director in advance of any paid work being sought externally. For very senior posts, authority or permission may be required from both authorities Full Councils rather than the Director. Employees will not be permitted to sell goods or services to the Councils.
- 2.7. Employees must take reasonable care for their health and safety and this duty extends to other people who may be affected by their actions or omissions.

### **3. Standards of Services to the Public**

- 3.1. Employees must always remember their responsibilities to the community and ensure courteous, knowledgeable, timely and impartial service delivery to all groups and individuals within that community.
- 3.2. Employees should ensure they are familiar with all relevant Council policies and procedures which apply to their role, and act in line with these. This includes the Rules of Financial Governance and Contract Standing Orders.
- 3.3. The Councils endeavour to deliver public services to a high standard. Employees are therefore expected, without fear of recrimination, to report any deficiency in the provision of services to the public for which they are directly responsible or for those outside their remit where they know there has been a deficiency, in accordance with the Councils' Whistleblowing Policy.
- 3.4. The Councils' Whistleblowing Policy provides staff with guidance and support as to how concerns can be raised within the organisation (usually through their line manager or the Monitoring Officer and provides the opportunity to raise concerns outside of the Councils where necessary. The policy is aimed to ensure no staff suffer victimisation or harassment as a result of raising their concerns.
- 3.5. In addition, the Councils have a Counter-Fraud and Corruption Policy and recognises its employees as an important element in its fight against fraud and corruption. Employees are therefore positively encouraged to raise any concerns that they may have. These may relate to the internal activities of the Councils, or to its dealings with suppliers or customers.

#### **4. Standards of Dress and Appearance**

- 4.1. The Councils aim to present a welcoming and professional image to residents, members and all other contacts. Employees should dress in a smart and presentable manner promoting an appropriate appearance. In high profile situations (e.g. court appearances, media interviews) it is expected that formal business wear is worn.
- 4.2. The Councils recognise that for reasons of religious, ethnic or cultural expressions that it is permissible to wear certain items of clothing or jewellery.
- 4.3. With the prior agreement of the Management Team (CLT) it will also be permissible to wear other items of clothing for nationally recognised charity events or social events.
- 4.4. Personal protective equipment (PPE) will be provided where this has been identified as being necessary through general risk assessment or COSHH assessment. Where PPE is provided, the employee and their manager must ensure that it is worn and used in accordance with safety procedures and training. High visibility clothing should be cleaned as often as is necessary to ensure that it retains its high visibility properties and that it presents the appropriate appearance.
- 4.5. Not wearing provided PPE can put yourself and/or your colleagues and the public at risk therefore could be considered Gross Misconduct under the Councils Disciplinary Policy.
- 4.6. Where a uniform is issued this should always be worn for work in its entirety. In service areas where a specific colour or style of clothes is specified, employees should adhere to the service areas arrangements.
- 4.7. All items issued (i.e. uniform, PPE and badges) must be returned to the line manager when employment ends.
- 4.8. Identification badges must be worn at all times whilst at work. Regardless of where a meeting is held, including from home a professional image must be maintained at all times.

#### **5. Disclosure of Information**

- 5.1. The law requires that certain types of information must be made available to councillors, auditors, government departments and the public. This is largely governed by the Local Government (Access to Information) Act 1985 and subsequent Regulations such as the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Councils, however, may decide to make available other types of information.



- 5.2. Employees must be aware of the restrictions imposed upon them by relevant data protection legislation, such as the General Data Protection Regulations (GDPR) and the Data Protection Act 1998. Each employee must process personal data in accordance with relevant legislation and in line with the Councils' own policies relating to data policies, such as the Data Protection Policies. Each employee is responsible for the security of personal data that they may use in the course of their job. Such data must not be disclosed to any unauthorised person or organisation, even inadvertently, and includes both electronic and hard copy information. Management must therefore keep employees informed as to which information is open and which is not, and ensure employees are adequately trained in understanding the restrictions of relevant data protection legislation. In cases of doubt, employees must consult the Data Protection Officer before disclosing data.
- 5.3. Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor may they pass it on to others who might use it in such a way. This is especially relevant to employees who are privy to confidential information on tenders or costs for either internal or external contractors.
- 5.4. Any particular information received by an employee from a councillor which is personal to that councillor and is not the property of the Councils must not be divulged by the employee without the prior approval of that councillor, except where disclosure is required or sanctioned by the law. If an employee has concerns about the propriety of withholding any such information received, they can discuss the matter in confidence with the Monitoring Officer.
- 5.5. On occasions an elected member could make an enquiry about a specific item of Council business. Elected members are entitled to information which is necessary to enable them to carry out their duties as Councillors, but a member may not be entitled to confidential information. This principle is commonly referred to as the "need to know" principle and will be determined in the first instance by the particular Director or Managing Director whose department holds the document or information in question. Employees are expected to disclose information already in the public domain. There is more guidance on this in the Protocol for Member/Staff Relations.
- 5.6. Only the Managing Director, the Strategic Marketing and Communications Manager, the PR Manager, the Senior Communications Officer and the Marketing and Communications Officer are authorised to initiate or respond to enquiries from the media and all such enquiries must be referred to one of them. UNISON representatives can provide comment in their union capacity rather than as an employee.

- 5.7. Employees must also be very careful about their work or domestic use of websites and social media which could damage their own or the Councils' reputations, and they must comply with the Councils' current policies on the use of information technology which may be reviewed from time to time. For the avoidance of doubt if a post on social media brings the Councils into disrepute this could be considered Gross Misconduct - under the Councils Disciplinary Policy

## **6. Party Political Impartiality**

- 6.1. Employees serve the Council as a whole. They must follow every lawful decision and policy of the Council and must not allow their personal or political opinions to interfere with their work. They must therefore serve and respect the rights of all Councillors equally, irrespective of the member's political affiliation.
- 6.2. Employees must declare to the Managing Director or Monitoring Officer, membership of any organisation which is not open to the public without formal membership, has a commitment of allegiance and which has secrecy about its rules, membership or conduct. This information will be recorded in a Register of Interests held by the Managing Director.

### **Politically restricted posts**

- 6.3. Some employees will be in "politically restricted posts". The restrictions limit their political activity outside of their employment at the Council. These employees must be mindful of the strictures of the Local Government and Housing Act 1989, Local Government Officers (Political Restriction) Regulations 1990 and Local Government (Politically Restricted Posts) (No 2) Regulations 1990. These employees will have a separate clause in their employment contract or will receive a letter stating their post has become politically restricted.
- 6.4. Directors and Assistant Directors may, on occasions, be requested to attend political group meetings to give information. Their conduct at such meetings must not compromise their political neutrality. An employee always has the right, without fear of recrimination, to decline to address a political group. There is more guidance on the relationship between councillors and employees in the Protocol for Member/Staff Relations.

## **7 Relationships**

### **Relationships with Councillors**

- 7.1. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors should be avoided. In general, employees and Councillors should always consider the way others may view the potential conflicts arising from social connections, especially concerning confidentiality and bias. Employees and Members must comply with the Protocol on Member / Employee Relations.

### **Relationships with contractors**

- 7.2. Orders and contracts must be awarded on merit, by fair competition in accordance with Contract Standing Orders. Employees must disclose, to the Monitoring Officer, all relationships with current or potential contractors.
- 7.3. Employees involved in the tendering process and dealing with contractors must be clearly aware of the need to separate client and contractor roles within the Councils. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 7.4. If there is the slightest possibility of a conflict between an employee's duties to the Councils and their relationship with the contractor, lessee, or benefit claimant etc., then the employee must report that relationship to the appropriate Director. In cases where the employee concerned is a Director, then the Managing Director or Monitoring Officer must be informed, and arrangements made for the separation of duties.

#### **Relationships with potential employees**

- 7.5. Employees involved in the appointment of staff must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. Employees making appointments must be aware of equal opportunities legislation.
- 7.6. In order to avoid any possible accusation of bias, employees should not be involved in any appointment where they are related to an applicant or are familiar with them outside work. Where this is not possible a declaration to HR should be made. Neither must they be involved in decisions relating to discipline, promotion or pay adjustments for any employee with whom they are related or otherwise closely involved.

#### **Other relationships**

- 7.7. No special favour may be shown to friends, partners, relatives, current or former employees or to job applicants. Employees must therefore disclose to their Assistant Director all relevant relationships, whether of a business or private nature, which might have the potential to bring about a conflict with the Councils' interests. Such relationships will include those with lessees, benefit claimants and grant applicants for example. If employees have doubts over the relevance of a particular relationship, they are advised to disclose it anyway. This information will be recorded in a Register of Interests held by the Managing Director.
- 7.8. Employees should promote a positive working environment by not discussing their colleagues or personal matters relating to them in a negative way. Where there is a concern, this should be dealt with through the Councils' formal policies and procedures.

## **8. Gifts, Hospitality and Sponsorship**

- 8.1. S117(2) of the Local Government act 1972 states that an employee shall not accept any fee or reward whatsoever other than their proper remuneration. The Bribery Act 2010 makes it an offence for employees to receive a bribe to perform their duties improperly, or to attempt to bribe another person to perform their duties improperly.
- 8.2. Employees must be aware that corruption is a serious criminal offence. The law states that if an allegation is made it is for the employee to demonstrate that any gifts have not been corruptly obtained. Corruption is defined by both CIPFA and the Audit Commission as 'the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person'.

### **Gifts, tips and privileges**

#### **Gifts Below £25 – Corporate Gifts**

- 8.3. Employees are permitted to accept gifts from suppliers and contractors of a value of below £25 if they can be used in the course of their Council duties - such as pens, diaries, calendars etc.

#### **Gifts Below £25 – Personal Gifts, Tips and Privileges**

- 8.4. Employees should try to avoid accepting personal gifts, tips or special privileges for themselves or their families from contractors, customers, Councillors or outside suppliers – e.g. chocolates/sweets, flowers, etc. However, there may be occasions when these cannot be refused without causing offence. In this instance the employee should declare the matter to their Manager as soon as possible who will decide what to do with the gift. The Manager may decide to allow the staff member to keep the gift, or if it is perishable they could be used in civic hospitality or distributed among the staff. If they are not perishables they could be raffled by the Councils for a recognised charity.

#### **Gifts Above £25**

- 8.5. Employees should try to avoid accepting gifts which are of value. If gifts offered are of value and cannot be refused without causing offence, the recipients must hand them over to their Assistant Director, after noting them in a Register of Gifts, Hospitality and Sponsorship held by the Managing Director. If they are perishables they will be used in civic hospitality or distributed among the staff. If they are not perishables they will be raffled by the Councils for a recognised charity.

### **Hospitality**

- 8.6. Employees and their families must only accept offers of hospitality if there is a genuine need to impart information or represent the Councils in the community. Invitations to attend purely social or sporting functions on advantageous terms must only be accepted when these are part of the life of the community, or where the Councils should be seen to be represented. All such invitations must be reported to the Assistant Director who can sanction attendance and, irrespective of whether the invitation is accepted or not, it must be recorded in a Register of Gifts, Hospitality and Sponsorship.

- 8.7. When receiving authorised hospitality, employees shall give only relevant and factual information and must be particularly sensitive as to the timing of the event in relation to decisions which the Councils may be taking which could affect those providing the hospitality.
- 8.8. Where visits to inspect equipment etc. are required, employees should ensure that the Councils meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions. This rule should be applied unless there is a specific decision of the Councils to the contrary.
- 8.9. When hospitality has to be declined, the person who made the offer should be courteously, but firmly, informed of the procedures and standards operating within the Councils.

### **Sponsorship**

- 8.10. Where an outside organisation offers to sponsor a Council activity, the basic conventions concerning acceptance of gifts or hospitality apply. In the first instance the employee must inform their Director who will give guidance as to whether the Councils will accept the offer. However particular care must be taken when dealing with contractors, potential contractors and commercial tenants. Only in very exceptional circumstances should sponsorship be accepted when only one company or organisation has had the opportunity to offer it. Whether the sponsor approaches the employee or the employee approaches potential sponsors, employees must adhere to the Councils' protocol on sponsorship. Irrespective of whether the offer of sponsorship is accepted or not, it must be recorded in the Register of Gifts, Hospitality and Sponsorship held by the Managing Director.
- 8.11. Where the Councils wish to sponsor an event or service or charitable activity, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to their Director and the fact being noted in the Register of Gifts, Hospitality and Sponsorship held by the Managing Director.
- 8.12. Unless part of their formal duties, employees should never seek sponsorship for charitable ventures from suppliers, customers or service users, but sponsorship from these sources up to the value of £25 may be accepted provided it is not solicited and it must be recorded in the Register of Gifts, Hospitality and Sponsorship held by the Managing Director.
- 8.13. Where the Councils give support in the community, through sponsorship, grant aid, financial or other means, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

## **APPENDIX 1**

### **Extract of Gross Misconduct Section from the Councils Disciplinary Policy**

This list is neither exclusive nor exhaustive, but it provides some examples of gross misconduct and is lifted from the Disciplinary Policy.

Some actions and behaviour would destroy the relationship of trust and confidence that the Councils need to have in an employee, and someone may face dismissal for gross misconduct if they:

- Acts of violence, e.g. threatened or actual physical assault on any individual, fighting or riotous behaviour at work
- Theft or misappropriation of cash or property belonging to the Councils or any individual whilst at work. A similar offence committed outside the course of employment may also be so regarded
- Fraud or intention to defraud, e.g. deliberate falsification of work records, time-sheets (including flex sheets if used), travelling and subsistence claim forms and other documents connected with claiming salaries, wages and expenses from, or making payments to the Councils
- Extreme negligence resulting, for example, in danger to life and limb
- Serious disregard of the Councils' health and safety rules; this includes engaging in behaviours which may endanger themselves, work colleagues or other people
- Serious disregard of the Councils' safeguarding policy
- Serious disregard of the Councils' Data Protection Policies
- Malicious damage to the property of the Councils' or of any individual during the course of employment
- Serious professional negligence, misconduct, omission or, in certain situations, failure in performance to a reasonable and acceptable standard
- Serious breach of the Social Media Policy
- Deliberate misuse of Information Technology in contravention of instructions to users (refer to Computer Network, Internet Access and E-Mail Policy)
- Deliberate or malicious misuse of the Councils' information assets in all formats including both electronic and paper. The Councils may also have a contractual or legal obligation to report misuse to third parties
- Serious cases of being under the influence of drink or (un) prescribed drugs at work (refer to Drug and Alcohol Misuse Policy).
- Failing a drug or alcohol test at work (refer to Alcohol, Drugs and Substance Misuse Policy).
- Serious sexual offences or serious sexual misconduct at work, including cases of harassment (refer to Equal Opportunities Policy)
- In exceptional circumstances, actions taken outside of employment will be investigated. The main consideration will be whether the conduct makes future employment unacceptable or unsuitable e.g. sexual misconduct, violent behaviour conviction when role allows the post holder to come into contact with vulnerable people.
- Bullying and harassment

## 6. Monitoring Officer Protocol

1. The monitoring officer undertakes to discharge their responsibilities with determination and in a manner which will enhance the reputation of the council. In general terms their ability to discharge these duties depends on excellent working relations with colleagues, members, the standards committee and the independent person to ensure the flow of information and access to debate particularly at early stages.
2. The following arrangements and understandings between the monitoring officer, colleagues and members are designed to help ensure the effective discharge of the monitoring officer's functions.
  - 2.1. If not a member of the management team, the monitoring officer will have advance notice of these meetings and agenda and reports and the right to attend and speak.
  - 2.2. Advance notice of meetings whether formal or informal between chief officers and members of the cabinet or committee chairmen will be given to the monitoring officer where any procedural, vires or other constitutional issues are likely to arise.
  - 2.3. Chief officers will alert the monitoring officer to all emerging issues of concern including legality, probity, vires and constitutional issues.
  - 2.4. The monitoring officer or their staff will have copies of all reports to members.
  - 2.5. The monitoring officer is expected to develop good liaison and working relations with the independent person and the ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
  - 2.6. All members will have access to the monitoring officer to seek advice on relevant issues.
  - 2.7. The monitoring officer will have a special relationship with the chairman of the council, chairmen of the standards and overview and scrutiny committees and the independent person will ensure the head of paid service and chief finance officer have up-to-date information regarding emerging issues.
  - 2.8. The monitoring officer will be expected to make enquiries into allegations of misconduct in the absence of a written complaint being received by the standards committee and if appropriate will make a written report to the standards committee.
  - 2.9. The head of paid service, chief finance officer and monitoring officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.
  - 2.10. In carrying out any investigation (whether under regulations or otherwise) the monitoring officer will have unqualified and unrestricted access to any information held by the council and any employee who can assist in the discharge of their functions.

- 2.11. The monitoring officer will have control of a budget sufficient to enable them to seek counsel's opinion on any matter concerning her functions.
- 2.12. The monitoring officer will be responsible for preparing a training programme for members and parish and town council representatives on the ethical framework.
- 2.13. The monitoring officer will report to the council from time to time on the constitution and any necessary or desirable changes following consultation in particular with the head of paid service and chief finance officer.
- 2.14. In consultation with the chairman of the council, the monitoring officer may defer the making of a formal report under section 5 of the Local Government and Housing Act 1989 where another investigative body is involved.
- 2.15. The monitoring officer will make a report to the council from time to time as necessary on the staff, accommodation and resources required to discharge their functions.
- 2.16. The monitoring officer will appoint a deputy and keep them briefed on emerging issues.
- 2.17. The monitoring officer will make arrangements to ensure good communication between their office and clerks to town and parish councils.



## **Part 14 – Finance, contracts and legal**

### **1. Finance, contracts and legal matters**

#### **1.1. Financial management**

- (1) The management of the council's financial affairs will be conducted in accordance with the financial procedure rules set out in part 14 of this constitution.

#### **1.2. Contracts**

- (1) Every contract made by the council will comply with the contracts procedure rules set out in part 14 of this constitution.

#### **1.3. Legal proceedings**

- (1) The monitoring officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the council or in any case where the monitoring officer considers that such action is necessary to protect the council's interests.

#### **1.4. Authentication of documents**

- (1) Where any document is necessary to any legal procedure or proceedings on behalf of the council, it will be signed by the monitoring officer or other person authorised by them, unless any enactment otherwise authorises or requires, or the council has given requisite authority to some other person.

#### **1.5. Common seal of the council**

- (1) The common seal of the council will be kept in a safe place in the custody of the monitoring officer. A decision of the council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents which in the opinion of the monitoring officer should be sealed. The affixing of the common seal will be attested by the monitoring officer or some other person authorised by them. A record of each affixing of the seal will be made in the council's seal register in which each document sealed will be numbered consecutively. The seal register will contain details of each document sealed, the parties to the document, a description of any property affected, the authority for affixing the seal and the date of sealing.

### **2. Budget and Policy Framework Procedure Rules**

#### **1. The framework for executive decisions**

- 1.1. The council will be responsible for the adoption of its budget and policy framework as set out in part 6, section 1.
- 1.2. Once a budget or a policy framework is in place, it will be the responsibility of the executive to implement it.

## **2. Process for developing the framework**

2.1. Six months before a plan/strategy/budget needs to be adopted, the cabinet will publish initial proposals for the budget and policy framework and determine how any consultation will be undertaken.

(2) Details of the cabinet's consultation process shall be included in relation to each of these matters in the forward plan published at the council's main offices and available on the council's website and published in the press.

(3) Any representations made to the cabinet shall be taken into account in formulating the initial proposals and shall be reflected in any report dealing with them.

(4) 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.

2.2. The cabinet's initial proposals shall be referred to the overview and scrutiny committee for further advice and consideration.

(1) The proposals will be referred by sending a copy to the proper officer, who will forward them to the chairman of the overview and scrutiny committee. If there is no such chairman a copy must be sent to every member of that committee.

(2) The overview and scrutiny committee shall canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration and having particular regard not to duplicate any consultation carried out by the cabinet.

(3) The overview and scrutiny committee shall report to the cabinet on the outcome of its deliberations.

(4) The overview and scrutiny committee shall have six weeks to respond to the initial proposals of the cabinet unless the cabinet considers that there are special factors that make this timescale inappropriate. If it does, it will inform the overview and scrutiny committee of the time for response when the proposals are referred to it and the reasons for the delay. In December each year a joint meeting is held between the overview and scrutiny committee and the cabinet as part of the budget consultation process.

- 2.3. Having considered the report of the overview and scrutiny committee, the cabinet, if it considers it appropriate, may amend its proposals before submitting them to the council meeting for consideration. It will also report to council on how it has taken into account any recommendations from the 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 the overview and scrutiny committee.

2.5. Before the council

- (1) amends the draft plan or strategy;
- (2) 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
- (3) adopts (with or without modification) the plan or strategy,

it must inform the leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

2.6. Where the council gives instructions in accordance with rule 2.5, it must specify a period of at least five clear 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:

- (1) submit a revision of the draft plan or strategy as amended by the cabinet (the "revised draft plan or strategy"), with the cabinet's reasons for any amendments made to the draft plan or strategy, to the council for the council's consideration; or
- (2) 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.

2.7. When the period specified by the council, referred to in rule 2.6, has expired, the council must, when:

- (1) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
- (2) 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
- (3) adopting (with or without modification) the plan or strategy,

- (4) 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.

2.8. Subject to rule 2.12, where, before 8 February in any financial year, the cabinet submits to the council for its consideration in relation to the following financial year:

- (1) 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;
- (2) estimates of other amounts to be used for the purpose of such a calculation;
- (3) estimates of such a calculation; or
- (4) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the council has any objections to them, it must take the action set out in rule 2.9.

2.9. Before the council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in rule 2.8 (1), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the leader of any objections which it has to the cabinet's estimates or amounts and must give to him instructions requiring the cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the council's requirements.

2.10. Where the council gives instructions in accordance with rule 2.9 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:

- (1) 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
- (2) 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.

- 2.11. When the period specified by the council referred to in rule 2.10 has expired, the council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in rule 2.8 (1), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:
- (1) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
  - (2) the cabinet's reasons for those amendments;
  - (3) any disagreement that the cabinet has with any of the authority's objections; and
  - (4) the cabinet's reasons for that disagreement,
  - (5) which the executive leader submitted to the council, or informed the council of, within the period specified.
- 2.12. Rules 2.8 to 2.11 shall not apply in relation to:
- (1) calculations or substitute calculations which the council is required to make in accordance with sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
  - (2) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.
- 2.13 Where, at a Council meeting, a Member or group wishes to move an alternative budget to be adopted by the Council, they must not propose a budget which would mean setting an unlawful / deficit budget. The definition of an alternative budget can be found at 1.8. If a Member or group wishes to propose an alternative budget, they must give notice in writing to the S151 Officer and Monitoring Officer no later than 12 noon, seven clear working days before the Council meeting. They must also consult on their proposals directly with the S151 Officer at least three clear working days ahead of the council meeting.
- 2.14 Unless the proposing Member or group gives their express authority to share the alternative budget with the administration, the S151 Officer, guarantees absolute confidentiality in relation to any proposal received, until it is agreed to be published. The Monitoring Officer will also maintain this confidentiality.
- 2.15 The alternative budget proposals will be sent to all members of the Council, at least three clear working day in advance of the Council meeting, together with advice from the S151 Officer and Monitoring Officer on the financial and legal implications for the Council's Budget. This information will also be published on the Council's website in advance of the Council meeting. Any submissions not received within this time will not be allowed.

- 2.16 Where at a Council meeting, a Member wishes to move amendment(s) to the budget to be adopted by the Council, they must not propose amendments which would mean setting an unlawful / deficit budget.
- 2.17 Where possible, amendments should be shared in writing with the S151 Officer and Monitoring Officer ahead of the meeting to allow for due consideration of the financial and legal implications to be given.
- 2.18 If the amendment moved at a Council meeting is complex, this may require for the meeting to be paused to allow for due consideration by those in attendance.
- 2.19 If the amendment is material, it should be dealt with as an alternative budget. Amendments to the budget under this rule, will be dealt with at the meeting in the order of which they are raised.
- 2.20 The below table outlines the definitions of an alternative budget and amendments to budgets. Where a proposal meets one or more of the criteria for an alternative budget, it will be treated as such.

|   | <u><b>Alternative Budgets</b></u>             | <u><b>Amendments to Budgets</b></u>   |
|---|---|---------------------------------------|
| <b>Level of council tax</b>                 | Proposes a change to the level of council tax | No change to the level of council tax |
| <b>Complexity</b>                           | Complex                                       | Simple                                |
| <b>Change in method of service delivery</b> | Yes   | No                                    |
| <b>Value of change</b>                      | Material (ie over £250,000)                   | Not material (ie under £250,000)      |

- 2.21 In approving the budget and policy framework, the council will also specify the extent of virement allowed within the budget and degree of in-year changes to the policy framework which may be undertaken by the executive, in accordance with rules 5 and 6 of these rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the council.

### **3. Decisions outside the budget or policy framework**

- 3.1. Subject to the provisions of rule 5 (virement) the cabinet, committees of the cabinet, portfolio holders and any officers, or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework.
- 3.2. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the council, subject to rule 4 below.
- 3.3. Any of the bodies or persons proposing to make such a decision shall take advice from the monitoring officer and/or the chief finance officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget.
- 3.4. If the advice of either of those officers is that the decision would not be in line with the existing budget or policy framework, then the decision must be referred by that body or person to the council for decision, unless the decision is a matter of urgency, in which case the provisions in rule 4 (urgent decisions outside the budget and policy framework) shall apply.

#### **4. Urgent decisions outside the budget or policy framework**

- 4.1. The cabinet, a committee of the cabinet, portfolio holders or officers, or joint arrangements discharging executive functions, may take a decision which is contrary to the council's policy framework or contrary to or not wholly in accordance with the budget approved by full council if the decision is a matter of urgency. However, the decision may only be taken:
  - (1) if it is not practical to convene a quorate meeting of the full council and
  - (2) if the chairman of the overview and scrutiny committee agrees that the decision is a matter of urgency.
- 4.2. The reasons why it is not practical to convene a quorate meeting of full council and the chairman of the overview and scrutiny committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairman of the overview and scrutiny committee the consent of the chairman of the council, and in the absence of both, the vice-chairman, 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 shall have the following budget heads:
  - (1) General Revenue Fund
  - (2) Collection Fund
  - (3) Capital Account

- 5.2. Steps taken by the cabinet, a committee of the cabinet, portfolio holders or officers, or joint arrangements discharging executive functions to implement council policy shall not exceed those budgets allocated to each budget head as defined in the approved budget book.
- 5.3. However, such bodies or individuals shall be entitled to vire across budget heads on up to five occasions in any one year where each individual virement does not exceed £10,000, up to a maximum of £50,000 per year in aggregate, with a limit per individual virement of £10,000. Beyond that limit, approval to any virement across budget heads shall require the approval of the full council.

## **6. In year changes to the budget or policy framework**

- 6.1. The responsibility for agreeing the budget and policy framework lies with the council and decisions by the cabinet, a committee of the cabinet, portfolio holders or officers or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy, which make up the policy framework, may be made by those bodies or individuals except those changes:
- (1) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
  - (2) necessary to ensure compliance with the law, ministerial direction or government guidance;
  - (3) in relation to the policy framework in respect of a policy which would normally be agreed annually by the council following consultation, but where the existing policy document is silent on the matter under consideration.

## **7. Call in of decisions outside the budget or policy framework**



- 7.1. Where the overview and scrutiny committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the council's budget, then it shall seek advice from the monitoring officer and/or chief finance officer.
- 7.2. In respect of functions, which are the responsibility of the cabinet, the monitoring officer's report and/or chief finance officer's report shall be to the cabinet with a copy to every member of the council. Regardless of whether the decision is delegated or not, the cabinet must meet to decide what action to take in respect of the monitoring officer's report and/or the chief finance officer's report and to prepare a report to council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to the overview and scrutiny committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.
- 7.3. If the decision has yet to be made, or has been made but not yet implemented and the advice from the monitoring officer and/or the chief finance officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the overview and scrutiny committee may refer the matter to council.
- 7.4. In such cases, no further action will be taken in respect of the decision or its implementation until the council has met and considered the matter. The council shall meet within seven clear working days of the request by the overview and scrutiny committee. At the meeting it will receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief finance officer.
- 7.5. The council may:
- (1) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the council be minuted and circulated to all councillors in the normal way;
- Or
- (2) amend the council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the council be minuted and circulated to all councillors in the normal way;
- Or
- where the council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the cabinet to reconsider the matter in accordance with the advice of either the monitoring officer or the chief finance officer.

### **3. Financial Procedure Rules**

#### **1. Interpretation**

- 1.1. These financial procedure rules are subject to the provisions of the Local Government Act 1972 and any other legislation, including subordinate legislation, which regulates or governs the conduct of the business or financial affairs of the council or local authorities generally.
- 1.2. The council, the cabinet, committees, sub-committees and officers will comply with all relevant legislation and in particular, the Accounts and Audit Regulations 1996 (as updated).
- 1.3. They will adopt good financial practice, as defined by the Chartered Institute of Public Finance and Accountancy (CIPFA) in the latest Accounting Code of Practice (ACOP). They will comply with any lawful requirements or directions given either to the council or local authorities generally by the Government or the Audit Commission or other body.
- 1.4. Nothing in these financial procedure rules controls or limits in any way any power or duty given to any officer by legislation or delegation from the council.
- 1.5. Chief officer means the managing director and all directors.
- 1.6. In the absence of the director resources any reference to this position in these rules means the nominated deputy section 151 officer.
- 1.7. The director resources may delegate the authority to act in their place to staff within his section. They will ensure that those staff are adequately trained and competent to carry out their duties and responsibilities. They will ensure that they are aware of their obligations as set out in these rules, statute, best practice, Audit Commission guidance, etc.

## **2. General**

- 2.1. Each chief officer will consult, in writing, the assistant director finance on any matter, which may materially affect the council's approved revenue estimates or capital programme before any contract or commitment is entered into.
- 2.2. All financial records must be kept using ink or printed. Correction fluid should not be used. Errors should be ruled through and initialled. Where the error is not self evident then a written explanation of the change needs to be maintained with the records.
- 2.3. Any reference in these rules to writing will include electronic methods of communication such as e-mail provided that a permanent record is kept of the communication.

## **3. Unlawful expenditure or losses**

- 3.1. The assistant director finance must be informed immediately that any officer of the council becomes aware of any action, including action or proposed action by the council, committee or sub-committee, which:
  - (1) involves or would involve the council incurring unlawful expenditure;

(2) is unlawful and likely to cause a loss to the council; or

(3) will result in an unlawful entry in the council's accounts.

#### **4. Reports**

- 4.1. All council, cabinet, committee or sub-committee reports must contain a section that provides members with an accurate description of the resource implications of the report, including whether the expenditure can be met from existing budgets. They will be circulated in advance to the assistant director finance. This should be done so that there is time to meet the report deadlines. The assistant director finance must sign off all reports that he agrees the resource implication section of the report.

#### **5. Business plan and budget**

- 5.1. The cabinet will recommend to the council a preliminary overall financial strategy for the council at the October meeting. The management team will provide to each portfolio holder and the overview and scrutiny committee a draft business/local performance plan that conforms to the financial strategy set out by the council. The cabinet will consider the draft service/local performance plan.
- 5.2. Only in exceptional circumstances should growth or savings be fed into the budgetary process without having been part of the service/local performance plan process.
- 5.3. The assistant director finance will decide on the detailed form of capital and revenue estimates after consultation with the management team. They will report in advance to the cabinet any significant proposals for change.

- 5.4. The managing director, all directors and all assistant directors will be provided with a detailed timetable and budget guidance notes to enable the annual budget to be completed by the statutory deadline. The guidance will set out responsibilities for the compilation of the estimates. The managing director, directors and assistant directors will be responsible for agreeing their estimates prior to them being submitted to the cabinet and also for reporting on the consequences of the proposed estimates.
- 5.5. The assistant director finance will be responsible for the collation of the estimates and funding issues being reported to the council and the cabinet.
- 5.6. Approval of the revenue estimates will give authority to the managing director, directors and assistant directors to commit their budgets to achieve the council's policy objectives. The managing director, directors and assistant directors are not permitted to commit the council to any expenditure which is beyond the powers of the council.
- 5.7. The capital programme will be divided into committed schemes and uncommitted schemes as determined by the assistant director finance. When the capital programme has been agreed then chief officers will be authorised to commit expenditure against any committed scheme. Uncommitted schemes can only proceed after the relevant chief officer has submitted a detailed appraisal for approval to the cabinet (except in the case of the grants budget).
- 5.8. Chief officers will be responsible for providing to the assistant director finance sufficient information to allow them to make any statutory and CIPFA returns based on the council's approved estimates.
- 5.9. The assistant director finance will provide the council with an annual budget report that sets out the consequences of the proposed budget on the council tax. He will also provide members with a three-year budget forecast based on the service/local performance plans. This will also be expressed in terms of the effect on the council tax.

## **6. Revised estimates**

- 6.1. Chief officers will monitor their budgets throughout the year. Where necessary they will report to the assistant director finance the need to use the scheme of virement or supplementary estimates. Where appropriate the assistant director finance will apply the scheme of virement as set out in rule 8 below or the scheme of supplementary estimates as set out in rule 9 below if budgets need to be amended.

## **7. Budgetary control and budget monitoring**

- 7.1. Chief officers are expected to control their budgets so that they achieve the council's policy objectives without over-spending.
- 7.2. The managing director, directors and assistant directors will approve a scheme of delegation of budgets to named officers. The scheme of delegation will be notified to the assistant director finance. Each budget officer will be accountable to their chief officer for controlling their budgets and for complying with these financial procedure rules.

- 7.3. The assistant director finance will make available to all budget officers financial information on-line and, on request, report format of information held on the council's Financial Management System (Financials).
- 7.4. There will be a joint budget and performance monitoring report to the cabinet at appropriate times in the financial year. The budget officers will provide an explanation of all significant variations from the budget profile together with a projection of the year end position on that budget.

## **8. Virement**

- 8.1. Virement will only be approved when it furthers the policy objectives of the council.
- 8.2. The revenue virement regime is set out in the budget and policy framework procedure rules and in rules 8.3 to 8.7 below.
- 8.3. Virements are actioned at the subjective budget headings level as set out in the council's budget book.
- 8.4. There will be no virement into staffing budgets which creates a future year commitment without approval of the cabinet.
- 8.5. Virement will not be approved where there has been a fortuitous increase in income without cabinet approval.
- 8.6. If a virement is proposed that creates a commitment to new expenditure beyond the current financial year of over £10,000 then the council must approve this.
- 8.7. The assistant director finance can approve any revenue virements that meet the above regulations up to £50,000. The council must approve virements over £50,000.
- 8.8. There will be no amendment to capital budgets without the approval of the council. Capital payments can be moved between financial years to more accurately reflect scheme payments.
- 8.9. The assistant director finance will keep a record of all virements that have been approved.

## **9. Supplementary estimates**

- 9.1. Supplementary estimates are only approved as a last resort. It is expected that chief officers will make every effort to avoid supplementary estimates by careful management of their approved budgets and by virement.
- 9.2. As soon as a chief officer realises that he will exceed his expenditure budget by £10,000 or more, or there is a projected shortfall of income of £10,000 or more then he must report this to the head of finance and revenue services. The chief officer must not commit any further expenditure against that budget unless he has a statutory duty to provide a service or there is an emergency situation. It is not considered appropriate to apply these rules to statutory provisions. Overspending on these budgets will be monitored by the cabinet as part of the budget monitoring process.

- 9.3. The assistant director finance will discuss the matter with the chief officer to try to avoid a supplementary estimate. The assistant director finance will have the authority to vire up to £10,000 from the council's approved contingency for each instance identified to meet the proposed supplementary estimate. All uses of the contingency fund will be subject to prior consultation with the relevant portfolio holder and will be reported to the cabinet.
- 9.4. Any proposed supplementary estimate over £10,000 will be reported to the council for approval. The assistant director finance will indicate whether the proposed supplementary estimate can be met from the council's contingency or will have to be a call on the council's balances.
- 9.5. The assistant director finance will have authority to create a supplementary estimate for any use of earmarked reserves, eg the repairs and renewals equalisation funds, provided it is within council policy.

## **10. Accounting**

- 10.1. The assistant director finance will maintain the council's accounts in accordance with best practice and all relevant statutes.
- 10.2. The assistant director finance will produce a preliminary outturn report to the cabinet during May/June.
- 10.3. The council will approve the council's accounts prior to 30 June. The assistant director finance will be responsible for signing the statutory accounts and making all necessary returns based on the accounts.
- 10.4. Chief officers will be responsible for providing to the assistant director finance sufficient information to allow him to make any statutory and CIPFA returns based on the council's accounts.

## **11. Authorised signatories**

- 11.1. Annually chief officers must provide the assistant director finance with a list of those officers authorised to:
- (1) approve timesheets or any other matter relating to the payment of salaries, wages and pensions;
  - (2) approve travel and subsistence claims;
  - (3) authorise orders for work, goods and services and
  - (4) approve accounts for payment.
- 11.2. The list will include a specimen signature for each officer.
- 11.3. Chief officers are responsible for notifying the assistant director finance of any changes during the year.

## **12. Salaries, wages and pensions**

- 12.1. The assistance director Chief of Staff will be responsible for the payment of all salaries, wages, pensions, compensation and other emoluments to all employees and former employees of the council or its predecessors.
- 12.2. The assistant director finance must be notified as soon as possible and in the form requested by him, of all matters affecting the payment and coding of salaries, wages and pensions including:
  - (1) appointments;
  - (2) resignations;
  - (3) dismissals;
  - (4) secondments and
  - (5) transfers.
- 12.3. The appointment of all employees must be in accordance with the council's personnel procedures.

## **13. Staff and members' travel and subsistence allowances**

- 13.1. The assistant director Chief of Staff will be responsible for the payment of all claims for travel and subsistence for staff and members and is also responsible for paying members' allowances.
- 13.2. All claims for payment of allowances must be submitted to the assistant director Chief of Staff in the form they request.
- 13.3. Claims submitted more than six months after the expenses were incurred will only be paid at the discretion of the assistant director Chief of Staff if there is good reason for the delay.

## **14. Contracts for IT equipment and services, building, construction or engineering work**

- 14.1. Where a contract provides for instalment payments the officer responsible for that contract will keep a record of all payments to the contractor.
- 14.2. The assistant director concerned or private architect, engineer or consultant engaged by the council will certify all payments on account.
- 14.3. The assistant director concerned or private architect, engineer or consultant engaged by the council must, subject to the provisions of the contract, authorise all variations or additions to the contract. Where a variation or addition results in an increase of £50,000 or 10% or more, whichever is the lower, in the contract price, this must be reported to the council as soon as possible.
- 14.4. The assistant director will be responsible for ensuring that the final account is justified and in accordance with the contract. The assistant director must retain all information relating to the contract.
- 14.5. Claims from contractors for matters not within the terms of the contract must be referred to the assistant director concerned for consideration of the council's legal and financial liability before any settlement is reached.

- 14.6. Where completion of a contract is delayed by more than one-sixth of the contract period, or three months, whichever is the shorter, the assistant director will report to the appropriate decision making body. Whenever any contract is delayed the assistant director will consider the circumstances and if reasonable to do so will enforce the damages/compensation part of the contract.

## **15. Orders for work, goods and services**

- 15.1. Official orders must be in a form approved by the assistant director finance.
- 15.2. Only officers authorised by an assistant director may order work, goods or services on behalf of the council.
- 15.3. Official orders must be issued for all work, goods or services except for petty cash purchases or other exceptions approved in advance by the assistant director finance. In emergencies goods may be ordered by telephone or internet but an official order must be immediately sent to the supplier and a copy retained.
- 15.4. All orders must conform to the contracts procedure rules if applicable. Purchasing officers must seek and abide by the advice of the head of assistant director Chief of Staff about the council's approved suppliers, including the use of the Eastern Shires Purchasing Organisation (ESPO).
- 15.5. There must be sufficient uncommitted budget remaining in the financial year to cover any order. This regulation may only be breached in emergency situations approved by the appropriate chief officer. In all other cases, the chief officer will consult with the assistant director finance prior to the purchase order being sent and the council committed to the expenditure.

## **16. Payment of accounts**

- 16.1. The assistant director finance will be responsible for the payment of all invoices and accounts.
- 16.2. All invoices or accounts must be examined, verified and authorised for payment before they are passed to the assistant director finance. The checks must include:
- (1) the works, goods or services have been carried out or provided as ordered. (Occasionally it may be necessary contractually to make payments in advance of the goods or services being provided. This needs to be annotated on the invoice;
  - (2) the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;
  - (3) the relevant expenditure has been properly incurred and is within the relevant estimate provision. If it is not the head of finance and revenue services must be informed immediately;
  - (4) appropriate entries have been made in inventories, stores records or stock records as required;



(5) the invoice or account has not previously been passed for payment and

(6) the invoice or account is a proper liability of the council.

- 16.3. Invoices or accounts must not be altered. If there is a discrepancy then this should be referred to the supplier to either reissue the invoice or to supply a credit note.
- 16.4. Authorised accounts must be passed to the assistant director finance without delay. The assistant director finance may make any enquiries he considers necessary before paying the invoice or account.
- 16.5. All chief officers will provide the head of assistant director finance with details of all outstanding expenditure relating to the previous financial year by the date specified in the final accounts closure timetable.

## **17. Petty cash accounts**

- 17.1. Requests to hold a petty cash account must be made to the assistant director finance who will determine whether a petty cash account should be approved and the amount of the petty cash imprest.
- 17.2. No income should be paid into the petty cash account other than the reimbursement of the account.
- 17.3. Payments will be limited to £100 for minor items of expenditure. A receipt should evidence each payment. The spending officer must try to obtain a VAT invoice or VAT receipt. The assistant director finance may approve, in exceptional circumstances, an exception to the expenditure limit.
- 17.4. An officer responsible for a petty cash account will provide a year end certificate as to the state of the account. The assistant director finance will have the right to audit the account at any time.
- 17.5. The petty cash account must not be used for personal loans or cashing personal cheques.
- 17.6. On leaving the council's employment or ceasing to be entitled to hold a petty cash account, the officer will account to the assistant director finance for the sum advanced.

## **18. Income**

- 18.1. The assistant director finance will be responsible for collecting all non tax money due to the council.
- 18.2. Wherever possible all monies due to the council should be collected prior to the service being provided.
- 18.3. The council will set its charges annually. These must be applied in all cases.
- 18.4. Chief officers will ensure accounts are raised immediately and will provide the assistant director finance with details of all money owing to the council.

- 18.5. The assistant director finance will supply all receipt forms, books, tickets or other such items. These documents are controlled stationery and they must be kept securely at all times.
- 18.6. All money received by employees of the council will be paid to the assistant director finance or, as he instructs, to the council's bank or to another properly authorised body or person. No money may be deducted from income to pay for expenses. When money is banked, a reference must be included on the paying-in slip (such as the receipt number, invoice number or the name of the debtor) to indicate what the payment is for.
- 18.7. All cheques received in the post or at the council's main offices will be forwarded as soon as practical to the payments section. Information will be passed to departments so that they are aware that a cheque has been received.
- 18.8. Every transfer of council money from one member of staff to another must be recorded and signed for by the receiving officer.
- 18.9. Personal cheques will not be cashed out of the council's money.
- 18.10. The director resources and the assistant director finance are authorised to write off debts (excluding NNDR, council tax and housing benefit over payments and homelessness accommodation and associated costs) which do not exceed £100,000, together with attendant costs, where all reasonable recovery action has been exhausted, and subject to quarterly reports to the cabinet with any budgetary consequences highlighted.

## **19. Estates**

- 19.1. The assistant director Chief of Staff will keep a register of all land and property owned by the council. This register will include:
- (1) the holding function;
  - (2) the purpose of the holding;
  - (3) the location, extent and plan reference;
  - (4) purchase details;
  - (5) particulars of the council's interest in the land or property and
  - (6) details of any rents payable or receivable (including tenancy details).
- 19.2. The assistant director finance will keep a capital asset register for capital accounting purposes. The officer responsible for an asset will obtain valuations for capital accounting purposes, when required by the assistant director finance.
- 19.3. The assistant director Chief of Staff will keep all title deeds securely.

## **20. Inventories**

- 20.1. The assistant director finance will maintain an inventory of all furniture, fittings, equipment, plant, machinery and software belonging to the council.
- 20.2. Chief officers will be responsible for checking annually all items on the inventory that are located in their directorate.

- 20.3. The chief officer is responsible for notifying the assistant director finance of any discrepancy in the inventory as soon as it is discovered. The assistant director finance, in consultation with the chief officer, will decide on what action to take and will ensure that the inventory is amended appropriately.
- 20.4. Each chief officer must keep a record of any equipment taken off site.
- 20.5. The council's property may not be used for private purposes without the prior approval of the chief officer.
- 20.6. The assistant director finance will oversee the disposal of obsolete or surplus items so that the council obtains the best overall price taking account of any costs of selling. This may include sales to staff through a tendering procedure.

## **21. Stocks and stores**

- 21.1. Chief officers will decide on the appropriate level of stocks to be held by the council to fulfil its duties.
- 21.2. Chief officers will be responsible for the care and security of the stocks and stores within their control.
- 21.3. The assistant director finance will arrange for periodical checks of stocks and stores by an appropriate person.
- 21.4. The assistant director finance must be provided with any information they require about stocks for accounting, costing and financial records.
- 21.5. Surplus or obsolete materials, stores or equipment must be disposed of by competitive tender or public auction unless the responsible chief officer decides that it would be uneconomic to do so. All write-offs of stock should be recorded, the assistant director finance will be notified of the write-off. All such write-offs will be recorded in the council's write-off book.

## **22. Insurance**

- 22.1. The assistant director finance will arrange all insurance cover on behalf of the council and negotiate all claims in conjunction with other officers where necessary.
- 22.2. Chief officers will notify the assistant director finance immediately of all new risks, properties, vehicles, plant and equipment, which need to be insured. They will also notify him of any alterations affecting existing insurance.
- 22.3. Chief officers will notify the head of finance and revenue services immediately in writing of any loss, liability, damage or any other event likely to lead to a claim against the council. All requests for claims information will be accorded the highest priority to ensure legal/claim deadlines are met.
- 22.4. The assistant director finance will review all insurances at least annually.
- 22.5. Chief officers will consult the assistant director finance on the terms of any indemnity which the council is requested to give.

- 22.6. Every officer and member of the council must ensure that where they represent the council on an outside body they are covered by adequate insurance provided by the outside body.

### **23. Security**

- 23.1. All chief officers are responsible for maintaining the proper security for all buildings, stocks, stores, furniture, equipment, cash, etc under their control. The assistant director finance must be consulted in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 23.2. Maximum limits for cash holdings will be agreed with the assistant director finance. They must not be exceeded without their prior permission.
- 23.3. The person to whom they are entrusted must safely look after any keys or devices that perform a similar function. The loss of any key or similar device must be reported to the assistant director finance as soon as possible.
- 23.4. The director resources will be responsible for the security of all data and information held by the council. The council will appoint an officer as the designated data protection officer.

### **24. Banking arrangements and cheques**

- 24.1. The assistant director finance is authorised to operate the council's bank accounts.
- 24.2. All cheques will be ordered only on the authority of the assistant director finance who will make proper arrangements to keep them secure.
- 24.3. Cheques for the council's bank accounts will bear the facsimile signature of the managing director. The assistant director finance will adopt arrangements for high value cheques that require an actual signature of an officer authorised by the cabinet.

### **25. Investments and borrowing**

- 25.1. When council money is invested it will be done in the name of the council. Special arrangements will be made to secure the council's externally managed cash management fund by using independent custodians.
- 25.2. The assistant director finance will be responsible for all securities in the council's ownership.
- 25.3. All borrowings will be effected in the name of the council.
- 25.4. The assistant director finance will be the council's registrar of stocks, bonds and mortgages and will maintain a record of all money borrowed by the council.
- 25.5. Annual borrowing limits and approved sources of borrowing will be agreed by the council each year.

## **26. Treasury management**

- 26.1. The council adopts CIPFA's "Code for Treasury Management in Local Authorities".
- 26.2. A treasury management policy will be adopted annually by the council. The implementation and monitoring of the policy is delegated to the finance portfolio holder.
- 26.3. All the council's money will be aggregated for treasury management under the control of the assistant director finance.
- 26.4. All executive decisions on borrowing, investment and financing will be delegated to the assistant director finance, or through him/her to their staff, who will be required to act in accordance with CIPFA's "Code for Treasury Management in Local Authorities". In the instance of favourable market conditions having the impact of increasing the interest received by the council to exceed the investment limits set out in the Treasury Management Policy – such increase would only be sanctioned where the limits have been breached by increased interest receivable.
- 26.5. The assistant director finance will report to the cabinet twice per year on the treasury management activities.
- 26.6. The assistant director finance will report by 30 June to the cabinet on the compliance with the treasury management policy for the preceding financial year. This report will form the annual report on treasury management.

## **27. Retention of financial records**

- 27.1. The assistant director finance will produce a scheme for the retention of financial records. All staff will comply with that scheme.

## **28. Internal controls**

- 28.1. Chief officers are responsible to the assistant director finance for the achievement of appropriate levels of internal financial controls within their directorate.
- 28.2. Chief officers must ensure that the following principles are observed in allocating financial duties, where practical:
  - (1) there will be a separation of duties so that no one officer is able to carry out all parts of a financial transaction;
  - (2) staff receive appropriate training to ensure that they are competent to achieve the high standards of financial propriety expected of the council's staff;
  - (3) prior to new staff being appointed references are taken up with their previous employer, one other referee and the Criminal Records Bureau if appropriate for the post and
  - (4) staff are aware of their responsibilities and obligations as set out in these financial procedure rules.

## **29. Audit**

- 29.1. A continuous internal audit will be undertaken to examine the accounting, financial and other operations of the council. Internal audit will operate under the direction of the assistant director finance.
- 29.2. The assistant director finance or his authorised representative will have authority to:
- (1) enter any council property or land at any reasonable time;
  - (2) have access to all records, documents and correspondence on any financial or other transaction of the council;
  - (3) require and receive such explanations as are necessary concerning any matter being examined and
  - (4) require any employee or councillor to produce cash, stores or any other council property or equipment under his control.
- 29.3. The assistant director finance must be advised of any suspected or actual irregularity concerning the council's financial affairs, property or equipment. The assistant director finance will investigate all alleged irregularities and will report all confirmed material irregularities to the overview and scrutiny committee.
- 29.4. Directors and assistant directors will respond promptly to all internal audit reports. They will provide the internal auditors with a response to all audit recommendations. If a director or assistant director is not prepared to accept an audit recommendation then that should be discussed with the assistant director finance.
- 29.5. The relevant director / assistant director will report to Corporate Management Leadership Team, cabinet, council and audit committee any weakness scored as high or fundamental that has been identified by internal audit.
- 29.6. The assistant director finance will report to the cabinet, the council and audit committee any resource implications arising from internal audit reports which cannot be met within existing budgets.
- 29.7. The assistant director finance will provide an annual report to the audit committee on all external and internal audit activity.

## 4. Contract Procedure Rules (CPRs)

As adopted by:

Broadland District Council on

05 October 2023

### Statement of Intent

**Subject to the overriding principles in section 2 below, there will be a focus on, wherever appropriate:**

- **enabling social value,**
- **encouraging participation by local businesses to support the local economy, and**
- **using criteria in contracts that protect the environment and reduce carbon emissions.**

### 1. COMPLIANCE

- 1.1. These Contract Procedure Rules (CPR) are the Council's contract standing orders under section 135 of the Local Government Act 1972. They must be followed every time the Council enters into a contract for works, supplies or services.
- 1.2. All public procurement and other applicable laws (directly or indirectly in force in England at the relevant time) must be followed (ie the Public Contract Regulations 2015). Such laws override any conflicting provision of the CPRs.
- 1.3. These, the CPR must be read in conjunction with the Council's Constitution, including its Financial Procedure Rules, Procurement Quick Step Guide (QSG), decision making processes and delegated authorities.
- 1.4. These CPR are the minimum standards which must be adhered to. Particular procurements may require a more thorough procedure than one defined by value alone, depending on the identifiable risks to the Council, or it may be beneficial to the Council to secure greater competition. If in any doubt as to the position on any procurement, consult the Procurement Team.
- 1.5. The CPR aim to promote the highest standards of probity, integrity and impartiality using the key procurement principles of transparency, equal treatment, non-discriminatory and proportionate manner. They thereby offer the best justification against allegations of purchases having been made fraudulently or incorrectly.
- 1.6. If it comes to notice of an Officer that there has been non-compliance with these CPR s/he shall without delay notify the Director of Resources who shall take such action as deemed necessary.

## **2. PROCUREMENT PRINCIPLES**

- 2.1. The aim of every procurement process should be to achieve Value for Money, compliance with all legal requirements, and support the Council's policies and objectives.
- 2.2. These CPR apply to the appointment of Consultants, sub-contractors and any other legal entity (when acting on behalf of the Council).
- 2.3. Approval for any advance payments to the supplier before receiving the relevant works, supplies or services, must be sought in writing from the Assistant Director of Finance or Director of Resources before proceeding to ensure protection of the Council's interests.
- 2.4. Tenders and Quotations over the value of £20,001 must be returned electronically via the Council's e-tendering system and opened by the procurement team and/or nominated officer.
- 2.5. All contracts except where lowest price was predetermined to be the appropriate contract award criterion shall be awarded based on the offer that represents the Most Economically Advantageous offer to the Council.

## **3. EXCLUDED CONTRACTS**

- 3.1. The following contracts are not subject to these CPRs:
  - Contracts of employment;
  - Agreements regarding the acquisition, disposal or transfer of land only (i.e. without any connected development);
  - Contracts where the price of the goods or materials is wholly controlled by Government order or otherwise and no reasonably satisfactory alternative is available;
  - For other reasons where there would be no genuine competition;
- 3.2. Where competition has already been carried out by a third party e.g. frameworks (see section 19) the competition requirements in section 7 shall not apply. However, we still need to operate in the spirit of ensuring fair, transparent, and proportionate procurement practices are followed, as required by the Public Contract Regulations 2015.

## **4. INVOLVEMENT OF THE PROCUREMENT TEAM**

- 4.1. Where the procurement involves any of the following criteria the Procurement Team must be consulted:
  - Where the Total Value exceeds the relevant Public Procurement Thresholds (see QSG).
  - Where the opportunity is likely, in view of its characteristics, to be of cross-border interest and therefore attract potential suppliers from outside the UK.
  - Where any staff of the Council or an existing supplier spend the majority of their time providing the services which are to be procured (investigation would be needed to identify any potential TUPE implications in advance and obtain/provide employee liability information).
  - The procurement involves leasing agreements.
  - Where it is proposed to use a supplier's own terms or any other form of contract which is not one of those normally used by the Council for other matters.



- Procurement of application software with a Total Value above £75,000.
- Agreements involving the development of land for public benefit.
- Where it is proposed to extend or vary an existing contract.
- Any collaborative procurements where the Council is working with other authorities to procure.
- Where it is proposed to enter into a new contract with an existing supplier without competition (such as a new contract for a line of business software system).
- Where the procurement is complex in any other way or involves unusual risks.

4.2. The advice of the Procurement Team should normally be followed. However ultimate responsibility for conducting a procurement rests with the officer leading the procurement.

There may therefore be occasions when the lead officer wishes to adopt a different approach. In such cases they should document the reason why the Procurement Team advice is not being followed, along with the risks that may arise from taking a different approach and get this signed off at Assistant Director level or above.

For instance the Procurement Team may recommend that in order to comply with best procurement practice an open tender process should be used, however there may be good reasons why a more limited procurement process is to be used.

## **5. PRE-PROCUREMENT PROCEDURE**

5.1. Before commencing a procurement process, it is essential that the Officer leading the procurement is fully aware of the QSG. Consideration shall be given to the Council's Procurement Strategy.

## **6. PRELIMINARY MARKET CONSULTATION**

6.1. Before commencing a procurement process the Officer may conduct market consultations with a view to preparing the procurement and informing potential suppliers of the Council procurement plans and requirements. This should be proportionate to the value of the contract.

6.2. Before commencing preliminary market consultation advice must be sought from the Procurement Team ensuring that the market consultation, would not have the effect of distorting competition and would not result in a violation of the principles of non-discrimination and transparency.

## **7. CONTRACTS PROCEDURES**

7.1. The following table outlines the minimum selection procedure to be used where the procurement is within these CPR and is not complex (see Rule 4 above) and a suitable existing corporate contract or appropriate framework is not being used.

### **Estimating the Contract Value**

The Estimated Total Value is the total estimated contract value, over the total contract period, and must include any potential usage by all procurement partners.

## Minimum Contracts Procedures for Works, Supplies or Services:

| <b>Estimated Total Value<br/>(Inc all partners)</b>                              | <b>Selection procedure</b>   | <b>Selection recommendations</b>                             |
|--|--|--|
| Less than £20,000  | Single quotation in writing including demonstration of value for money         | Assistant Director or delegated to Officer                   |
| £20,001 to £75,000   | At least three quotations in writing   | Officer or Procurement Team                                  |
| Above £75,001 but below the Public Contract Regulations 2015 Financial Threshold | Invitation to Tender issued to a minimum of three suppliers or an open tender. | Officer or Procurement Team                                  |
| At or above the Public Contract Regulations 2015 Financial Threshold             | Advice must be sought from the Procurement Team and/or Assistant Director.     | Consult with the Procurement Team and the Assistant Director |

7.2. The Council should make the best use of its procurement power by aggregating purchases wherever possible. It is not acceptable to split Works, Services or Supplies in attempt to avoid these CPR or the Public Contract Regulations.

## 8. SINGLE QUOTATION PROCEDURE (Value less than £20,000)

8.1. Single quotes can be obtained in a variety of ways which may include phone, internet, letter, face to face, however the information needs to be recorded. Where quotations are obtained via phone or face to face interaction, these should be confirmed in writing (e.g. send e-mail or through third party providing written quote).

All quotes are subject to the following processes;

- 8.2. Although a formal procurement process does not need to be followed, value for money needs to be demonstrated.
- 8.3. Officers should select a supplier by any reasonable means.
- 8.4. Request a final written quote from the supplier.
- 8.5. Reasons for the selection are to be recorded centrally.
- 8.6. Raise an appropriate Purchase Order to the supplier using the Council's financial software, prior to placing the order ensuring this refers to or incorporates the relevant contract document(s).

## 9. MULTIPLE QUOTATION PROCEDURE (Value £20,001 to £75,000)

Having followed QSG:

- 9.1. Identify the appropriate contract to be used or contact the Procurement Team.
- 9.2. Develop and include in the relevant sections of the Council's invitation to bid documents, so that prospective suppliers (including at least one local supplier where practicable without improperly excluding other suppliers) can provide their quotations based on:
  - The evaluation criteria;
  - Specification of services/supplies/works required by the Council); and
  - Performance indicators (if appropriate).
- 9.3. The Procurement Team can assist with developing the relevant criteria/specification/performance indicators.
- 9.4. Open quotation opportunities should use the Council's e-sourcing system if appropriate and publishing the opportunity nationally using Contracts Finder with or without any other advertisement. Good practice is to publish the opportunity for contracts over £25,000 (exclusive of VAT).
- 9.5. The period allowed for responses should be adequate, considering the complexity of the Council's requirements, to provide a reasonable opportunity for suppliers to prepare and submit a quotation. This will normally be at least 10 working days.
- 9.6. Invitation to bid documents should be sent or made available to the suppliers via the Council's e-sourcing system either to the selected suppliers or in an open opportunity. Access to the Council's e-sourcing system will be arranged by the Procurement Team on request.
- 9.7. Any bids received after the appointed date/time will not be considered and advice must be obtained from the Procurement Team as to next steps.
- 9.8. Bids will remain electronically sealed until the appointed time and date and will be opened by the Procurement Team / nominated officer.
- 9.9. Bids must be evaluated against the specified evaluation criteria, liaising with the Procurement Team and the Finance Team to check the information provided by the suppliers and when appropriate investigate the financial status of the supplier(s).
- 9.10. If less than two bids are received, consult with the Procurement Team as to whether to arrange a new invitation to bid or obtain other evidence demonstrating that (because of the nature of the opportunity, an absence of suitable competitor suppliers or otherwise) the bid(s) received represent Value for Money.
- 9.11. Record centrally the details of the procurement, including reasons for the selection of the winning bid and/or bids received.

## **10. TENDER PROCEDURE (Value more than £75,001 but below the Public Contract Regulations 2015 Financial Threshold):**

Having followed the QSG

Identify the appropriate contract to be entered by using the QSG.

- 10.1. Officers should engage the assistance of the Procurement Team as soon as it is anticipated that a tender may be required.
- 10.2. The Procurement Team will assist Officers with the following steps, including design of scope, evaluation criteria, performance indicators (if appropriate) and mitigation of risks/costs.
- 10.3. Officers should then either:

Select three or more specific potential suppliers to invite to tender (including at least one local supplier, where practicable without improperly excluding other suppliers), or

Open tender opportunities should use the Council's e-sourcing system if appropriate and publishing the opportunity nationally using Contracts Finder with or without any other advertisement. Good practice is to publish the opportunity for contracts over £25,000 (exclusive of VAT).

- 10.4. Justification for inviting only selected potential suppliers must be discussed with the Procurement Team and recorded with procurement documentation.
- 10.5. The period allowed for responses should be adequate, considering the complexity of the Council's requirements; to provide a reasonable opportunity for suppliers to prepare and submit a tender. This will normally be at least 20 working days.
- 10.6. Invitation to tender documents should be sent or made available to the suppliers via the Council's e-sourcing system either to the selected suppliers or in an open opportunity. Access to the Council's e-sourcing system will be arranged by the Procurement Team on request.
- 10.7. Any bids received after the appointed date and time will not be considered and advice must be obtained from the Procurement team as to next steps.
- 10.8. Bids will remain electronically sealed until the appointed time and date and will be opened by the Procurement Team / nominated officer.
- 10.9. The Procurement Team will manage evaluation of tenders against the specified evaluation criteria and liaise with the Finance Team to check the information provided by the suppliers and if appropriate investigate the financial status of the supplier(s).
- 10.10. The Procurement Team will assist in seeking approval, awarding the contract and completion of the procurement process.
- 10.11. Record centrally the details of the procurement, including reasons for the selection of the winning bid and/or bids received.

## **11. TENDER PROCEDURE FOR ABOVE PUBLIC CONTRACT REGULATIONS 2015**

- 11.1. Advice must be sought from the Council's Procurement Team where the estimated value is likely to exceed the PCR 2015 Financial Thresholds.
- 11.2. The Procurement Team will help manage the procurement process to ensure compliance with the PCR 2015.
- 11.3. The evaluation criteria and weightings must be prepared to enable the Most Economically Advantageous Tender or bid (MEAT), to be identified, ensuring that all such criteria are appropriate for and proportionate to the relevant contract.
- 11.4. A report for the Project Team must be prepared for all procurements over the PCR before the contract award to include and not limited to:
  - Nominated contract manager.
  - Risk assessments and risk register.
  - Contingency measures (including early termination and exit strategy).
  - Annual review of insurance policy.
  - Contractual performance.
  - Innovations.
  - Social Value delivery.
  - Complaints and compliments.
  - Data Protection issues (if appropriate).

## **12. TENDER EVALUATION**

- 12.1. Tenders must be evaluated in accordance with the evaluation criteria as set out in the invitation to tender documents.
- 12.2. The arithmetic in tenders must be checked by the appropriate officer as defined in the procurement documentation. If arithmetical errors are found they should be notified to the supplier, who should be requested to confirm or withdraw their tender.
- 12.3. When evaluating tenders including Frameworks, appropriate due diligence must be undertaken to assure the Council of the financial stability of contractors and sub-contractors.

## **13. DECLARATION OF INTEREST**

- 13.1. If it comes to the knowledge of a Member or Officer (or other appropriate person) of the Council that a contract in which they have a pecuniary interest has been, or is to be, entered by the Council then they must immediately give written notice to the Monitoring Officer. This needs to be recorded on the annual return.
- 13.2. The Monitoring Officer shall maintain records of all declaration of interests notified by Members and Officers (or other appropriate person).

## **14. POST TENDER NEGOTIATION**

14.1. Post tender negotiation is to be the exception and such negotiations shall be conducted strictly in accordance with the following:

- They shall take place at predetermined times and places.
- The Procurement team, Monitoring Officer and the Section 151 Officer or their Deputies, must be notified of the time and venue of all negotiations.
- More than one officer of the Council shall always be present, including either the Monitoring Officer or the Section 151 Officer or their Deputies, or their senior representative.
- The signed record of all meetings shall be kept on file.
- In the event of a contract being awarded, the relevant signed records of meetings shall be bound into the contract.

## 15. CONTRACT AWARD

15.1. The approval level for accepting tenders and quotations is shown in the table below

Note: The process to follow for contract award is based on the cost to the individual council (not the total cost for all partners, therefore the contract award process may be different for each council).

| Cost to Council      | BDC Approval       | SNC Approval   |
|----------------------|--------------------|--|
| Up to £20,000        | Assistant Director | Assistant Director                                     |
| £20,001 to £50,000   | Director           | Assistant Director                                     |
| £50,001 to £100,000  | CLT                | Director   |
| £100,001 to £200,000 | Cabinet            | CLT in consultation with the relevant Portfolio Holder |
| Above £200,001       | Cabinet            | Cabinet  |

15.2. Officers in conjunction with the Procurement Team must notify all suppliers simultaneously and as soon as possible of the intention to award the contract to the successful supplier and stipulating the standstill period (if any) applied in the notification. If an unsuccessful supplier challenges the decision, the Officer shall not award the contract and shall immediately seek the advice of the Procurement Team.

15.3. Where a contract has been tendered below the PCR 2015 and above £20,000 the Council shall publish a contract award notice on Contract Finder.

15.4. Where a contract has been tendered pursuant to the PCR 2015 the Council shall publish a contract award notice as detailed by the PCR 2015.

## 16. CONTRACT TERMS

16.1. Contractual arrangements should be made on:

- the Council's standard general terms, or
- standard form contracts, or
- industry standard model contract terms, or
- if using a Framework, the Framework Terms.

Contracting on the supplier's terms should be avoided.

Exceptions to this rule must be approved in advance by the Assistant Director of

Finance or Director of Resources.

16.2. Every formal contract in writing within the meaning of CPR shall specify or contain (as a minimum) wherever possible:

- a. the services, supplies or works to be provided.
- b. the price to be paid, with a statement of discounts or other deductions.
- c. the time or times within which the contract is to be performed.
- d. that all relevant health and safety legislation and codes of practice must be complied with and that any specific health and safety requirements set out in the invitation to tender prior to contract award have been satisfied.
- e. in appropriate cases (to be determined by the Assistant Director of Finance or Director of Resources) provide for the payment of liquidated damages by the supplier where they fail to complete the contract within the time specified in the contract or any amendment thereto made in accordance with the terms of the contract.
- f. a clause empowering the Council to cancel the contract and recover from the supplier the amount of any loss resulting from such cancellation, if the Supplier or any person acting on their behalf shall, in relation to the obtaining or execution of the contract or any other contract with the Council, have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have given any fee or reward the receipt of which is an offence under Section 117(2) and (3) of the Local Government Act 1972, Bribery Act 2010, Data Protection Act 2018 and Modern Slavery Act 2015.
- g. a clause requiring the supplier to provide information to the Council for the Council to fulfil its obligations under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.
- h. appropriate Employers Liability Insurance minimum of £10,000,000 or lower figure based on Officer's risk assessment in consultation with Finance.
- i. appropriate Public Liability Insurance minimum of £10,000,000 or lower figure based on Officer's risk assessment in consultation with Finance.
- j. appropriate Professional Indemnity Insurance minimum of £1,000,000 or lower or higher depending on the risks and based on Officer's risk assessment in consultation with Finance.

## **17. EXECUTION OF CONTRACTS**

17.1. Any contracts valued at above £100,000 shall be formal, made in writing and executed as a deed by the affixing of the Council's common seal or signed by the Director of Resources or other person duly authorised in this regard (as considered appropriate).

17.2. All other contracts (i.e. less than £100,000) may be signed by the relevant Assistant Director or other person duly authorised in this regard (as considered appropriate).

## **18. CONTRACT REGISTER AND FORWARD PROCUREMENT PLANS**

- 18.1. Assistant Directors shall be responsible for the Contracts Register and Forward Procurement Plan and shall ensure all contracts in excess of £5,000 (unless the contract is less than three months duration) are recorded on the Contracts Register in a timely manner.
- 18.2. The Contracts Register and Forward Procurement Plans will be published on the Council website by the Finance and Procurement Team quarterly in line with the requirements of the Local Government Transparency Code.

## **19. FRAMEWORK AGREEMENTS AND DYNAMIC PURCHASING SYSTEMS**

- 19.1. Framework Agreements and Dynamic Purchasing Systems (DPS) will contain instructions for use within its terms, and potentially include a requirement for a further competitive process between those suppliers who are parties to the Framework Agreements and DPS.
- 19.2. In these cases, a Framework Agreement and DPS shall be tendered in accordance with these CPR and the Public Contract Regulations.
- 19.3. If a direct award is permitted by a Framework and this is the preferred route, then the Contract Owner shall detail why using a direct award is appropriate for this contract, and get this approved by the relevant Assistant Director, and the Assistant Director of Finance.
- 19.4. Where the Council has entered into a Framework Agreement and/or through procurement or is able to place orders from existing Framework Agreements and/or procured by central Government agencies, other local authorities or other third parties, then the Council may benefit from using those contracts without entering into a separate procurement.
- 19.5. Procurement Team advice should be sought in advance before awarding a contract to a supplier using a Framework Agreement or DPS not procured directly by the Council.

## **20. COLLABORATIVE PROCUREMENT**

- 20.1. These CPR shall apply to any procurement where tenders are invited by the Council on behalf of any partnership, consortium, association or similar body of which the Council is a member, unless such tenders are invited in accordance with the method prescribed by such consortium, association or body and where necessary with the requirements of the PCR 2015.

## **21. CONTRACT EXTENSIONS**

- 21.1. No contract may be extended except in accordance with its terms (subject to financial resources and satisfactory value for money assessment) and comply with the PCR 2015.
- 21.2. Prior to any contract extensions advice should sought from the Procurement Team as required.

## **22. WAIVERS OF CONTRACT PROCEDURE RULES**



22.1. Waivers of any of these CPR shall only be given in exceptional circumstances.

Waivers may not be made retrospectively.

Note: It is not legally possible to get a waiver from the PRC rules.

22.2. An Officer empowered to let a contract may seek a waiver from a Director and Section 151 Officer or their deputies and if above £100,001 Cabinet.

All waivers shall be recorded on the Waiver Form and saved centrally.

## **23. BONDS, GUARANTEES AND INSURANCE**

23.1. The Officer shall consider in all contracts the appropriate type (employee liability, public liability, professional indemnity, etc.) and level of insurance requirements for each contract. The Officer shall consult with Finance when determining the appropriate levels of insurance.

23.2. For all contracts over £100,000 (and any other circumstances deemed appropriate by the Officer and the Assistant Director of Finance or Director of Resources), some form of security may be required from the potential supplier as part of the pre-procurement process.

## **24. OPERATIONAL EMERGENCY**

24.1. In the event of circumstances rendering emergency measures necessary which cannot expediently be approved through normal Council procedures, the appropriate Officer(s) in consultation with the Managing Director (or a nominated officer), or not less than two Cabinet Members may, notwithstanding anything contained in the Council's CPR or Financial Procedure Rules, authorise the Officer to enter into a contract on behalf of the Council.

24.2. In a continuing emergency any action taken, or contract entered into shall be reported to a special Cabinet meeting as soon as possible which shall take such action as necessary to deal with the situation.

24.3. Prior to reference to Cabinet, such process of emergency measures shall be subject to a total limit of expenditure up to PCR 2015 Financial Thresholds.

24.4. Any adoption of these powers must be reported to the next Cabinet.

## **25. DISPOSAL OF ASSETS**

Disposal and/or reallocation of assets needs to be managed with the same diligence as the acquisition process. Before any disposal and/or reallocation of assets reference must be made to the Council's Disposal Strategy and/or Constitution. The Council has a duty of care regarding the disposal of equipment where environmental issues are appropriate.

25.1. Records must be retained for the disposal of assets in a similar way as for procurement decisions.

25.2. Any items of stock (other than land) deemed obsolete or surplus to requirements must, where the expected loss on disposal is no more than £25,000, be sold or disposed of only on the authorisation of the Assistant Director.

Where the expected loss on disposal exceeds £25,000 the approval of the appropriate Director (s) must be obtained.

25.3. The method of disposing of surplus or obsolete stocks / stores or assets other than land must be determined as follows:

| Total Value       | Method  |
|-------------------|---|
| Up to £25,000     | By whatever means the relevant Assistant Director shall decide consistent with the asset disposal rules   |
| £25,001 and above | Tender sought by public advertisement, by public auction or such other means as the Section 151 Officer or Director of Resources shall approve after consultation with the Monitoring Officer |

25.4. Before an item is disposed of, consideration should be given as to whether there is a use for the item elsewhere within the Council. All options must be explored, and a record kept of the decisions made. It is the responsibility of each Assistant Director to establish that legal title rests with the Council prior to the disposal of any item. Disposal of land will in all cases require advice and guidance from the appropriate body as set out in the Council's Financial Regulations.

## **26. CONTRACT MANAGEMENT**

Efficiencies secured under competitive processes will only be realised with effective contractual management.

26.1. Named Officer(s) will be responsible for the day to day operational management of all contracts.

26.2. Requirements for contract management are to include and not limited to: (as a minimum);

26.3. An annual review (in consultation with the Finance Team) of the financial status of any key suppliers in contract with the Council.

26.4. Annual check for validity of any required certifications and evidence of current insurance cover.

26.5. Regular review meetings at agreed intervals to discuss:

- 1) Contractual performance (key performance measures).
- 2) Social value delivery.

- 3) Innovations or other potential savings in areas relating to the contract or opportunities to improve the range of services provided.
- 4) Risk identification, evaluation and management on subjects relating to the contract.
- 5) Customer complaints and compliments.
- 6) Any data protection issues.

Intervals for these review meetings will vary depending on the complexity of the contract/commodity and the total value. Generally, the review meetings for any contract with a high-risk element or above the Public Contract Regulations financial threshold should be held at least six monthly and can be more frequent where performance or risk management are identified as an issue.

26.6. For key strategic contracts a report must go annually to the relevant Cabinet Member regarding:

Achievement of contractual objectives within the period.

Current contractual direction (continue, review, exit, retender).

## **27. RETENTION OF DOCUMENTS**

27.1. It is a legal requirement for commercial records to be retained for inspection by various Government authorities including HMRC.

27.2. The retention period commences once the Tender, Purchase Order or Contract is closed: all “open” documents are retained indefinitely.

27.3. The records to be retained, the retention period and which section retains them are detailed below:

| Document           | Retained by                    | Retention Period |
|--------------------|--------------------------------|------------------|
| Tenders/Quotations | e-procurement system/centrally | 7 Years          |
| Purchase Orders    | Finance System/Section         | 7 Years          |
| Contracts          | Officer/Deed Room              | 7 Years          |
| Suppliers Invoices | Finance System/Section         | 7 Years          |

The records should be kept in a format that facilitates accessibility for future use.

## **28. REVIEW AND AMENDMENT OF THE CONTRACT PROCEDURE RULES**

28.1. These CPRs shall be reviewed and updated at least every 2 years.

## **5. Access to information procedure rules**

### **1. Scope – executive arrangements**

- 1.1. These rules apply to public access to information in respect of all meetings of the council, the overview and scrutiny committee, area committees (if any), the standards and licensing & regulatory committees and public meetings of the cabinet (together called meetings).

### **2. Additional rights to information**

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

### **3. Rights to attend meetings**

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

### **4. Notices of meeting**

- 4.1. The council will give at least five clear working days notice of any meeting by posting details of the meeting at the Council offices (The Horizon Centre) and on the Council's website.

### **5. Access to agenda and reports before the meeting**

- 5.1. The council will make copies of the agenda and reports which are open to the public available for inspection at the designated office at least five clear working days before the meeting.
- 5.2. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

### **6. Supply of copies**

- 6.1. The council will supply copies of:

- (1) any agenda and reports which are open to public inspection;
  - (2) any further statements or particulars necessary to indicate the nature of the items in the agenda and
  - (3) if the proper officer thinks fit, copies of any other documents supplied to councillors in connection with an item
- to any person on payment of such charges (if any) for postage and any other costs as the proper officer decides.

### **7. Access to minutes etc after the meeting**

- 7.1. The council will make available copies of the following for six years after a meeting:

- (1) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which

- disclose exempt or confidential information;
- (2) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (3) the agenda for the meeting and
- (4) reports relating to items when the meeting was open to the public.

## **8. Background papers**

### **8.1. List of background papers**

- (1) The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his opinion:
  - (a) disclose any facts or matters on which the report or an important part of the report is based and
  - (b) which have been relied on to a material extent in preparing the reportbut does not include published works or those which disclose exempt or confidential information (as defined in rule 10) and in respect of cabinet reports, the advice of a political advisor.

### **8.2. Public inspection of background papers**

- (1) The council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **9. Summary of public's rights**

- 9.1. A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and available to the public at the council's main offices and on the council's website.

## **10. Exclusion of access by the public to meetings**

### **10.1. Confidential information – requirement to exclude public**

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

### **10.2. Exempt information – discretion to exclude public**

- (1) 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.
- (2) Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public

unless a private hearing is necessary for one of the reasons specified in article 6.

### 10.3. **Meaning of confidential information**

- (1) Confidential information means information given to the council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order.

### 10.4. **Meaning of exempt information**

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

| <b>Category</b> |  | <b>Condition</b>   |
|-----------------|--|--|
| (1)             | Information relating to any individual.  |  |
| (2)             | Information which is likely to reveal the identity of an individual.   |  |
| (3)             | Information relating to the financial or business affairs of a particular person (including the authority holding that information).   | Information is not exempt information if it is required to be registered under –<br>(a) the Companies Act 1985;<br>(b) the Friendly Societies Act 1974;<br>(c) the Friendly Societies Act 1992;<br>(d) the Industrial and Provident Societies Acts 1965 to 1978;<br>(e) the Building Societies Act 1986; or<br>(f) the Charities Act 1993. |
| (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. | “Labour relations matters” means any of the matters specified in paragraphs (a) to (g) of section 218 (1) of the Trade Unions and Labour Relations Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act) or any dispute about such a matter.  |
| (5)             | Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.  |  |

| Category |  | Condition |
|----------|--|-----------|
| (6)      | Information which reveals that the authority proposes –<br>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or<br>(b) to make an order or direction under any enactment. |           |
| (7)      | Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.  |           |

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.

Information which –

- (a) falls within any of paragraphs 1 to 7 above; and
  - (b) is not prevented from being exempt by virtue of the paragraph above,
- is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Where a meeting of a standards committee is convened to consider a matter referred under the provisions of section 60 (2) or (3), 64 (2), 70 (4) or (5) or 71 (2) of the Local Government Act 2000.

| Category |   | Condition |
|----------|---|-----------|
| (7A)     | Information which is subject to any obligation of confidentiality.  |           |
| (7B)     | Information which relates in any way to matters concerning national security.   |           |
| (7C)     | The deliberations 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. |           |

## **11. Exclusion of access by the public to reports**

- 11.1. If the proper officer thinks fit, the council may exclude access by the public to reports which in his opinion relate to items during which, in accordance with rule 10, the meeting is likely not to be open to the public.
- 11.2. Such reports will be headed up “Not for publication” together with the category of information likely to be disclosed printed on pink paper with the word Exempt as a watermark.

## **12. Application of rules to the cabinet**

- 12.1. Rules 13 – 24 apply to the cabinet and its committees. If the cabinet or its committees meet to take a key decision then it must also comply with rules 1 – 11 unless rule 15 (general exception) or rule 16 (special urgency) apply. A key decision is as defined in part 5, section 3, 1.3 of this constitution.
- 12.2. If the cabinet or its committees meet to discuss a key decision to be taken collectively, with an officer, other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with rules 1 – 11 unless rule 15 (general exception) or rule 16 (special urgency) apply. A key decision is as defined in part 5, section 3, 1.3 of this constitution. This requirement does not include meetings, whose sole purpose is for officers to brief members.

## **13. Procedure before taking key decisions**

- 13.1. Subject to rule 15 (general exception) and rule 16 (special urgency), a key decision may not be taken unless:
  - (1) a notice (called here a forward plan) has been published in connection with the matter in question;
  - (2) at least five clear working days have elapsed since the publication of the forward plan and
  - (3) where the decision is to be taken at a meeting of the cabinet or its committees, notice of the meeting has been given in accordance with rule 4 (notice of meetings).

## **14. The forward plan**

### **14.1. Period of forward plan**

- (1) Forward plans will be prepared by the leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

### **14.2. Contents of forward plan**

- (1) The forward plan will contain matters which the leader has reason to believe will be subject of a key decision to be taken by the cabinet, a committee of the cabinet, individual members of the cabinet, officers, or under joint arrangements in the course of the 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 taker is an individual, his name and title, if any, and where the decision taker is a body, its name and a list of its members;
  - (c) the date on which, or the period within which, the decision will be taken;
  - (d) the identity of the principal groups or organisations whom the decision taker proposes to consult before making the decision;
  - (e) the means by which any such consultation is proposed to be undertaken;
  - (f) the steps any person might take who wishes to make representations to the executive 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
  - (g) a list of the documents, submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made.
- (2) The forward plan must be published at least 14 clear days before the start of the period covered.
- (3) Exempt information need not be included in a forward plan and confidential information cannot be included.

## **15. General exception**

15.1. If a matter which is likely to be a key decision has not been included in the forward plan, then subject to rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been 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 informed the chairman of the overview and 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 five clear working days have elapsed since the proper officer complied with (2) and (3).

15.2. Where such a decision is taken collectively, it must be taken in public.

## **16. Special urgency**

- 16.1. If by virtue of the date by which a decision must be taken rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chairman of the body making the decision, obtains the agreement of the chairman of the overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chairman of the overview and scrutiny committee, or if the chairman of the overview and scrutiny committee is unable to act, then the agreement of the chairman of the council, or in his absence the vice chairman.

## **17. Report to council**

### **17.1. When the overview and scrutiny committee can require a report**

- (1) If the overview and scrutiny committee thinks that a key decision has been taken which was not:
- (a) included in the forward plan; or
  - (b) the subject of the general exception procedure; or
  - (c) the subject of an agreement with the overview and scrutiny committee chairman, or the chairman/vice chairman of the council under rule 16;

the committee may require the cabinet to submit a report to the council within such reasonable time as the committee specifies.

- (2) The power to require a report rests with the committee, but is also delegated to the proper officer, who shall require such a report on behalf of the committee when so requested by the chairman or one third of the members of the committee. Alternatively the requirement may be raised by resolution passed at a meeting of the overview and scrutiny committee.

### **17.2. Cabinet's report to council**

- (1) The cabinet will prepare a report for submission to the next available meeting of the council. However, if the next meeting of the council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that.
- (2) The report to council will set out particulars of the decision, the individual or body making the decision, and if the leader is of the opinion that it was not a key decision, the reasons for that opinion.

### **17.3. Quarterly reports on special urgency decisions**

- (1) In any event the leader will submit quarterly reports to the council on the executive decisions taken in the circumstances set out in rule 16 (special urgency) in the preceding three months.
- (2) The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## **18. Record of decisions**

- 18.1. After any meeting of the cabinet or any of its committees, whether held in public or private, the proper officer will produce a record of every decision taken at that meeting as soon as practicable.
- 18.2. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

## **19. Notice of meeting of the cabinet**

- 19.1. Members of the cabinet or its committees will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.
- 19.2. The notice will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by all reports to be considered at the meeting. A copy of the notice, together with the accompanying reports will also be sent to all other members of the council.

## **20. Attendance at meetings of the cabinet**

- 20.1. All meetings of the cabinet will take place in public. The head of paid service, the chief finance officer and the monitoring officer and their nominees are entitled to attend any meeting of the cabinet and its committees.
- 20.2. The cabinet may not meet unless the proper officer has been given reasonable notice that a meeting is to take place.

## **21. Decisions by individual members of the cabinet**

- 21.1. Reports intended to be taken into account
  - (1) Where an individual member of the cabinet receives a report which he intends to take into account in making any key decision, then he will not make the decision until at least five clear working days after receipt of that report.
- 21.2. Provision of copies of reports to the overview and scrutiny committee
  - (1) On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chairman of the overview and scrutiny committee as soon as reasonably practicable and make it publicly available at the same time.
- 21.3. Record of individual decision
  - (1) As soon as reasonably practicable after an executive decision has been taken by an individual member of the cabinet or a key decision has been taken by an officer, he will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.
  - (2) The provisions of rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

## **22. Overview and scrutiny committee's access to documents**

### **22.1. Rights to copies**

(1) Subject to rule 22.2 below, the overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the cabinet or its committees and which contains material relating to:

(a) any business transacted at a public or private meeting of the cabinet or its committees; or

(b) any decision taken by an individual member of the cabinet.

### **22.2. Limit on rights**

(1) The overview and scrutiny committee will not be entitled to:

(a) any document that is in draft form;

(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

(c) the advice of a political adviser.

## **23. Additional rights of access for members**

### **23.1. Material relating to previous business**

All members will be entitled to inspect any document which is in the possession or under the control of the Executive or its committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

(a) it contains exempt information falling within paragraphs (1) to (2) (4) to (5) and (7) of the categories of exempt information; or,

(b) it contains the advice of a political adviser.

### **23.2. Material relating to key decisions**

(1) All members of the council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the cabinet or its committees which relates to any key decision unless paragraph (a) or (b) above applies.

### **23.3. Nature of rights**

(1) These rights of a member are additional to any other right he may have.