

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

t: 03450 450 500

f: 01954 713149

www.scambs.gov.uk



24 February 2020

To: Chairman – Councillor Dr. Douglas de Lacey
Vice-Chairman – Councillor Dr. Claire Daunton
Members of the Civic Affairs Committee – Councillors Henry Batchelor,
Dr. Martin Cahn, Nigel Cathcart, Mark Howell, Bridget Smith,
Dr. Aidan Van de Weyer, Heather Williams and Eileen Wilson

Quorum: 3

Substitutes: Councillors Bunty Waters, Nick Wright, Tom Bygott, Sue Ellington, Graham Cone,
Gavin Clayton, Bill Handley, Geoff Harvey and Steve Hunt

Dear Councillor

You are invited to attend the next meeting of **CIVIC AFFAIRS COMMITTEE**, which will be held in **SWANSLEY ROOM A AND B - GROUND FLOOR** at South Cambridgeshire Hall on **TUESDAY, 3 MARCH 2020** at **10.00 a.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution *in advance of* the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully
Liz Watts
Chief Executive

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AGENDA

PAGES

PROCEDURAL ITEMS

- 1. Apologies for Absence**
To receive Apologies for Absence from Committee members.
- 2. Declarations of Interest**
- 3. Minutes of Previous Meeting**
To authorise the Chairman to sign the Minutes of the meeting held on 3 December 2019 as a correct record.

1 - 4

DECISION ITEMS

- | | | |
|-----------|--|----------------------|
| 4. | Longstanton and Oakington Community Governance Review | 5 - 62 |
| 5. | Report of the Constitution Review Task and Finish Group | 63 -
1208 |

Appendix i, a track changed version of the Constitution, is available online, but has not been included in the agenda pack.

INFORMATION ITEMS

- | | | |
|-----------|---|------------------------|
| 6. | Update on Code of Conduct Complaints | 1209 -
1214 |
|-----------|---|------------------------|

STANDING ITEMS

- | | |
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| 7. | Date of Next Meeting
Tuesday 2 June at 10am in the Swansley Room. |
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GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

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were countering a rumour that the plan was to amalgamate Longstanton and Oakington into a single parish of Northstowe, which was clearly untrue. Officers were liaising with local members on this issue.

4. COMMUNITY GOVERNANCE REVIEW THRILOW PARISH COUNCIL

The Development Officer presented this report, which recommended the inclusion of a request from Thriplow Parish Council to amend their name to the Parish of Thriplow and Heathfield in the terms of reference of the current Community Governance Review. It was noted that this would not delay this review.

The Committee unanimously

AGREED

- A)** To amend the previously agreed Community Governance Review terms of reference to include consideration of a name change, as detailed in Appendix A of the report.
- B)** For officers to agree a timetable in consultation with Thriplow Parish Council.

5. REPORT FROM THE CONSTITUTION TASK AND FINISH GROUP

The Chairman of the Constitution Task and Finish Group, Councillor Claire Daunton, presented this report, which provided the Committee with the amendments to the Constitution proposed by the Group.

The Committee expressed its thanks to both the three councillors on the Constitution Task and Finish Group and the officers who had supported the Group. The Group had met 12 times and would be required to meet again to review certain outstanding issues referred to in the report.

Councillor Daunton explained that the amended Constitution was a great improvement on the existing version, as it had removed repetitions, introduced a clear numbering system and had created an Ethical Handbook, which included all relevant codes and protocols in one place.

The Democratic Services Team Leader explained that the following areas still needed to be considered by the Constitution Task and Finish Group:

- The results of the Senior Management Review, when known, would need to be reflected in the Constitution.
- The proposal that consideration should be given to the Audit and Corporate Governance Review becoming responsible for monitoring the Budget.
- Minor grammatical amendments.

Part 4, Section G Contract Regulations: Procurement

The Committee agreed that the Constitution Task and Finish Group should consider whether the Contract Regulations should provide for the Council to only enter into contracts with organisations that shared the authority's environmental

aspirations. It was suggested that the Climate and Environment Advisory Committee should also be consulted on this issue. It was agreed that the Group would need to take advice from the Council's Procurement Officer.

Council Standing Orders, Paragraph 10.1: Public speaking

It was noted that the new Constitution proposed restricting public speaking to those who lived, worked, studied, owned or occupied property in the District. However, the Committee agreed that the Constitution Task and Finish Group should consider whether other people or partners with a connection to the Council (e.g. in relation to the Greater Cambridge area, Combined Authority, Cambridgeshire or the Oxford-Cambridge arc) should be allowed to ask public questions at the Chairman's discretion.

Council Standing Orders, Paragraph 11: Petitions

The Committee understood that the Constitution Task and Finish Group had looked at the procedures of other Councils when deciding the number of signatures required for a petition to be accepted. In response to the concern that small villages might be unable to meet the threshold for a local issues, it was explained that 50% of the electorate for the affected parish would also meet the threshold. Nonetheless, the Committee agreed that the Task and Finish Group should be asked to revisit the threshold for the number of signatures required with a view to reducing it and making it easier for residents to present petitions.

Council Standing Orders, Paragraph 13.7: Notice of Motions

It was agreed that paragraph 13.7 of the new Constitution needed to be amended to clarify who had right of reply when a Motion had been amended.

The Committee supported the recommendation of the Constitution Task and Finish Group to limit the number of Motions to Council to five. This issue would be kept under review.

Council Standing Orders, Paragraph 17.5: Recorded votes

The Committee supported the proposed change to allow a recorded vote at any Committee meeting if one councillor requested it.

Protocol on Member/Officer Relations, Paragraph 7.3: Response to queries from councillors

Councillor Bridget Smith suggested that paragraph 7.3 in Part 5 of the Constitution should be amended, as queries from councillors should be answered more promptly than queries from residents, because councillors were often responding on behalf of a resident, whose query had not been addressed. The Committee agreed that the Constitution Task and Finish Group should re-examine this issue.

Protocol on Member/Officer Relations, Paragraph 11.3: Types of correspondence

After a brief discussion the Committee agreed that "other electronic means" should be added to the list of what qualifies as correspondence.

Correspondence from Fews Lane Consortium

The Deputy Monitoring Officer addressed the following points raised in a letter

from Few's Lane Consortium Ltd:

- The Committee had asked the Task and Finish Group to look at the Planning Delegation rules.
- The Council had consulted the public on major changes to the decision making process, but it would be unusual to consult on a general review of the Constitution.
- It was usual for a Council's Head of Legal Practice to also be the Council's Monitoring Officer.
- To streamline the Constitution, the Anti-Fraud and Corruption Policy had been separated from the Constitution.
- It was appropriate to empower the Chief Executive to make additional recommendations to Council regarding amendments to the Constitution. Council remained the decision making body.
- Councillors were responsible for the suggested amendments to the Constitution, not officers.

Councillor Mark Howell proposed and Councillor Bridget Smith seconded that the Constitution Task and Finish Group review the amendments suggested at this meeting and bring the entire Constitution back to the Committee. A vote was taken, and by five votes to two the Committee

AGREED that the Constitution Task and Finish Group meet to consider the issues raised by the Committee and then bring the proposed amendments to the Constitution back to a subsequent meeting of the Committee.

Timetable

The Democratic Services Team Leader explained that the aim was to take the amended Constitution to Council in April, to ensure that it was in place for the new municipal year. It was noted an additional meeting of the Committee may have to be scheduled to meet this schedule.

6. UPDATE ON CODE OF CONDUCT COMPLAINTS

The Deputy Monitoring Officer updated the Committee on two alleged breaches of the Code of Conduct relating to members of Thriplow Parish Council. The complaints were unrelated to the Community Governance Review.

7. DATE OF NEXT MEETING

It was noted that the next meeting would be held on Tuesday 3 March 2020 at 10am.

The Meeting ended at 11.15 a.m.

Agenda Item 4



REPORT TO: Civic Affairs Committee

03 March 2020

LEAD OFFICER: Liz Watts, Chief Executive Officer

Community Governance Review of the parishes of Longstanton and Oakington and Westwick, prompted by the development at Northstowe; outcomes of the first round of consultation

Executive Summary

1. The new community at Northstowe, in the north west of the district, has been planned as a distinctive new town of 10,000 homes, with green space used to separate it from the neighbouring villages of Longstanton and Oakington.
2. The new development straddles the parishes of Longstanton and Oakington and Westwick.
3. The Civic Affairs Committee instructed officers to conduct a Community Governance Review in response to the creation of this new community, which commenced 11 November 2019 with the publication of the Terms of Reference for the review.
4. The Committee is now invited to consider the findings of the first stage consultation and recommend the options upon which to consult in the second round of consultation.

Key Decision

5. No.

Recommendations

6. It is recommended that Civic Affairs Committee
 - (a) Decides which options to put forward to consult upon for the second round of consultation, taking into consideration the likely implications for each of the options.
 - (b) Approves the format of the consultation material and engagement programme for the second round of consultation.
 - (c) Delegates final sign-off of the consultation materials to Clare Gibbons, following comments from the parish councils.

Reasons for Recommendations

7. The District Council is obliged to keep under review the community governance arrangements for its area, to ensure that the arrangements in place continue to allow

good community engagement, good local democracy and permit the effective and convenient delivery of local services.

8. The emergent new community at Northstowe is developing its own, distinctive identity, with interests that are separate to and different from those of the established community of Longstanton, where Northstowe residents are currently represented via Longstanton Parish Council.
9. The consultation to date, as set out in the published Terms of Reference (Appendix A), has invited views from the parish councils (both those immediately involved and those neighbouring) and the communities therein on the following:
 - Parish boundaries.
 - Electoral arrangements.
 - Whether to create a new parish and if so, style, name and number of Councillors.
 - Possible interim arrangements.

Details

10. The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) provides for a Principal Council to conduct a review of the community governance arrangements for the whole or part of its area for the purpose of considering whether or not to make any changes to Parish boundaries or size, and/or the creation of new parishes; and the review of the electoral arrangements for new and/or existing parishes. Section 93 of the 2007 Act allows principal councils to decide how to undertake such a review, provided that they comply with the duties in the Act which apply to councils undertaking reviews. If, following a review, the Council decides that changes should be made to the electoral arrangements; they may make an Order giving effect to the changes.

The Guidance also states that in reaching conclusions on the boundaries between parish wards the principal council should take account of community identity and interests in the area and consider whether any particular ties or linkages might be broken by the drawing of particular ward boundaries. Principal councils should seek views on such matters during the course of a Community Governance Review and seek sound and demonstrable evidence of such identities and linkage.

11. Civic Affairs Committee agreed (October 2019) to commence a Community Governance Review of the civil parishes of Longstanton and Oakington and Westwick, in response to the new development at Northstowe which is being built within the boundaries of these two civil parishes.
12. The guidance states that when considering parish boundaries, the principal council should ensure they consider the desirability of fixing boundaries which are, and will remain, easily identifiable, as well as taking into account any local ties which will be broken by the fixing of any particular boundaries. A review offers an opportunity to put in place strong-clearly defined boundaries, tied to firm ground features, and remove anomalous parish boundaries.

13. Furthermore, the guidance states that recommendations made in a Community Governance Review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

Considerations

Timetable for Community Governance Review	
Terms of Reference are published	11 November 2019
Local briefings and meetings	November/December 2019
Initial submissions are invited	From 11 November 2019 to 15 January 2020
Consideration of submissions received, and draft recommendations prepared for Civic Affairs Committee	Draft recommendations published 3 March 2020
Consultation on the draft recommendations	From 15 March to 15 June 2020
Consideration of submissions received, and final recommendations prepared for Civic Affairs Committee	July/August 2020
Final recommendations are published, concluding the review	September 2020
Council can make a Reorganisation Order	October 2020

14. The publication of the terms of reference began the review, which must be completed within twelve months. The review concludes when the council publishes the recommendations made in the review. The Committee, with the support of local parish councils, approved the timeline given in the table above.
15. Officers undertook an extensive programme of community engagement to promote understanding of the objectives of the review and to call for proposals reflecting the community identity and interests of the three settlements directly affected.
16. The review was publicised on our website, through social media channels and in conjunction with the parish councils affected. At commencement of the review, all households in Longstanton, Oakington and Westwick parishes had flyers delivered detailing the engagement programme and inviting participation. Subsequently, at the request of these parish councils, copies of the Terms of Reference and submission form were delivered by parish volunteers to each household.
17. The engagement programme of meetings and briefings covered numerous venues across all three settlements, on different days of the week and at different times, including stalls at community events (x 3); attendance at district councillor surgeries (x2) and a number of drop-in sessions (x7).

18. Some of these dates were added on request during the first round of consultation. Officers also supported three public meetings organised by Longstanton Parish Council, Oakington and Westwick Parish Council and Northstowe residents. An additional meeting was held specifically for Rampton Drift residents, to ensure their views were captured.
19. Officers endeavoured to counteract misinformation widely circulated from early in the consultation period concerning a perceived intent on the part of the district council to merge the villages of Oakington and Longstanton with Northstowe. Reassurances were given that the outcome of the review was not predetermined and that all views were welcome at the first stage in the process.
20. The on-line and paper forms used to gather consultation responses came under criticism. Officers explained that residents were free to answer as they wished and that forms were not designed to extract one particular view, but rather to enable a range of views to be stated, with one format available for all. Some residents felt a form tailored to each community may have been more appropriate. The on-line form was adjusted such that no question was compulsory to allow progression through the submission form.
21. A variety of views, many very detailed, were expressed by members of the public through the consultation process; over 430 submissions were received, with 261 gathered on-line and 169 by paper submission forms.
22. A number of submissions (67) followed a model circulated widely by e-mail within Longstanton village, which argued for retention of land west of the B1050 within Longstanton Civil Parish. A further e-mail originating from the same individual later urged people to state "I do/do not wish for Longstanton to merge with Northstowe" and suggested people may wish to offer a substitute for their earlier submission, but this did not result in retractions. The weight of response which supports the earlier position may in part be attributable to this intervention.
23. The submissions received from parish councils are set out in Appendix B.
24. Longstanton Parish Council did not advance a proposal at this stage, since there were opposing views expressed by the different communities within its parish boundaries – firstly, there were strongly held views (expressed vociferously at a public meeting) that Longstanton must remain a separate village and that some residents of Rampton Drift and Station Road north of the busway identified with Longstanton and would wish to remain within it. However, they also are aware that residents of Northstowe wish to have their own parish or town council and for the land west of the B1050 to be included within its boundary.
25. Oakington Parish Council proposes a new civil parish for Northstowe, incorporating the new housing and with its southern border running in front of the tree line within the green separation between the airfield site and the village of Oakington. They assert that Westwick should remain bound to Oakington. They make no suggestion as to how the boundary should be redrawn within Longstanton Parish to enable creation of the new civil parish for Northstowe.
26. Willingham Parish Council stated its willingness to take land north of the busway into Willingham Civil Parish, but also conceded this land could also become part of a new civil

parish for Northstowe, however they feared this may encourage development north of the busway which Willingham Parish Council would seek to avoid.

27. Rampton Parish Council proposed creation of a new civil parish to serve Northstowe, with the Guided Busway serving as a boundary. They suggested new arrangements should minimise change for the existing parishes.
28. The vast majority of submissions received (over 73%) clearly articulated a desire for the creation of a separate governance arrangement to be made for Northstowe, approximating to the boundaries of the Northstowe development across all three phases and felt strongly that the separate identity and autonomy of the villages ought to be preserved.
29. A range of views were advanced. A summary is provided here, listed as proposals A-E
 - A1 The entirety of Northstowe (Phases 1, 2, 3A and 3B) is excised from Longstanton and Oakington and Westwick civil parishes to form **a new civil parish for Northstowe**. Westwick remains with Oakington, with all current arrangements for Oakington and Westwick otherwise remaining unaffected. Longstanton parish council retains the same arrangements as currently, within its reduced boundaries. **Land within Longstanton parish north of the guided busway is transferred to Willingham Civil Parish.**

This option attracted the most support from residents from all three settlements, including those living in Northstowe on both sides of the B1050. Residents from Oakington and Longstanton were concerned that the green separation and the Longstanton Conservation Area should fall within their respective parishes and not be transferred to a new civil parish for Northstowe. Many Longstanton residents did not state to which parish the land north of the guided busway should be attributed. Most Rampton Drift residents indicated that although their current ties lie with Longstanton, they acknowledged that their long-term interests rest with Northstowe.
 - A2 The entirety of Northstowe (Phases 1, 2, 3A and 3B) is excised from Longstanton and Oakington and Westwick civil parishes to form **a new civil parish for Northstowe**. Westwick remains with Oakington, with all current arrangements for Oakington and Westwick otherwise remaining unaffected. Longstanton parish council retains the same arrangements as currently, within its reduced boundaries. As in proposal A1, the new civil parish for Northstowe extends up to the limits of the guided busway, **taking in some land currently within Over Civil Parish**, in order to create a readily identifiable boundary along the minor roads known as Over Road/ Gravel Bridge Road (whereas the current Over Parish Boundary lies along the Swavesey Drain). This would still leave a spit of Over parish south of the Guided Busway.
 - B The entirety of Northstowe (Phases 1, 2, 3A and 3B) is excised from Longstanton and Oakington and Westwick civil parishes to form **a new civil parish for Northstowe**. Westwick remains with Oakington, with all current arrangements for Oakington and Westwick otherwise remaining unaffected. Longstanton parish council retains the same arrangements as currently, within its reduced boundaries. **Land within Longstanton parish north of the guided busway is taken into the new civil parish for Northstowe.**
 - C The majority of Phase 1, Phases 2 and 3A are excised from Longstanton Civil Parish and Oakington and Westwick Civil Parish to create **a new civil parish for this part**

of Northstowe, but the Bloor parcel, Phase 3B and other parcels within the Northstowe extension land situated west of the B1050 are retained within Longstanton Civil Parish, along with land north of the guided busway.

Although this proposal gained considerable traction amongst Longstanton residents it appears that there may have been a failure to grasp the full extent of the development west of the B1050, which would result in roughly equal numbers of residents from this part of Northstowe remaining within Longstanton Civil Parish, as from Longstanton village itself. Although a warding arrangement could potentially resolve this, it would result in an even balance of power between the interests of Northstowe and the interests of Longstanton. Responses from Northstowe residents emphasised that it was important to them for the new town to have a single, unifying arrangement and must not be split between two parishes in any new arrangement.

D The no change scenario.

Some consultation forms were returned requesting that no change be made to the existing parish arrangements. For the most part it is perhaps necessary to interpret that in such instances residents were expressing a desire for their village to remain separate from Northstowe, both physically and in terms of governance, rather than to incorporate the forthcoming development within their existing arrangements. None of these responses suggested any alterations to warding, numbers of parish councillors etc that would indicate that they anticipated change would result to their current arrangements if Northstowe continued to develop within the existing parish boundaries.

E The full merger scenario.

A very small number of responses (3) welcomed the prospect of a governance merger between the three settlements.

The design of the new town, in response to previous community consultation, has severely restricted the extent of vehicular access planned between the existing villages and Northstowe, although connectivity by sustainable modes across the areas of green separation is allowed for. The physical separation between the three settlements could therefore hinder their administration as a single entity. Furthermore, the majority emphasised the separate and distinctive community identity and interests of the three main settlements.

30. Given the lack of overall support for proposals D and E, officers cannot support their inclusion in the next consultation round. The proposals listed as A to C may warrant further consultation; these are presented in map form as corresponding Options A1, A2, B and C within Appendix C.
31. Consultation material has been prepared to be used in the second round of consultation and can be tailored according to the options selected by Civic Affairs Committee on which to further consult. The submission form has been drafted with the intention of further testing (paper and on-line version) to ensure it is “user-friendly” prior to launch with input from the parish councils of Longstanton, Oakington and Westwick.
32. The draft engagement programme is given in Appendix E; this includes a range of opportunities across various days and times, including venues in all three settlements.
33. The Committee will be mindful of the schedule of ordinary elections in South Cambridgeshire. Elections to Longstanton and Oakington & Westwick Parish Councils

are next due in 2022, alongside all out elections for the district council. If a review finds that it will be appropriate to hold an election for parish councillors, for example to form a newly created or warded parish, at an earlier date than the next scheduled ordinary elections, the terms of office of any newly elected parish councillors will be so reduced or extended as to enable the electoral cycle to revert to the normal cycle at the next ordinary elections. Elections for any newly formed council could take place in May 2021, to coincide with the County Council and Combined Authority elections, or in 2022 combined with district council elections and the elections for all parishes in South Cambridgeshire.

34. The Committee may also wish to note that should early elections take place (in 2021) for any newly formed parish, early elections will also be necessary in any parish that undergoes substantive change to its boundary as an outcome of the review. This could involve the parishes of Over, Willingham, Longstanton, Oakington and Westwick, dependent on the option ultimately selected, as well as any newly created parish which may result.

Consequential Amendments and District Electoral Review

35. The Local Government Boundary Commission for England (LGBCE) undertook a full electoral review of the district's warding arrangements in 2017, with the new district ward boundaries being implemented at all out elections in May 2018. New county council division boundaries also came into effect in 2017.
36. District ward and county division boundaries will not be automatically updated by any changes to parish arrangements made by Community Governance Reviews. Should any district ward or county division boundaries need to be updated after a Community Governance Review the Council would have to apply to the LGBCE to make consequential amendments to those boundaries.
37. When the district ward boundaries were last adjusted, some allowance was made for population growth, such that the ratio of electors to members within Longstanton Ward, incorporating growth at Northstowe, need not necessarily be made immediately. For options A1 and A2, which would see land north of the busway transferred to Willingham, a change in the boundary would be necessitated.
38. With respect to county divisions, the county division of Longstanton, Northstowe and Over may need adjustment, should land be transferred to Willingham Civil Parish under Option A1 and A2, as it currently follows the boundaries of Oakington and Westwick, Longstanton and Over civil parishes. As noted in paragraph 36, application could be made to the LGBCE to bring about this change.
39. The committee may wish to note that several of the options, would necessitate the creation of new administrative polling districts. This will be necessary in order to enable elections to be run in those areas that will be electing different ward and division members to the rest of their parish. Such arrangements will need to remain in place until such time boundaries are re-aligned.
40. The committee should also be aware that the parliamentary constituency boundary between South Cambridgeshire and South East Cambridgeshire constituencies runs along the current Over and Willingham parish boundary with Longstanton. There is no

mechanism to seek realignment of constituency boundaries, which means this arrangement with separate polling districts may persist for some time.

Options

41. The Committee could resolve to
- (a) consult on all the alternative arrangements proposed through the first round of consultation or
 - (b) narrow down the number to be put back out to public consultation with reasons given.
 - (c) approve the format of the consultation material and engagement programme for the second round (found in appendices D and E respectively), subject to reasonable adjustments following comment from the parish councils involved. The lead officer requests delegated authority to sign off on this material.

Implications

42. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Financial

43. The cost for parish council elections falls to the parish. There would be a cost to elections in a new parish were this to be agreed and therefore it would be prudent to schedule any review so that it completes in time for elections to coincide with other polls. As per paragraph 35, there may also be a cost to other parishes in holding out of turn elections. However, there are s106 developer contributions to draw upon, in the event that
- a. Parish council elections outside of the scheduled elections cycle are needed and
 - b. Resources are required to establish a new civil parish.

Legal

44. By section 82 the 2007 Act Councils have a discretionary power to undertake a CGR.

Section 93 the 2007 Act states the following duties of a Council in undertaking a review:

“(1) The principal council must comply with the duties in this section when undertaking a community governance review.

(2) But, subject to those duties, it is for the principal council to decide how to undertake the review.

(3) The principal council must consult the following—

(a) the local government electors for the area under review;

(b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.

(4) The principal council must have regard to the need to secure that community governance within the area under review—

(a) reflects the identities and interests of the community in that area, and

(b) is effective and convenient.

(5) In deciding what recommendations to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions)—

(a) that have already been made, or

(b) that could be made,

for the purposes of community representation or community engagement in respect of the area under review.

(6) The principal council must take into account any representations received in connection with the review.

(7) As soon as practicable after making any recommendations, the principal council must—

(a) publish the recommendations; and

(b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.

(8) The principal council must conclude the review within the period of 12 months starting with the day on which the council receives the community governance petition or community governance application.”

These duties are reflected within the Terms of Reference agreed by Committee prior to commencement and must be considered in making a decision.

Section 100(1) of the 2007 Act empowered the Secretary of State to issue guidance as to the carrying out of CGRs. By section 100(4) of the Act, the Council is obliged to have regard to any such guidance issued.

The currently relevant Guidance was published the DCLG in March 2010 (“the Guidance”).

Staffing

45. It will be possible to continue implementing the Community Governance Review prompted by the new development at Northstowe within existing resources; however, due to the requirement to engage with the public outside of normal office hours, careful

management of officer time will be necessary to ensure adequate resourcing in the face of competing priorities.

Risks/Opportunities

46. Undertaking a Community Governance Review will allow the residents at Northstowe to engage with local democracy and determine how they wish to be represented in future and will assist in the formation of an emergent community identity.

Equality and Diversity

47. The Council will work with relevant Parish Councils to identify and consult with interested parties. Key documents will be available on the SCDC website and on deposit at the District Council offices in Cambourne. They will also be available at The Community Wing, Pathfinder School, Northstowe, The Village Hall, Longstanton, and by request from the Parish Clerk in Oakington. There will be provision for collection of paper submissions at these locations and they will also be accepted online and by post. The public engagement programme will be designed to enable input from anyone who wishes to give their view, held at a variety of locations and across different times of day.

A modern and caring Council

48. Appropriate community governance arrangements will help the Council to sustain existing successful, vibrant villages and establish successful and sustainable new communities.

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

Appendices

- Appendix A: Terms of Reference
- Appendix B: Responses from Parish Councils to the first round of consultation
- Appendix C: Maps of Option A1 A2, B and C
- Appendix D: Draft submission form, second round of consultation
- Appendix E: Draft public engagement programme, second round of consultation

Report Author:

Clare Gibbons – Northstowe Healthy New Town Programme Lead
Telephone: (01954) 713290

Elizabeth Davy – Development Officer
Telephone: (01954) 713111

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COMMUNITY GOVERNANCE REVIEW OF LONGSTANTON AND OAKINGTON AND WESTWICK

Prompted by the development at Northstowe



TERMS OF REFERENCE

CONTACT INFORMATION

-  Liz Davy or Clare Gibbons
-  North@scambs.gov.uk
-  01954 713070
-  www.scambs.gov.uk/community-governance-reviews
-   #CGRNorthstowe



1. INTRODUCTION

1.1 South Cambridgeshire District Council (the Council) has resolved to undertake a Community Governance Review of the parishes of Longstanton and Oakington and Westwick.

1.2 This review is to address the population growth in respect of the new housing development at Northstowe to consider whether the creation or alteration (and thus naming) of existing parish boundaries and any consequent changes to the electoral arrangements for the parish(es) should be recommended.

1.3 In undertaking this review the Council has considered the Guidance on Community Governance Reviews published by the Department for Communities and Local Government (DCLG) in March 2010, which reflects Part 4 of the Local Government and Public Involvement in Health Act 2007 and the relevant parts of the Local Government Act 1972 and the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/626). (The 2007 Act transferred powers to the principal councils which previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England.)

1.4 These Terms of Reference will set out clearly the matters on which the Community Governance Review is to focus. We will publish this document on our website and also in hard copy. Hard copies will be made available at the District Council offices in Cambourne; the Community Wing next to Pathfinder School, Northstowe; Longstanton Village Hall (between 11am and 2pm, Monday to Friday); and on request by contacting the Oakington Parish Clerk by email or telephone (see 7.1 for contact details).

PURPOSE OF THE REVIEW

1.5 The development at Northstowe will see 10,000 homes constructed across parts of the parishes of Longstanton and Oakington and Westwick. The Council is undertaking a Community Governance Review at this time because the housing development at Northstowe will alter the geographical spread of housing across the parishes. The resulting spatial separation between the three population centres will no longer correspond to a parish boundary that reflects a coherent "natural settlement" pattern. The resulting recommendations of the review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

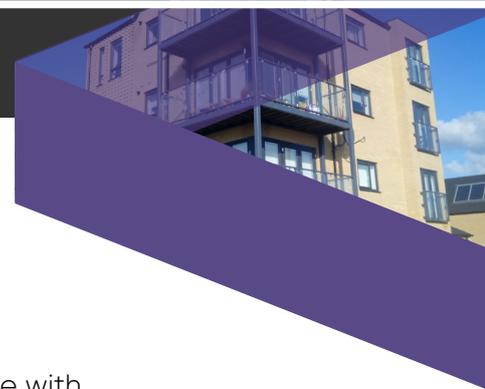
1.6 The Council will have regard to the need to secure community governance within the area under review such that it:

- reflects the identities and interests of the community in that area;
- is effective and convenient; and
- takes into account any other arrangements for the purposes of community representation or community engagement in the area.

COMMUNITY GOVERNANCE REVIEWS

1.7 A Community Governance Review is a review of the whole or part of the district to consider one or more of the following:

- creating, merging, altering or abolishing parishes;
- the naming of parishes in the style of new parishes;
- the electoral arrangements for parishes (the ordinary year of election, council size, the number of Councillors to be elected to the council, and parish warding); and
- grouping parishes under a common parish council or grouping parishes.



PARISH GOVERNANCE IN OUR AREA

1.8 The Council's Business Plan underlines the key role of third tier councils in sustaining successful, vibrant communities.

1.9 The Council's constitution states the function of the Civic Affairs Committee with regard to Electoral Arrangements.

Determination as follows:

- review district or parish electoral arrangements including boundaries and report recommendations to the Council
- give parish meetings powers of parish council
- increase/reduce number of parish councillors
- change parish electoral arrangements where agreed including parish warding
- appoint temporary parish councillors *LGA 1972, S.91*

They may also recommend to Council:

- district and district ward boundary changes arising from review
- parish warding and boundary changes where not agreed
- Periodic Electoral Review
- new parish establishment

2. CONSULTATION

2.1 The Council has drawn up and now publishes this Terms of Reference document. This document lays out the aims of the review, the legislation that guides it and some of the policies that the Council considers important in the review.

2.2 In coming to its recommendations in the review, the Council will take account of the views of local people and stakeholders.

2.3 The Council will:

- publish these Terms of Reference and take submissions via its website;
- promote the process by means of general press releases and social media;
- provide key documents on deposit at the District Council offices in Cambourne, at the Village Hall in Longstanton, by request from the Parish Clerk in Oakington and Westwick and at the Community Wing, next to Pathfinder School, Northstowe. There will be provision for collection of paper submissions at these locations, with postal submissions accepted at the District Council office (South Cambridgeshire District Council, South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA).

2.4 This Council will notify Cambridgeshire County Council that a review is to be undertaken; they are a formal consultee of this process.

2.5 The consultation will cover:

- parish boundaries
- electoral arrangements
- whether to create a new parish and if so, style and number of Councillors
- possible interim arrangements



THE TIMETABLE FOR THE REVIEW

2.6 Publication of the Terms of Reference formally begins the review, and the review will be completed within twelve months. To this end we will adhere to the following timetable for review, mindful of the informal briefings conducted to date.

STAGE 1	11 NOVEMBER 2019	Publication of the Terms of Reference
	NOVEMBER/DECEMBER 2019	Local briefings and meetings
STAGE 2	11 NOVEMBER 2019/ 15 JANUARY 2020	Submissions invited – have your say
	3 MARCH 2020	Draft recommendations published: for Civic Affairs Committee
STAGE 3	15 MARCH/15 JUNE 2020	Consultation on draft recommendations – tell us what you think
	JULY/AUGUST 2020	Consideration of submissions received/final recommendations prepared: for Civic Affairs Committee (date TBC)
STAGE 4	SEPTEMBER 2020	Final recommendations are published, concluding the review
	OCTOBER 2020	Council can make a Reorganisation Order

3. ELECTORATE FORECASTS

3.1 The existing electorate for Northstowe is 488. The electorate in Northstowe is forecast to increase to 2,190 by 2024. The current electorate for Longstanton is 2,567, which excludes the 488 electors with Northstowe postcodes. Oakington is 1,174. The five year housing trajectory forecasts an additional 12 dwellings in Longstanton and 6 dwellings in Oakington which could increase the number of electors by 20 and 11 respectively.

3.2 The key issue prompting this review is the forthcoming change in settlement pattern within the parishes of Longstanton and Oakington and Westwick as a result of new housing development at Northstowe.

3.2 The population forecasts have been provided to Longstanton and Oakington and Westwick Parish Councils for their consideration.

3.4 The present parish structure and ward structure for the area is presented in the map on the back page, with the development area at Northstowe shown.



4. PARISHES

4.1 The Council is required by law to consider other forms of community governance as alternatives or stages towards establishing parish councils, which vary both in the degrees of powers and influence they may exert and their commensurate levels of transparency and accountability.

4.2 The Council will consider boundaries as part of the review, endeavouring to ensure that they are and are likely to remain easily identifiable.

4.3 The Council will be mindful of the need to ensure that parishes are viable.

5. NAMES AND STYLES

5.1 Should a new body require naming as part of the review, the Council will consider names proposed by local interested parties.

5.2 Alternative styles are now available for parishes e.g. town council, community council or village council. If a new body is proposed, the Council will consider whether it should have one of the alternative styles.

6. ELECTORAL ARRANGEMENTS

6.1 The Council voted to move to all out elections and bring all parish council elections in line. The next scheduled all out elections will take place in 2022.

6.2 If the review finds that it will be appropriate to hold an election for example to a newly formed body, parish or warded parish, at an earlier date than the next scheduled ordinary elections, the terms of office of any newly elected parish councillors will be reduced or extended as to enable the electoral cycle to revert to the normal cycle at the next ordinary elections.

6.3 The legislation lays down the different duties that the Council has with regard to the creation of a parish:

- Where the number of electors is 1,000 or more – a parish council must be created;
- Where the number of electors is 151-999 – a parish council may be created, with a parish meeting being the alternative form of parish governance.
- Where the number of electors is 150 or fewer – principal councils are unable to recommend that a parish council should be created and therefore only a parish meeting can be created. The Council notes that the number of parish councillors for each parish council shall not be less than five. There is no maximum number. There are no rules relating to the allocations of councillors. The National Association of Local Councils has suggested that the minimum number of councillors should be seven and the maximum 25.

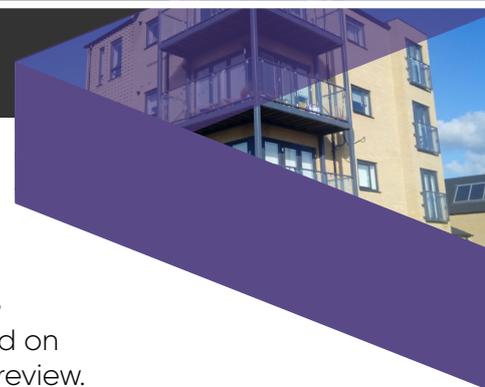
6.4 The Council will have regard to the following factors when considering the number of councillors to be elected for a parish:

- the number of local government electors for the parish;
- any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

6.5 The Council will take into account the following when considering whether a parish should be divided into wards for the purposes of elections of the parish council:

- whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient;
- whether it is desirable that any area or areas of the parish should be separately represented on the parish council.

6.6 The government's guidance is that "the warding of parishes in largely rural areas that are based predominantly on a single centrally-located village may not be justified. Conversely, warding may be



appropriate where the parish encompasses a number of villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish". The Council will be mindful of this guidance, considering the case on its merits and on the basis of the information and evidence provided during the course of the review.

6.7 In reaching conclusions on the boundaries between parish wards, should this be required, the Council will take into account community identity and interest in an area and will consider whether any particular ties or linkages might be broken by the drawing of particular ward boundaries. Equally, the Council, during its consultations in this review is mindful that proposals which are intended to reflect community identity and local linkages should be justified in terms of sound and demonstrable evidence of those identities and linkages.

7. REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

7.1 The review will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the decisions that the Council has taken (including where it has decided to make no change following a review) will be deposited at the Council's offices, on its website, the Community Wing, next to Pathfinder School, Northstowe, Longstanton Village Hall and by request from the Parish Clerk for Oakington, email: Oakingtonpc@btinternet.com or tel: 01223 232398.

7.2 In accordance with the Guidance issued by the government, the Council will issue maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000. These maps will be deposited with the Secretary of State at the Ministry of Housing, Communities and Local Government (formerly the DCLG) and at the Council's office at South Cambridgeshire Hall, Cambourne, Cambridge, CB23 6EA. Prints will also be supplied, in accordance with regulations, to Ordnance Survey, the Registrar General, the Land Registry, the valuation Office Agency, the Boundary Commission for England and the Local Government Boundary Commission for England.

7.3 The provisions of the Order will take effect for financial and administrative purposes on 1 April 2021.

7.4 The electoral arrangements for a new or existing body will come into effect at the next elections to the third tier council. Should this not coincide with the next ordinary local elections, the Council might have need to modify or exclude the application of sections 16(3) and 90 of the Local Government Act 1972 to provide for the first election to be held in an earlier year, with councillors serving a shortened or extended first term to allow the parish electoral cycle to return to that of the district.

8. CONSEQUENTIAL MATTERS

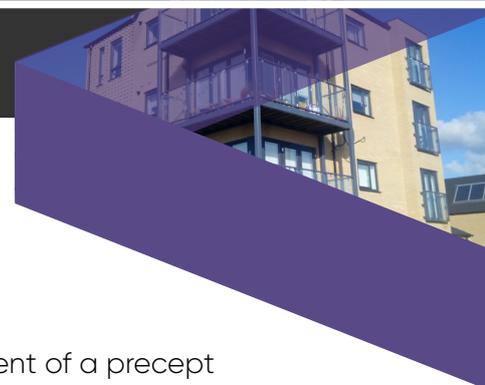
GENERAL PRINCIPLES

8.1 The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:

- the transfer and management or custody of property;
- the setting of precepts for new parishes;
- provision with respect to the transfer of any functions, property, rights and liabilities;
- provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

8.2 In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

8.3 In particular, the Council notes that the Regulations regarding the transfer of property, rights and



liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate portion.

8.4 Furthermore, the Council notes the Regulations regarding the establishment of a precept for a new parish and their requirements.

DISTRICT WARD BOUNDARIES

8.5 The Council is mindful that it may be necessary for it to recommend the Local Government Boundary Commission to make alterations to the boundaries of district wards or county electoral divisions to reflect the changes made at parish level. The Council notes that it will be for the Local Government Boundary Commission to decide if related alterations should be made and when they should be implemented, and that the Commission may find it appropriate to conduct an electoral review of affected areas.

8.6 The Council notes that the Local Government Boundary Commission will require evidence that the Council has consulted on any such recommendations for alterations to the boundaries of the district wards of county electoral divisions as part of the review. Of course, such recommendations for alterations may only become apparent during the course of the review. Even so, the Council will endeavour to include any such draft recommendations for alterations at the earliest possible opportunity for consultation that will arise after they become apparent.

8.7 Where such consequential matters affect Cambridgeshire County Council, the Council will also seek the views of that council with regard to alterations to electoral division boundaries in accordance with the government's guidance.

Date of publication of these terms of reference 11 November 2019

Enquiries regarding the review process should be directed in the first instance to:

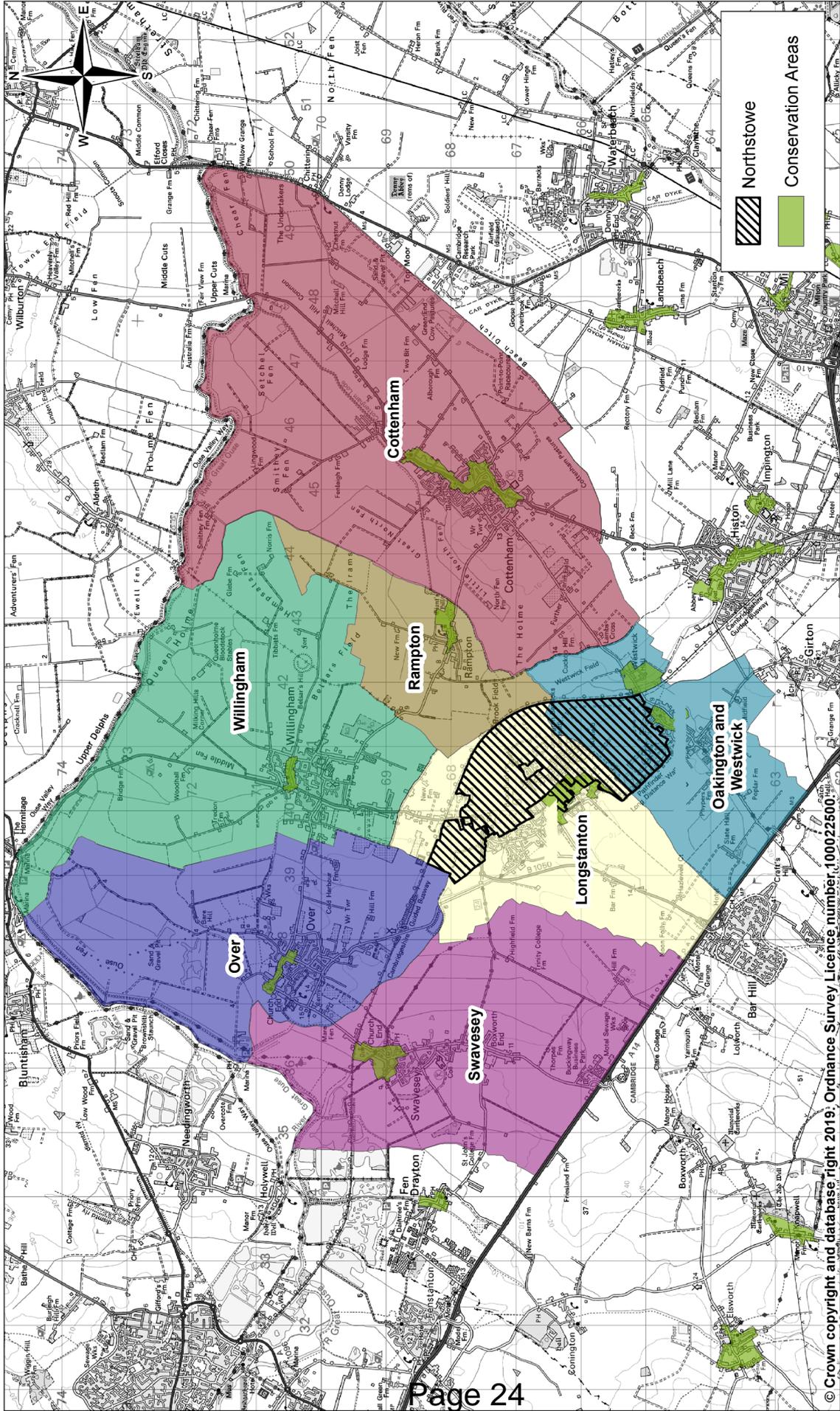
-  Liz Davy, Development Officer
-  elizabeth.davy@scambs.gov.uk
-  01954 713070

Officers charged with conducting the review are as follows:

-  Gemma Barron, Partnerships and Sustainable Communities Manager
-  gemma.barron@scambs.gov.uk
-  01954 713070
-  Clare Gibbons, Programme Lead, Northstowe Healthy New Town
-  clare.gibbons@scambs.gov.uk
-  01954 713070

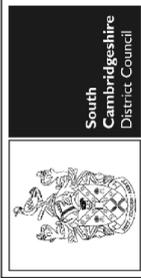
Larger scale and more detailed maps are available upon request at www.scambs.gov.uk/community-governance-reviews or by calling 01954 713070

Existing parish boundaries and development falling within Longstanton and Oakington and Westwick



Date: 15 October 2019
 Produced by: 3C Shared Services
 Section/Department: Spatial Team
 Scale: 1:55,000 @ A3

Community Governance Review
 prompted by the development at Northstowe



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Larger scale and more detailed maps are available upon request at www.scams.gov.uk/community-governance-reviews or by calling 01954 713070

Appendix B: Responses received from parish councils

Longstanton Parish Council (received 15 January, 2020)

Following a public meeting hosted by Longstanton Parish Council held on 25th November 2019 and comments made from residents to Councillors both at the meeting and at times between this date and today's date (13 Jan), Longstanton Parish Council would like to submit this letter as their response to the Community Governance Review for both Longstanton and Oakington and Westwick.

It was clear from the 70+ attendees to the public meeting that the majority of residents attending would like Longstanton to remain a village in its own right and for the borders to remain the same.

Longstanton Parish Council understand that the boundaries cannot remain the same if the three communities are to remain separate. LPC would like to stress that it is imperative that when reviewing comments, Officers are aware that the initial question on the questionnaire was misleading if the reader is not 100% aware of a CGR, and that some responses may say that the boundaries are to remain the same, but they wish the village to be separate from Northstowe.

- Residents of Station Road (north of the Guided Busway) strongly feel that they belong in Longstanton and do not wish to be part of Northstowe or Willingham.
- From the small representation of Rampton Drift residents attending, who appeared to be newer residents, they expressed their desire to be part of Longstanton.
- Many residents have expressed their strong desire that the Conservation Area remain in Longstanton which means that the boundary would run along Long Lane (bridleway).
- During a separate meeting of Northstowe residents, it is clear that they wish to have their own Parish or Town Council and that the development to the west of the B1050 be included in the boundary of Northstowe itself.

Yours faithfully

Libby White CertHE PSLCC

Parish Clerk/Proper Officer

Response received from Oakington and Westwick Parish Council

(taken from the on-line submission response, received)

Should the existing parish boundaries be altered and/or a new parished area be created?

Before answering this question. Oakington and Westwick Parish Council would like to register their objection to the design of this form. It is misleading and confusing for most respondents. This particular question, for example, requires a YES reply if the respondent largely wishes to retain the status quo - but the wording leads the reader to answer NO.

We would be very cautious accepting any attempt at some form of statistical claims based upon this questionnaire. It is poorly constructed and has no validity or reliability (used in their correct statistical meanings).

Yes, a new Parish should be formed for Northstowe, incorporating the new housing. This should be separate from Oakington and Westwick. This will necessitate the alteration of the current Oakington and Westwick boundary.

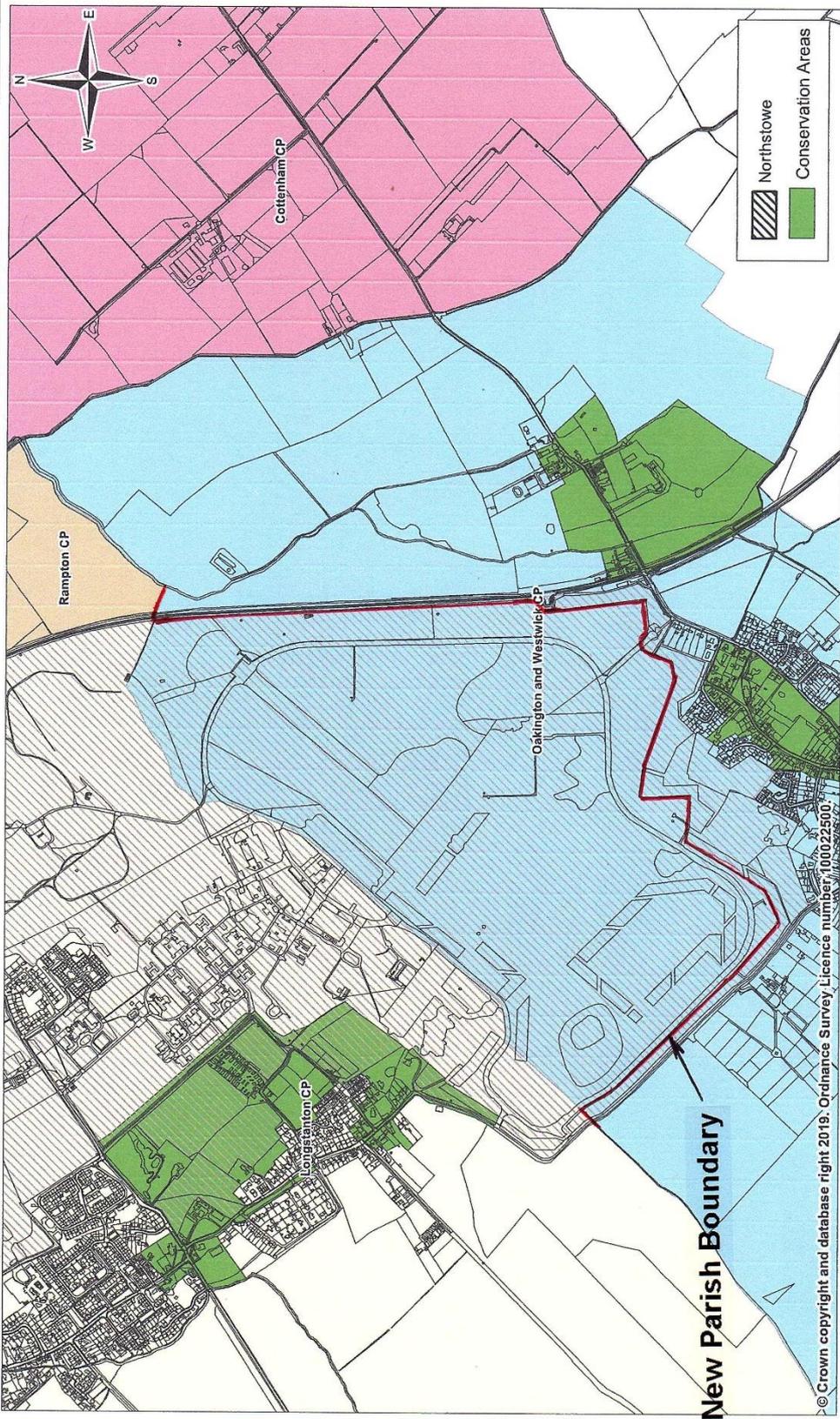
If the existing parish boundaries should be altered or a new parish created, where should the parish boundaries be and would these remain easily identifiable in the future? (You can write a description below or else provide this information by drawing on a map and uploading below)

The Parish of Northstowe should incorporate only the majority of the land of the ex airfield. To the South, the boundary should be on just before the tree line within ex airfield boundary. To the West, it should stop at Longstanton Rd and to the East up to the guided busway. ALL of the green separation should be within the Parish of Oakington and Westwick, as this separation was promised to O&W as their buffer. The point of the separation is to maintain, as far as possible the semi-rural nature of Oakington.

Figures 1 and 2 on the two pages following were provided by Oakington and Westwick Parish Council to illustrate the boundaries they are proposing for a reduced area from that of the current Oakington and Westwick Civil Parish.

Oakington and Westwick PC offered no comment on any other element of the consultation, other than to offer this final comment:

As we have stated earlier - we find this questionnaire inappropriate to present the views of the people of Oakington and Westwick.



Date: 15 October 2019
 Produced by: 3C Shared Services
 Section/Department: Spatial Team
 Scale: 1:10,000 @ A3

Community Governance Review
 prompted by the development at Northstowe



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boundary.

Suggested Boundary of Oakington & Westwick Parish



boundary

Response received from Willingham Parish Council (via the on-line submission form)

Should the existing parish boundaries be altered and/or a new parished area be created?

The area of Longstanton highlighted in orange on the attached map and which lies immediately north of the busway would under the current development become isolated from the remainder of Longstanton. The Council feel that this would need addressing as it would not be an ideal situation for the cohesion of Longstanton residents. It would make much more sense for this area to be either included within the Northstowe development or Willingham Parish.

If no new parish is to be formed, should the existing parish be warded? (A parish can be warded when the number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient, or if it is desirable that any areas of the parish should be separately represented on the council).

No

If the existing parish boundaries should be altered or a new parish created, where should the parish boundaries be and would these remain easily identifiable in the future? (You can write a description below or else provide this information by drawing on a map and uploading below)

The area of Longstanton highlighted in orange on the attached map and which lies immediately north of the busway would under the current development become isolated from the remainder of Longstanton.

The Council feel that this would need addressing as it would not be an ideal situation for the cohesion of Longstanton residents. It would make much more sense for this area to be either included within the Northstowe development or Willingham Parish. It would appear a natural adjustment to bring the highlighted area into Willingham and indeed many people already think the boundary between Willingham and Longstanton is located at the busway.

The Council have grave concerns regarding this area forming part of Northstowe as it would mean the boundary of Northstowe moving northwards across the busway up to the boundary of Willingham.

This would enable potential further development into open countryside up to Willingham's boundary which the Council would be opposed to.

The busway also currently acts as a clear geographic boundary to both the north and northeast of the Northstowe development and the Council do not feel it would be appropriate to breach it in the highlighted area.

The Inspector was previously quite clear that the Northstowe boundary should be the busway and this should remain so.

Willingham Parish Council offered a map indicating the area north of the busway, the subject of their proposal outlined above. Please see Figure 3.

If a new parish was created, then is a parish council the right choice for community governance?

Yes

If a new parish or equivalent was created would it be viable? (For example in financial terms or for practical considerations, such as would a sufficient number of people come forward as potential councillors?)

n/a

If a new parish is created, should an alternative style be adopted, i.e. town council, community council, neighbourhood council or village council? (the alternative styles have equivalent powers to that of a parish council)

n/a

Should a new council require naming, what name should it take?

n/a

If a new parish or equivalent be created, should it be warded? (A parish can be warded when the number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient, or if it desirable that any areas of the parish should be separately represented on the council)

No

Should a new council be formed, how many elected members should it have? (no fewer than 5 are permitted for a parish council or equivalent)

n/a

What knock on effects do you think might need to be addressed as a result of any of the changes you have proposed? (Please tick)

Ticked:

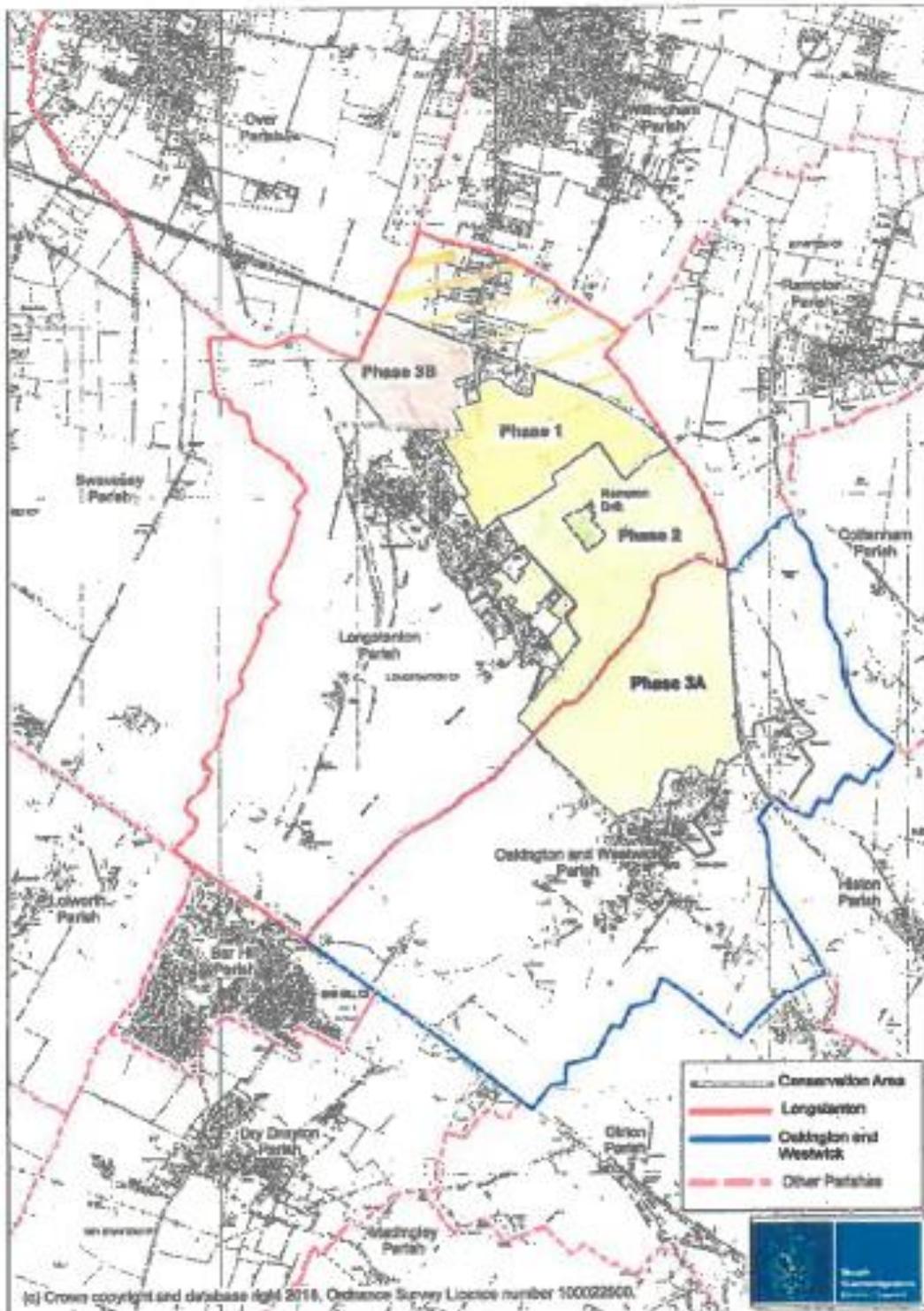
- Transfer and management or custody of property
- The setting of precepts for new parishes
- Provision with respect of functions, properties, rights and liabilities

If other, please specify (optional)

Please see attached email

(Repetition of text included in the on-line submission form.)

Figure 3 Proposed alteration to Longstanton/Willingham boundary



Response received from Rampton Parish Council (by on-line submission)

Should the existing parish boundaries be altered and/or a new parished area be created?

Yes

If no new parish is to be formed, should the existing parish be warded? (A parish can be warded when the number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient, or if it is desirable that any areas of the parish should be separately represented on the council.)

No

If a new parish was created, then is a parish council the right choice for community governance?

Yes

If a new parish or equivalent was created would it be viable? (For example in financial terms or for practical considerations, such as would a sufficient number of people come forward as potential councillors?)

Yes

If a new parish is created, should an alternative style be adopted, i.e. town council, community council, neighbourhood council or village council ? (the alternative styles have equivalent powers to that of a parish council)

No Comment

Should a new council require naming, what name should it take?

No comment

If a new parish or equivalent be created, should it be warded? (A parish can be warded when the number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient, or if it desirable that any areas of the parish should be separately represented on the council)

(No answer given)

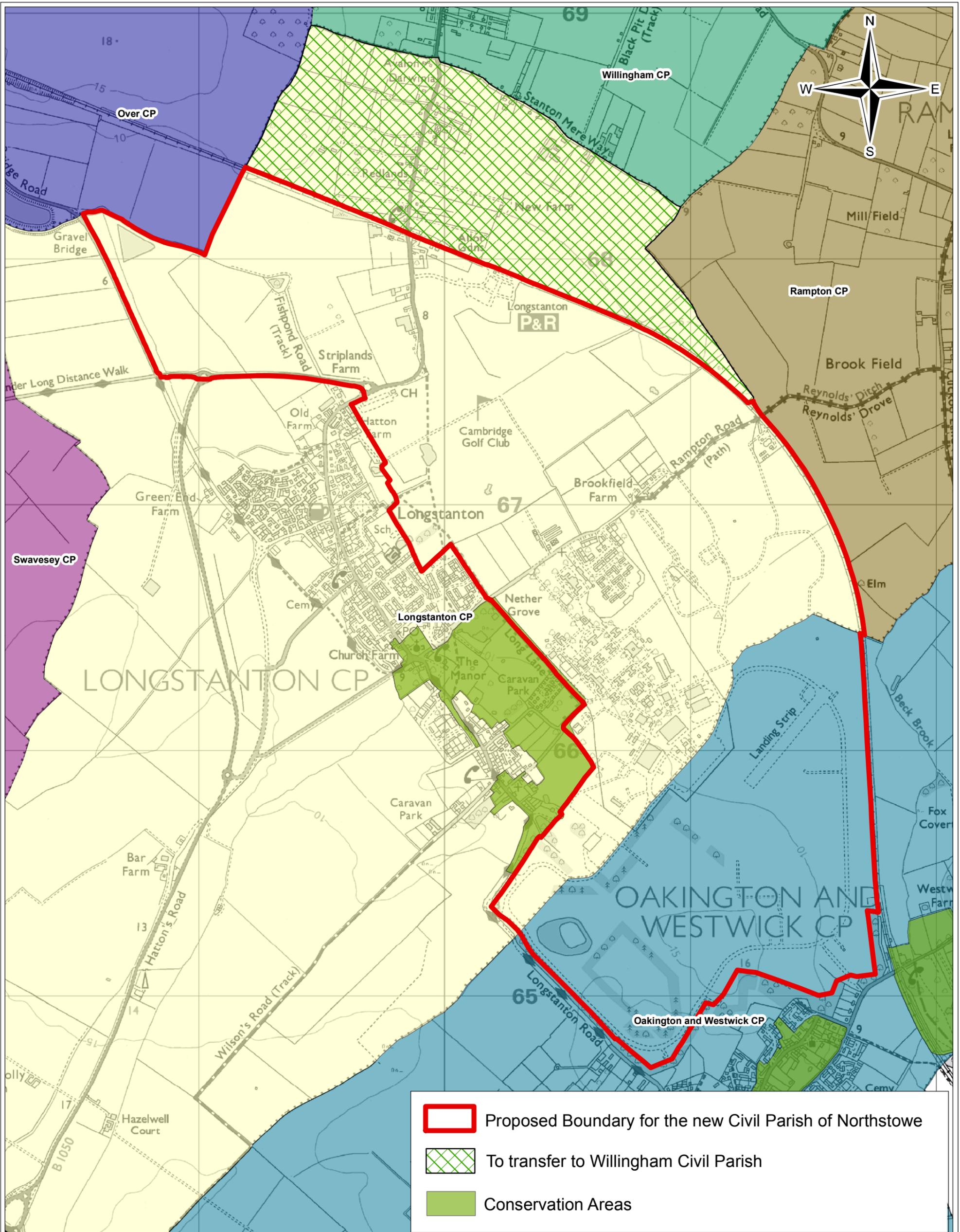
Should a new council be formed, how many elected members should it have? (no fewer than 5 are permitted for parish council or equivalent)

Proportionate to size of new community.

What knock on effects do you think might need to be addressed as a result of any of the changes you have proposed? (Please tick)

Ticked:

- The setting of precepts for new parishes
- Provision with respect of functions, properties, rights and liabilities
- District ward boundaries



-  Proposed Boundary for the new Civil Parish of Northstowe
-  To transfer to Willingham Civil Parish
-  Conservation Areas

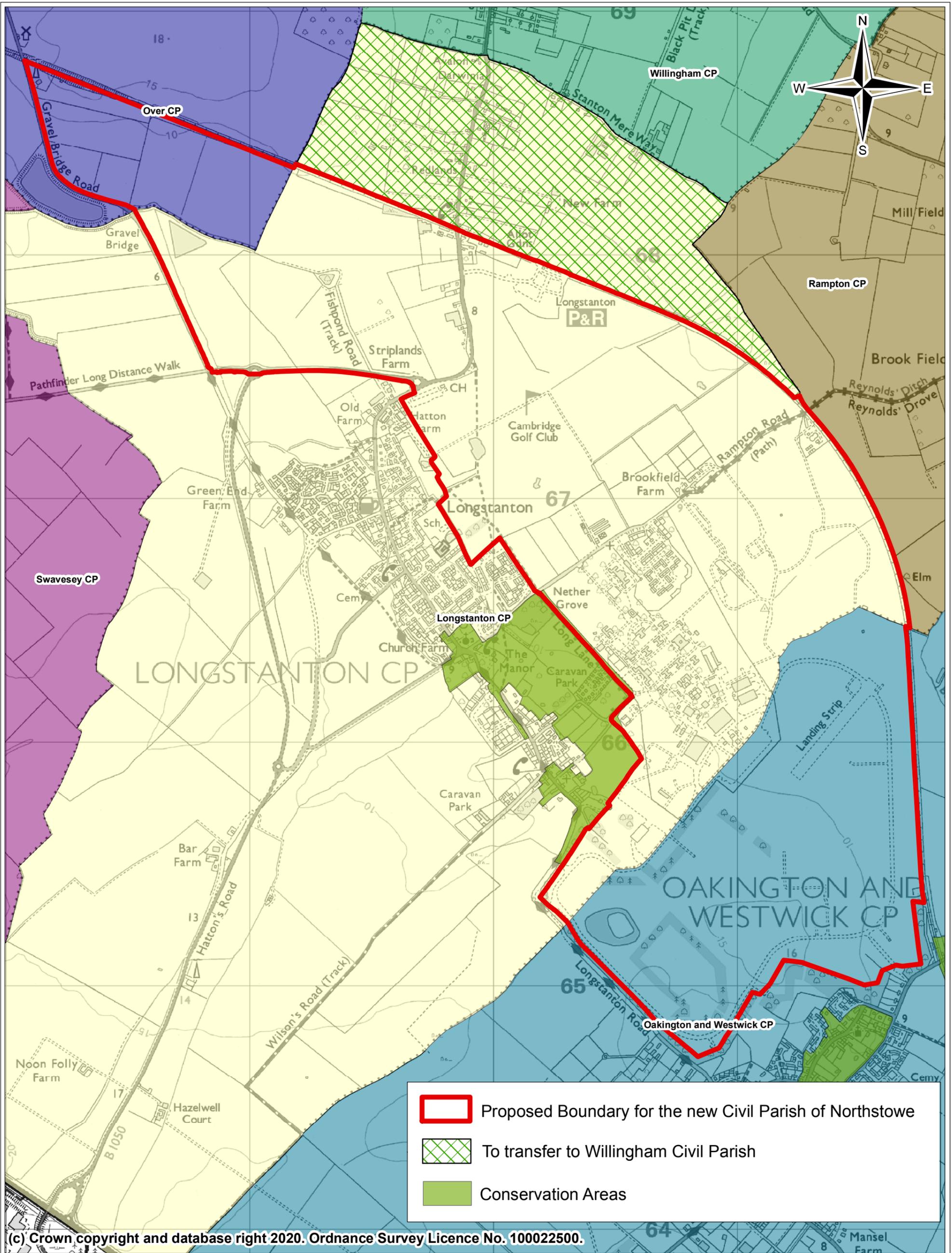
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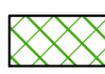


Community Governance Review
 prompted by the development at Northstowe
Possible Boundary - Option A1 with
Existing Parish Boundaries

Date:	20 February 2020
Produced by:	 Shared Services
Section/Department:	Spatial Team
Scale:	1:14,000 @ A3

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-  Proposed Boundary for the new Civil Parish of Northstowe
-  To transfer to Willingham Civil Parish
-  Conservation Areas

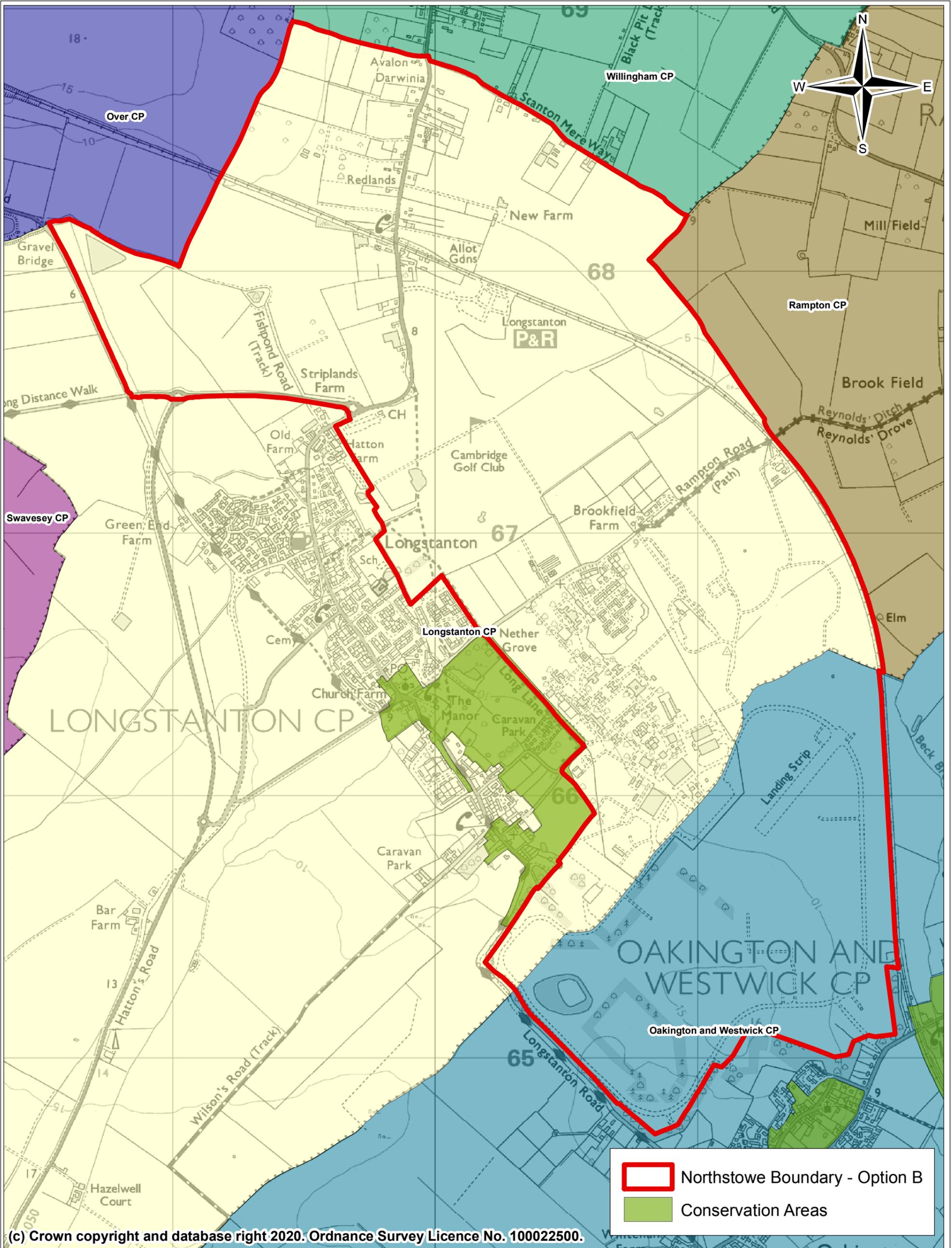
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Community Governance Review
 prompted by the development at Northstowe
 Possible Boundary - Option A2 with
 Existing Parish Boundaries

Date:	21 February 2020
Produced by:	 Shared Services
Section/Department:	Spatial Team
Scale:	1:14,000 @ A3

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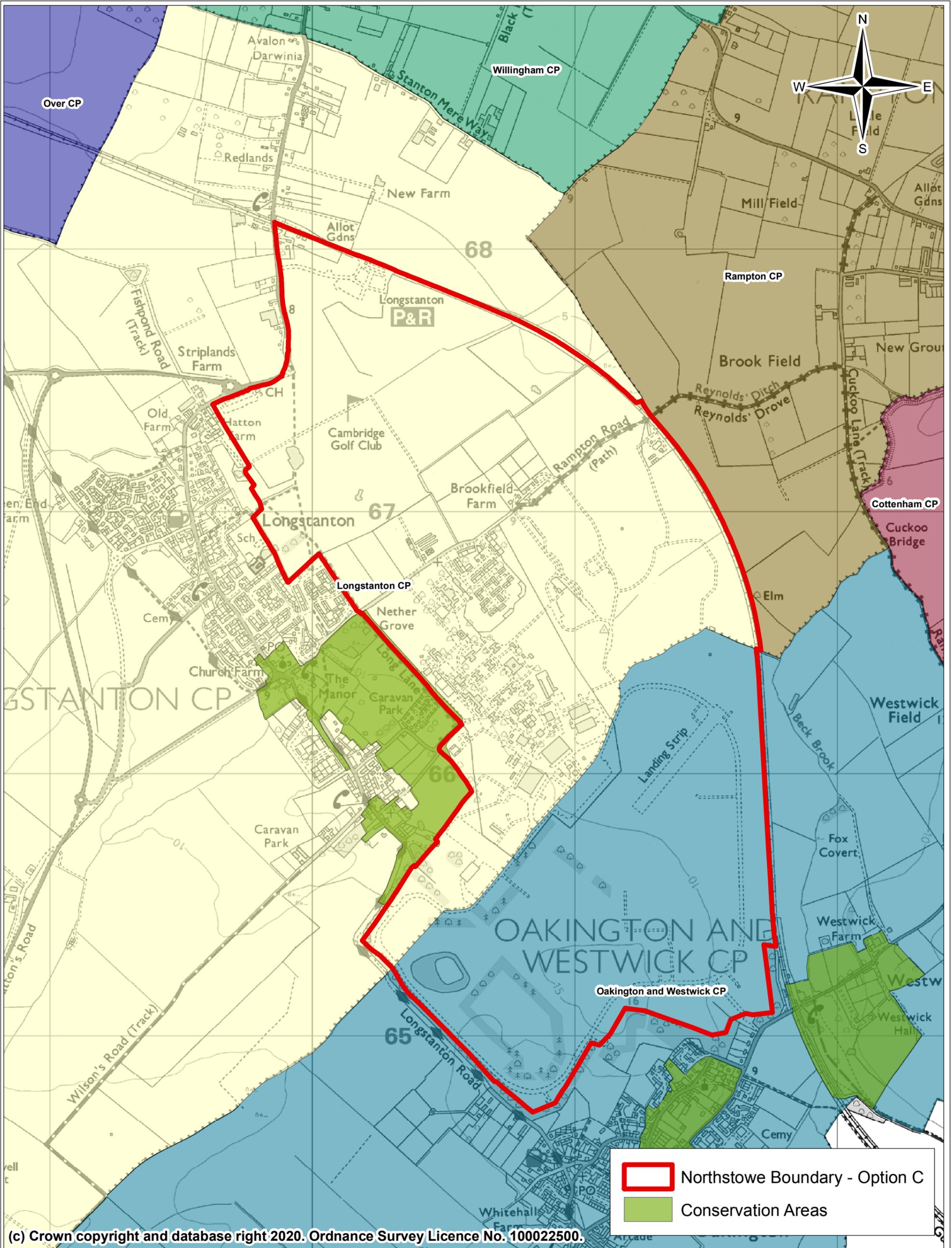
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Community Governance Review
 prompted by the development at Northstowe
 Possible Boundary - Option B with
 Existing Parish Boundaries

Date: 20 February 2020
 Produced by: **3C** Shared Services
 Section/Department: Spatial Team
 Scale: 1:13,000 @ A3

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Community Governance Review
 prompted by the development at Northstowe
 Possible Boundary - Option C with
 Existing Parish Boundaries

Date:	20 February 2020
Produced by:	3C Shared Services
Section/Department:	Spatial Team
Scale:	1:13,000 @ A3

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Consultation Round 2

Community Governance Review of Longstanton and Oakington and Westwick

Prompted by the development at Northstowe

DRAFT

Subject to revision following Civic Affairs Committee



Submission Form

Contact information

-  Liz Davy or Clare Gibbons
-  North@scambs.gov.uk
-  01954 713070
-  www.scambs.gov.uk/community-governance-reviews
-   #CGRNorthstowe





Consultation Round 2

Timetable

Community Governance Reviews take a number of months to complete, because we want to spend enough time during each round of the process hearing from residents and parish councils. This Community Governance Review started in November 2019, and you can see below where we are now in the process: Consultation Round 2. You can also see when we expect to be able to announce the new governance arrangements.

ROUND 1

11 NOVEMBER 2019	Publication of the Terms of Reference
NOVEMBER/ DECEMBER 2019	Local briefings and meetings
11 NOVEMBER 2019/ 15 JANUARY 2020	Submissions invited - have your say
3 MARCH 2020	Draft recommendations published: for Civic Affairs Committee

ROUND 2

15 MARCH/ 15 JUNE 2020	Consultation on draft recommendations - tell us what you think
JULY/ AUGUST 2020	Consideration of submissions received/final recommendations prepared: for Civic Affairs Committee (date TBC)
SEPTEMBER 2020	Final recommendations are published, concluding the review
OCTOBER 2020	Council can make a Reorganisation Order

Background

From 11 November 2019 to 15 January 2020 the Council ran a consultation to hear what local people think about future arrangements for governance for the parishes of Oakington and Westwick and Longstanton, given that the new development of Northstowe is being built within the boundaries of these two parishes.

What are governance arrangements?

When we talk about governance arrangements we can mean things like the type of council, location of the boundaries, and how many councillors there are.

Parish, community and town councils operate at a level below the district council. They are a statutory body, independently elected and can raise their own precept (a form of Council Tax) to provide and maintain a variety of local services, which could include management of open spaces and community facilities. They are also statutory consultees on all planning applications in their area. See www.gov.uk/understand-how-your-council-works for more information.

What has been done so far?

We ran events in Oakington, Longstanton and Northstowe; delivered information to every household; and targeted local residents using social media. All the information that was provided can still be viewed on the Council's website. Look for the Terms of Reference and Frequently Asked Questions. Paper copies of the Terms of Reference are still available from Oakington Pavilion; on request from the Oakington Parish Clerk, Longstanton Village Hall (11am to 2pm, Monday to Friday); the Community Wing next to Pathfinder School, Northstowe; and the Council's offices at South Cambridgeshire Hall, Cambourne.

Have your say by 15 June

Between now and 15 June 2020 you are invited to have your say about the four options that we are now going to be consulting on, set out over the following pages.

What was the feedback from Round 1?

What residents in surrounding villages said

Comments that residents made in the Round 1 consultation showed that people living in the existing villages around Northstowe have a strong desire for governance arrangements for their villages to be separate from those for Northstowe.

What residents in Northstowe said

Northstowe residents didn't appear to see their future governance arrangements as being joined with the surrounding villages, instead expressing a strong view that all phases (1, 2, 3A and 3B) of Northstowe should be governed on its own.

What happens now?

Based on the views set out above, we have suggested four options for how a new Northstowe parish could be formed.

We want to know which option(s) best meet the aims of the Community Governance Review. As a reminder, the aims of the Review were to make sure any new governance arrangement would:

- Reflect the identities and interests of the community in that area
- Be effective and convenient
- Consider any other arrangements for the purpose of community representation or community engagement.

Consultation Round 2

More than 430 people responded to Round 1 of the consultation, with the feedback helping to shape four options that are now going to be consulted on.

This next stage of consultation – Round 2 – will run from 15 March to 15 June 2020, and residents are all invited to have their say.

On the following pages you will see information about each option, accompanied by a map showing the proposed new boundary. You will also have the opportunity to provide your feedback on the different options as you work your way through this booklet.

Have your say by 15 June 2020

Return your form by post, in person, or online. Information about where to return your completed form can be found on the back page of this booklet. Alternatively visit our website to fill in an online form:
www.scambsgov.uk/cgr-lown

Northstowe Masterplan

Illustrative Masterplan showing how Northstowe could look in 2036
- produced by Tibbalds Planning and Design for Homes England.



Option A1 – Northstowe would be a parish of its own and Longstanton land north of the busway would be transferred to Willingham

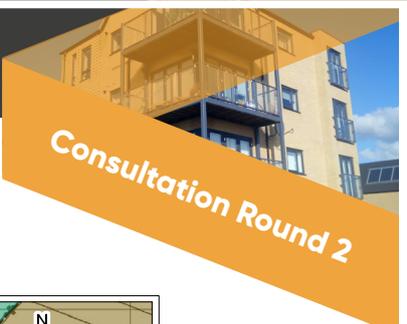
Option A1 is the suggestion that all of Northstowe (Phases 1, 2, 3A and 3B) would form a new parish of its own. It would be taken out of Longstanton and Oakington and Westwick parishes. In this option, Westwick would remain with Oakington, with all current arrangements for Oakington and Westwick otherwise remaining unaffected. Longstanton parish council would also retain the same arrangements as currently, within what would be its reduced boundaries. Land within Longstanton parish, north of the guided busway, would be transferred to Willingham.

Map A1

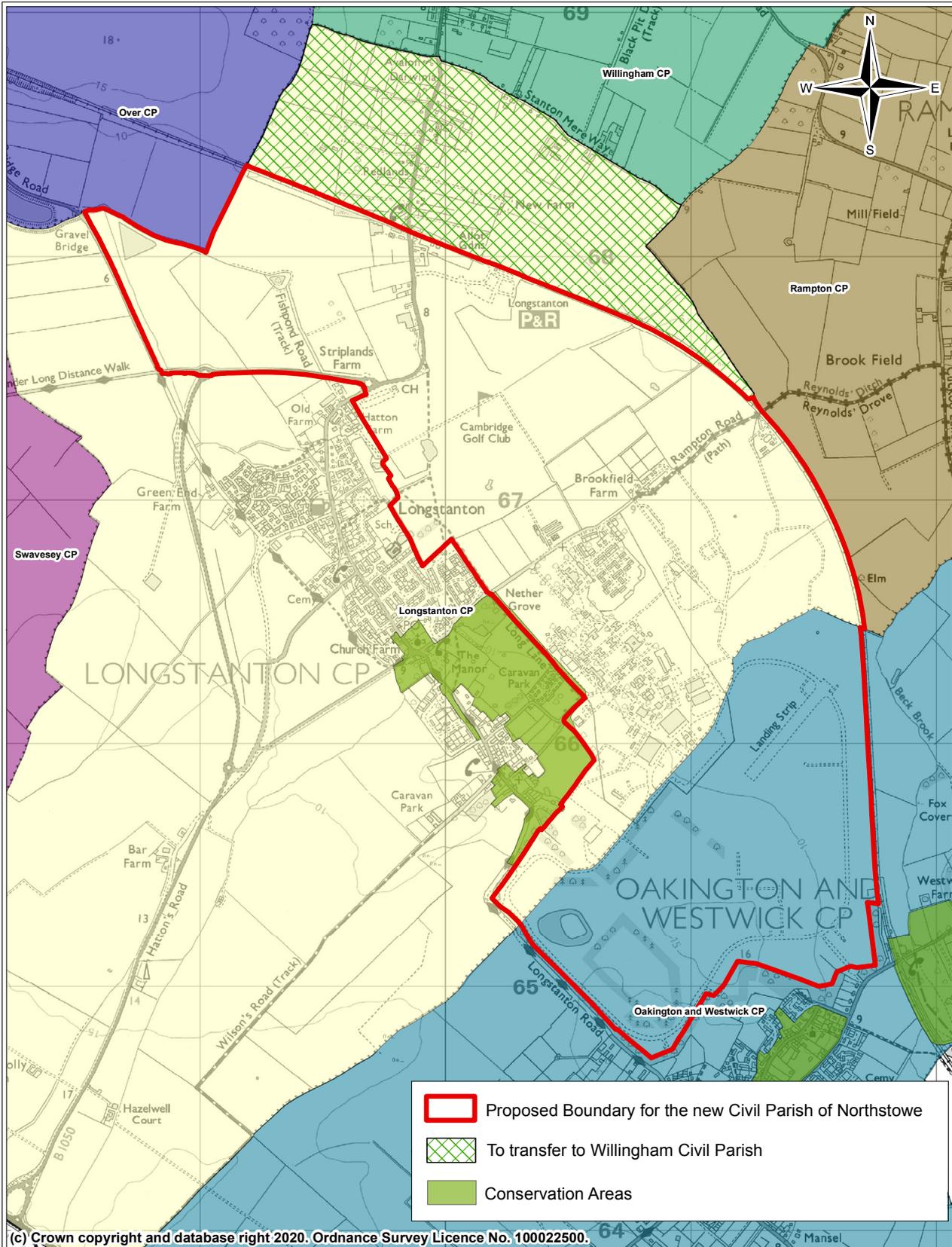
Map A1 (opposite page) shows the suggested boundaries of the new Northstowe parish under Option A1.



If you feel this proposal is largely what you would like to happen, but there is some alteration needed to the boundary line, mark up the map(s) to show us what changes you think should be made.



Map A1



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Community Governance Review
 prompted by the development at Northstowe
 Possible Boundary - Option A1 with
 Existing Parish Boundaries

Date: 20 February 2020
 Produced by: **3C** Shared Services
 Section/Department: Spatial Team
 Scale: 1:14,000 @ A3

Option A2 – Northstowe would be a parish of its own, taking in some land in Over near the busway

Option A2 is the suggestion that all of Northstowe (Phases 1, 2, 3A and 3B) would form a new parish of its own. It would be taken out of Longstanton and Oakington and Westwick parishes. In this option, Westwick would remain with Oakington, with all current arrangements for Oakington and Westwick otherwise remaining unaffected. Longstanton parish council would also retain the same arrangements as currently, within what would be its reduced boundaries. Land within Longstanton parish north of the busway would be transferred to Willingham.

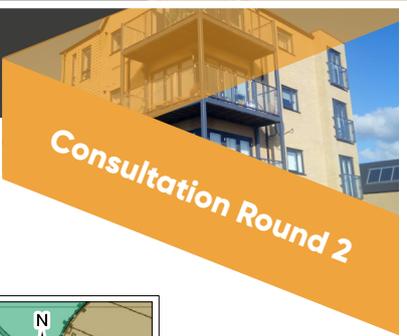
The new Northstowe parish would extend up to the limits of the guided busway, taking in some land currently within Over. This would create an identifiable boundary along the minor roads known as Over Road/ Gravel Bridge Road (the current Over Parish boundary lies along the Swavesey Drain). This would leave some land belonging to Over parish south of the busway.

Map A2

Map A2 (opposite page) shows the suggested boundaries of the new Northstowe parish under Option A2.

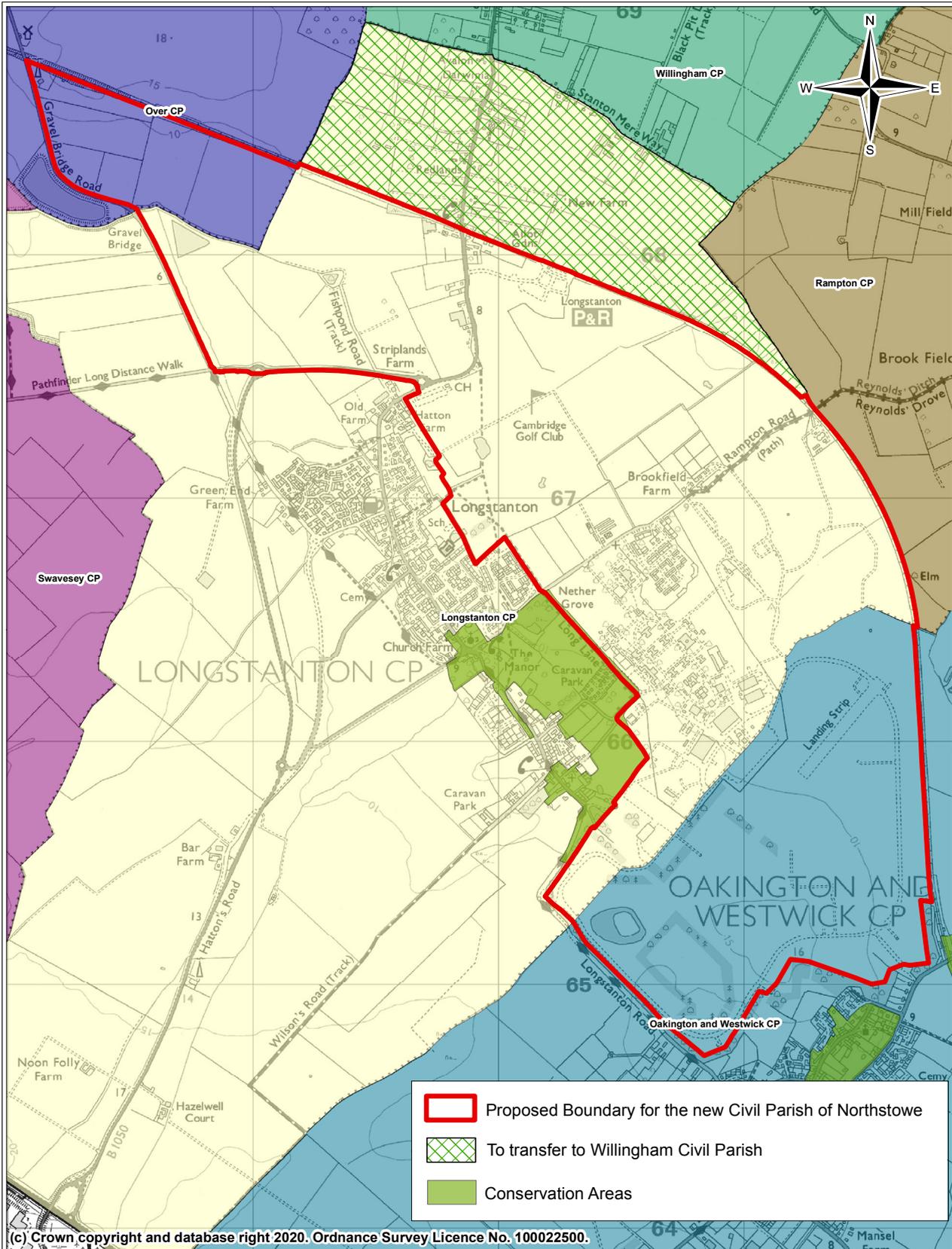


If you feel this proposal is largely what you would like to happen, but there is some alteration needed to the boundary line, mark up the map(s) to show us what changes you think should be made.



Consultation Round 2

Map A2



	Proposed Boundary for the new Civil Parish of Northstowe
	To transfer to Willingham Civil Parish
	Conservation Areas

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Community Governance Review
 prompted by the development at Northstowe
 Possible Boundary - Option A2 with
 Existing Parish Boundaries

Date: 21 February 2020
 Produced by:  Shared Services
 Section/Department: Spatial Team
 Scale: 1:14,000 @ A3

Option B – Northstowe would be a parish of its own, taking in some land in Longstanton north of the busway

Option B is the suggestion that all of Northstowe (Phases 1, 2, 3A and 3B) would form a parish of its own. It would be taken out of Longstanton and Oakington and Westwick parishes. In this option, Westwick would remain with Oakington, with all current arrangements for Oakington and Westwick otherwise remaining unaffected. Longstanton parish council would also retain the same arrangements as currently, within what would be its reduced boundaries.

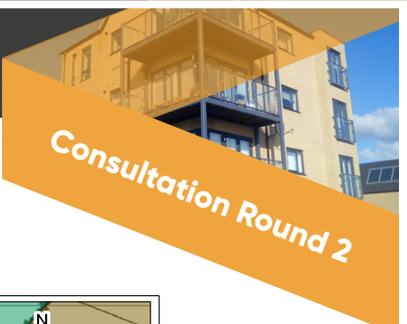
Land north of the busway within Longstanton parish would be taken into the new Northstowe parish.

Map B

Map B (opposite page) shows the suggested boundaries of the new Northstowe parish under Option B.

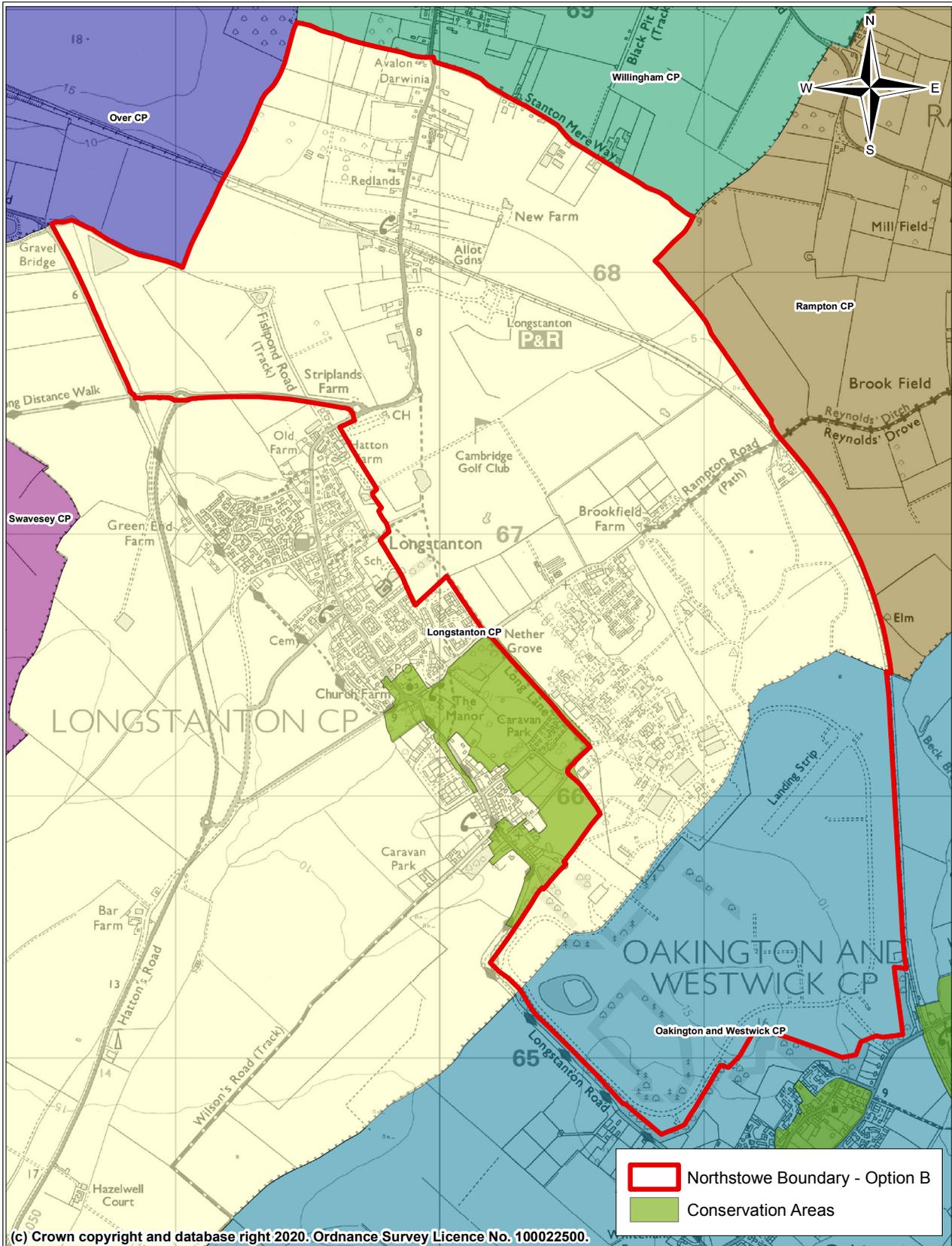


If you feel this proposal is largely what you would like to happen, but there is some alteration needed to the boundary line, mark up the map(s) to show us what changes you think should be made.

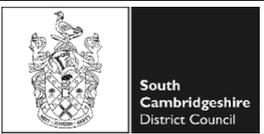


Consultation Round 2

Map B



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Community Governance Review
 prompted by the development at Northstowe
 Possible Boundary - Option B with
 Existing Parish Boundaries

Date:	20 February 2020
Produced by:	3C Shared Services
Section/Department:	Spatial Team
Scale:	1:13,000 @ A3



Option C – a new parish for some of Northstowe, with Longstanton taking some parts of Northstowe

Option C – a new parish for some of Northstowe, with Longstanton taking some parts of Northstowe.

Option C is the suggestion that the majority of Northstowe – Phases 1, 2 and 3A – would be taken out of Longstanton and Oakington and Westwick parishes, to create **a new parish for only this part of Northstowe. In this option, some parts of Northstowe (Phase 3B – the Bloor parcel – and other parcels within the Northstowe extension land situated west of the B1050) would stay within Longstanton parish, along with Longstanton land north of the busway.**

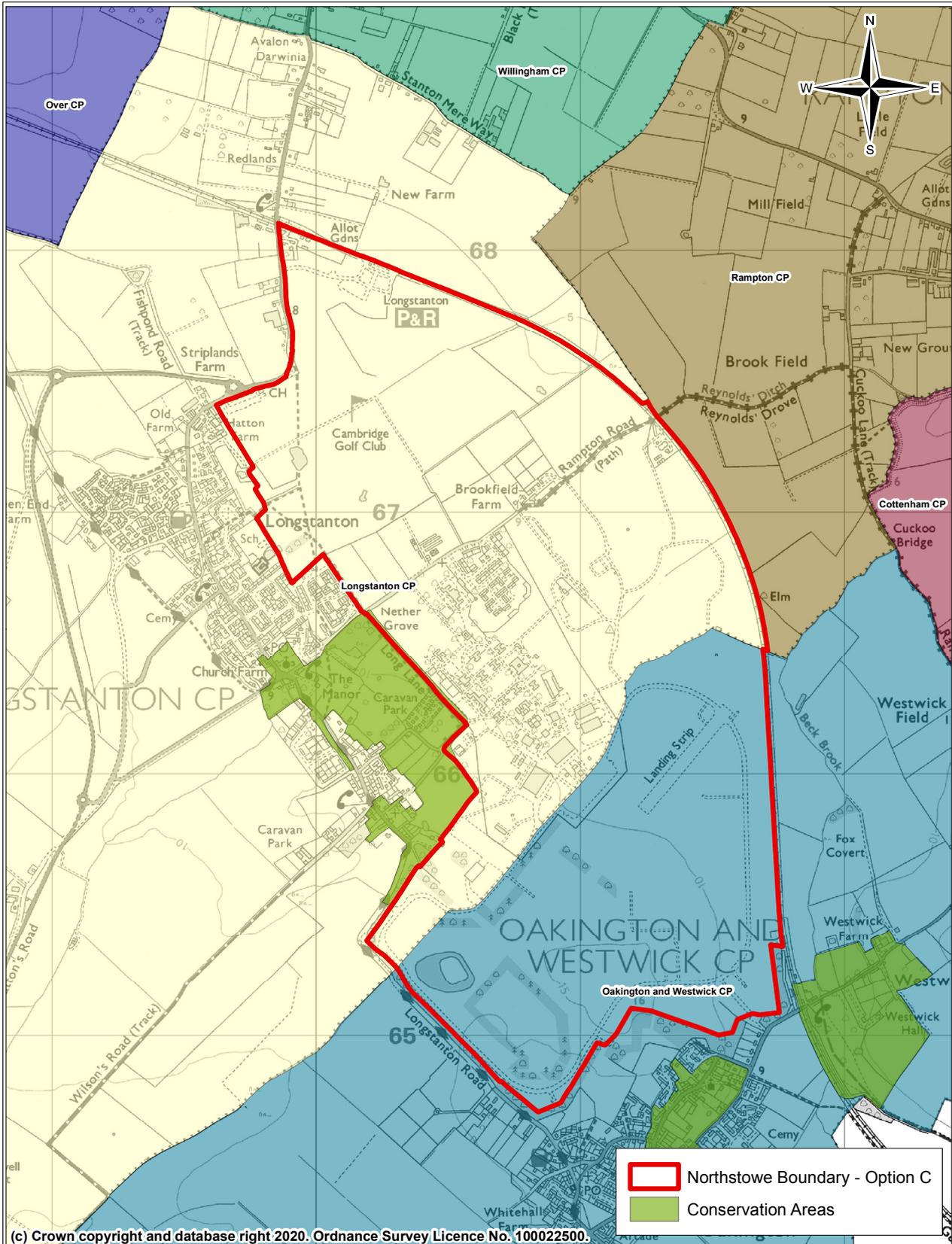
Map C

Map C (opposite page) shows the suggested boundaries of the new Northstowe parish under Option C.



If you feel this proposal is largely what you would like to happen, but there is some alteration needed to the boundary line, mark up the map(s) to show us what changes you think should be made.

Map C



Community Governance Review
 prompted by the development at Northstowe
 Possible Boundary - Option C with
 Existing Parish Boundaries

Date: 20 February 2020
 Produced by: **3C** Shared Services
 Section/Department: Spatial Team
 Scale: 1:13,000 @ A3



Use the questions below as a guide to let us know what you think.

There is also a comment box at the end of the form for general feedback.

Have your say by 15 June 2020

Return your form by post, in person, or online. Information about where to return your completed form can be found on the back page of this booklet. Alternatively visit our website to fill in an online form: www.scambs.gov.uk/cgr-lown

Question 1

1. Please indicate your preferred option: **A1** **A2** **B** **C**

With your chosen option in mind, please answer the following questions.

Questions 2 and 3: naming the new civil parish for Northstowe

2. Should a new civil parish for Northstowe be called 'Northstowe'?

Yes No Not sure

3. If you don't think it should be called 'Northstowe', please explain why and tell us what you think it should be called.

Questions 4 to 6: how should the new civil parish for Northstowe work?

A new civil parish for Northstowe would mean Northstowe would have its own local governance. This could be a parish council, town council, community council, or neighbourhood council – all of which have equivalent powers to that of a parish council.

4. Should a new Northstowe parish be a:

- Parish council
- Town council
- Community council
- Neighbourhood council
- Not sure
- Other (please explain)

5. How many people should be elected to govern as part of this new local governance arrangement for a new civil parish for Northstowe?

The National Association of Local Councils has suggested that the minimum number of councillors should be seven and the maximum 25.

6. When should the new civil parish take effect? The next scheduled District Council elections are in May 2022. However, an election could be held in 2021 alongside the County Council election.

- 2021
- 2022
- Not sure

Questions 7 and 8: warded parishes

When there are distinct areas within one parish, a fair representation of the interests of these different areas within one parish can be achieved by creating wards for each of these areas, with a set number of parish councillors representing each ward. Further information on warding is available within the Terms of Reference, Section 6 (6.5, 6.6, 6.7).

7. If you selected Option A1, A2 or B, do you think it will be necessary to create wards within Northstowe (phases 1, 2 ,3A and 3B) for these options?

- Yes
- No
- Not sure

8. If you selected Option C, do you think Longstanton civil parish should be warded to reflect the 1,200 potential new homes that could be built west of the B1050 (this area is designated as parcel 3B of the Northstowe development), in addition to the Bloor development of 91 homes that are already built?

- Yes
- No
- Not sure
- Not applicable, I did not select Option C

Question 9: other impacts of the new governance arrangements

9. Do you think there will be knock-on effects of any of the options that will need to be addressed? Please tick all that apply:

- Transfer and management or custody of property
- The setting of precepts for new parishes
- Provision with respect of functions, property, rights and liabilities
- Provision for the transfer of staff, compensation for loss of office, pensions or other staffing matters
- District ward boundaries
- County electoral divisions

Other (please explain)



Please provide any additional comments/feedback relevant to the process

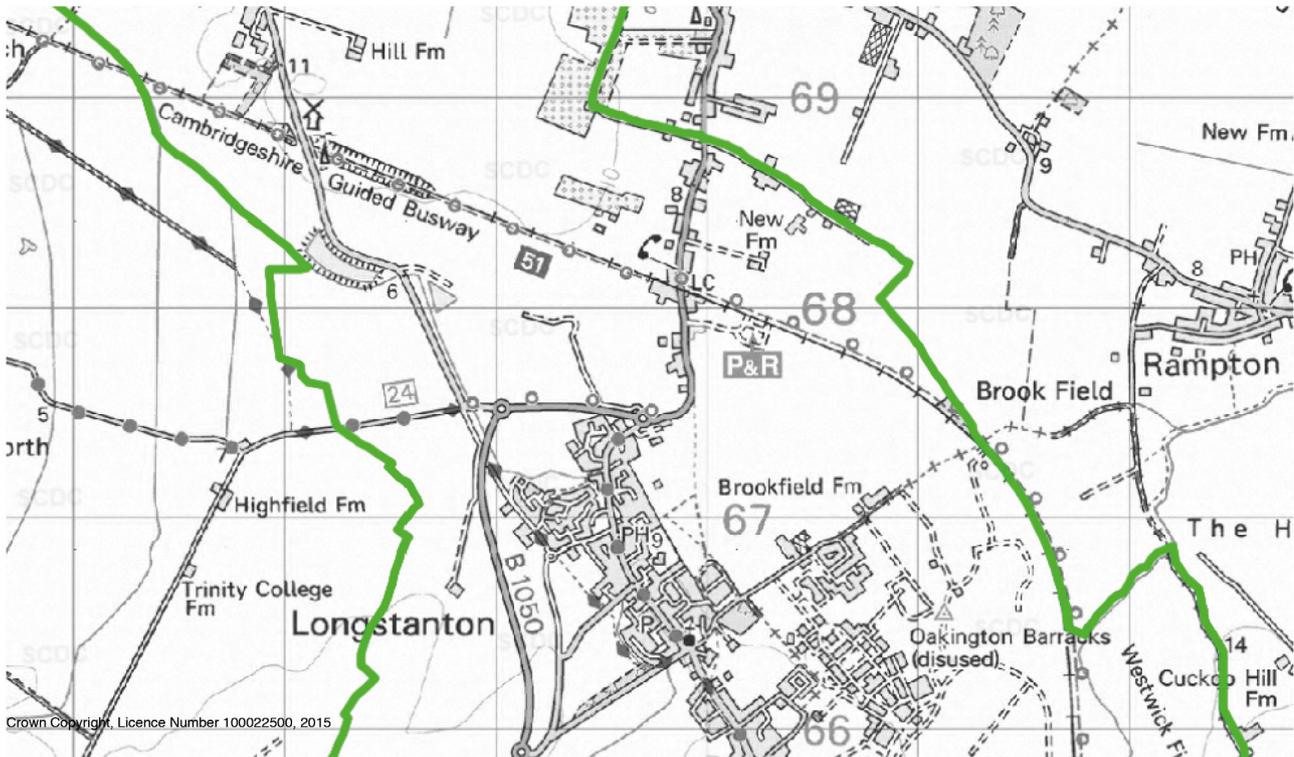
Additional information about District Council and County Council boundaries

Currently there is a District Council ward boundary between the Longstanton ward and the Over and Willingham ward. There is also a County Council division boundary between the Longstanton, Northstowe and Over division and the Cottenham and Willingham division.

Should there be changes to parish council boundaries as outlined in Options A1 or A2, South Cambridgeshire District Council will seek realignment of the District Council and County Council boundaries so that they are aligned with the new parish boundary arrangements.

On the following maps you can view the current ward boundary and division boundary.

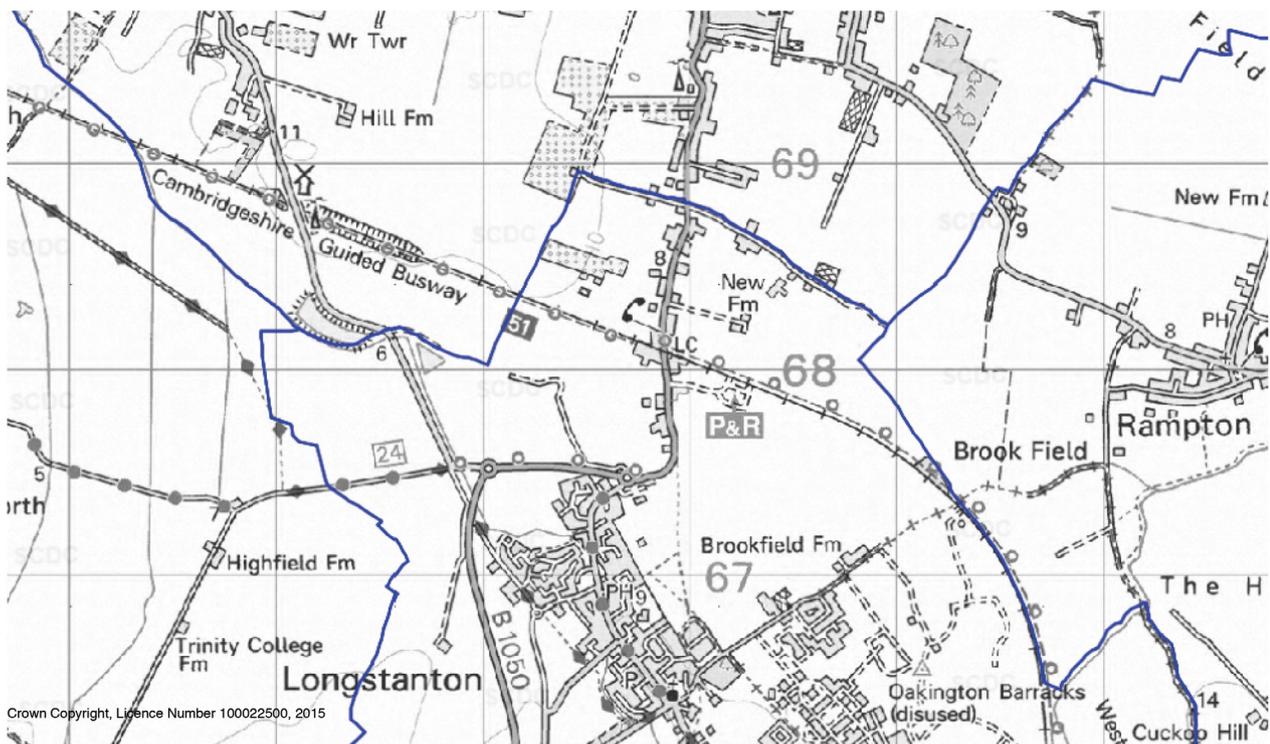
County Council Division Boundaries



500 m
Scale = 23073.12



District Council Ward Boundaries



500 m
Scale = 23073.12



How to have your say

Online

Visit our website to find a web form that you can fill in online at your convenience:

www.scambs.gov.uk/cgr-lown

In person

Paper copies of the Submission Form are available from Oakington Pavilion; on request from the Oakington Parish Clerk, Longstanton Village Hall (11am to 2pm, Monday to Friday); the Community Wing next to Pathfinder School, Northstowe; or the Council's offices at South Cambridgeshire Hall, Cambourne.

This is a consultation, not a vote. While all submissions will be considered, the outcome of the review will be determined by the Civic Affairs Committee in accordance with the aims of the review as stated in the terms of reference.

Submissions can be made between 15 March and 15 June 2020, and cannot be accepted for this stage of the review thereafter.

Completed submission forms can be returned:

By post or in person

- To the Partnerships and Sustainable Communities Team, South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge CB23 6EA

In person

- To the Community Wing next to Pathfinder School, Pathfinder Way, Northstowe, CB24 1AA
- To Longstanton Village Hall, 24 High Street, Longstanton, CB24 3BS, between 11am and 2pm, Monday to Friday or via the post box on the outside of the Village Hall
- By arrangement with Oakington and Westwick Parish Clerk. Email oakingtonpc@btinternet.com or call 01223 232 398

**Submissions can be made between 15 March
and 15 June 2020, and cannot be accepted
for this stage of the review thereafter.**

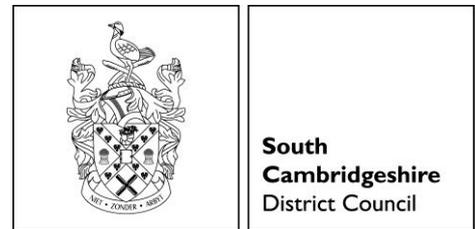
Appendix E

Provisional Community Engagement Programme Second Consultation.

12 Drop- In sessions, totalling 24 hours spread across the review area and consultation period. Covering daytime, evening and weekend.

Oakington & Westwick	Longstanton	Northstowe
Monday 30 March, Drop In at The Monday Café, St. Andrews Church, High Street, Oakington, CB24 3AL, 10.30am to 12.30am.	Thursday 26 March, Drop In at The Dale Community Room, Longstanton, CB24 3DH, 10.30am to 12.30pm	Wednesday 25 March, Drop In the Café are at the Community Wing, next to Pathfinder School, Northstowe, CB24 1AA, 3.30pm to 5.30pm
Saturday 4 April, Oakington Spring Market. (Booking to be confirmed)	Monday 6 April, Drop In at Longstanton Village Hall, 24 High Street, Longstanton, CB24 3BS, 5pm to 7pm	Wednesday 8 April, Drop In at Wing Wednesday, next to Pathfinder School, Northstowe, CB24 1AA, 6pm to 8pm
Monday 11 May, Drop In at The Pavilion Meeting Room, Recreation Ground, Queens Way, Oakington, CB23 3AW, 5pm to 7pm	Saturday 16 May, Longstanton Village Market, Nelson Crescent, Longstanton, CB24 3BT, 10am to 12 noon	Thursday 14 May, Drop In the Café are at the Community Wing, next to Pathfinder School, Northstowe, CB24 1AA, 4pm to 6pm
Date & Time TBC, Drop In at The Crossways Communita Café, 1 Longstanton Road, Oakington, CB24 3BB (Booking to be confirmed)	Monday 8 June, Drop In at The Dale Community Room, Longstanton, CB24 3DH, 10.30am to 12.30pm	Saturday 6 June, Drop In the Café are at the Community Wing, next to Pathfinder School, Northstowe, CB24 1AA, 10.30am to 12.30pm

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REPORT TO: Civic Affairs Committee

3 March 2020

LEAD OFFICER: Deputy Head of Legal Practice and Democratic Services
Team Leader

Report of the Constitution Review Task and Finish Group

Executive Summary

1. The Civic Affairs Committee, at its meeting held on 3 December 2019, received the report of the Constitution Review Task and Finish Group, together with the first draft of the revised Constitution.
2. The Civic Affairs Committee requested that the task and finish group give further consideration to a number of issues and report back to a future meeting of the committee.
3. The task and finish group has now concluded its review of the matters referred back to it and this report outlines the recommendations of the group. It additionally notes that the draft Constitution has been updated to reflect the outcomes of the organisational review.
4. The updated report and recommendations of the Constitution Review Task and Finish Group are set out at Appendix G to this report.

Recommendations

5. It is recommended that Civic Affairs Committee:-
 - (a) Notes the response of the Constitution Review Task and Finish Group in respect of the matters referred back by the Civic Affairs Committee at its last meeting (paragraph 7 of this report) and approves the revisions to the relevant Sections of the Constitution as set out in Appendices A to C, D2, E and F1 – F4.
 - (b) Subject to any amendments to the sections in (a) above, approves the recommendations of the Constitution Review Task and Finish Group, as set out in Appendix G, and recommends the Council to adopt the revised Constitution (Appendix H), Ethical Handbook (Appendix J), Public Speaking Scheme (Appendix K1) and Petitions Scheme (Appendix K2) with effect from the new Municipal Year.
 - (c) authorises the Chief Executive, after consultation with the Chairman and Vice-Chairman of the Committee, to make any further typographical or minor amendments to the draft Constitution prior to its submission to Council.

Reasons for Recommendations

6. To enable the Committee to determine whether to recommend to Council the adoption of the revised Constitution and to consider associated recommendations of the Constitution Review Task and Finish Group.

Details

7. The report of the Constitution Review Task and Finish Group and the draft Constitution was submitted to the meeting of the Civic Affairs Committee on 3 December 2019. During its discussions, the Committee requested the task and finish group to consider further a number of areas as identified below:

7.1. Planning Scheme of Delegation

- 7.1.1. The Committee asked the task and finish group to review a proposed amendment to the Planning Scheme of Delegation. This matter was considered by the Planning Committee on 12 February 2020.

7.2. Contract Regulations

- 7.2.1. The task and finish group was asked to review the Contract Regulations as it was felt that they did not adequately reflect the Council's environmental aspirations and its commitment to create a cleaner, greener and zero-carbon future for South Cambridgeshire.
- 7.2.2. The Council's Procurement Officer reviewed the regulations in line with the comments of the Civic Affairs Committee and consulted with the Leader and the Chair of the Climate and Environment Advisory Committee on suggested changes to the regulations.
- 7.2.3. The task and finish group supported the proposed revisions, noting that the principal changes related to questions to be asked of suppliers as set out in paragraph 2.1 (j) of the revised regulations.
- 7.2.4. The revised regulations are set out in Appendix A.

7.3. Protocol on Member Officer Relations

- 7.3.1. Civic Affairs Committee asked the task and finish group to review paragraph 7 of the protocol on Member/Officer Relations (Members' Enquiries). It was suggested that paragraph 7.1 should be amended as councillors should receive responses from officers more promptly than the corporate target for response to public enquiries, given that councillors may be responding on behalf of a resident.
- 7.3.2. The Chief Executive reviewed the provision and agreed that there should be an expectation that officers should aim to respond to Members within 48 hours of receiving an enquiry, rather than in line with the corporate deadline as

previously drafted. Paragraph 7.3 has been amended accordingly and this was supported by the task and finish group.

7.3.3. As requested by Civic Affairs Committee, the definition of correspondence in paragraph 11.2 of the protocol has also been updated to refer to other electronic means such as texts and tweets.

7.3.4. The revised protocol is set out at Appendix B.

7.4. Public Speaking

7.4.1. The task and finish group was invited to review the public speaking scheme, which provided for people who live, work, study or own property in the district to speak at meetings, to enable other people or partners with a connection to the Council to speak at the discretion of the Chair.

7.4.2. The task and finish group recommend the inclusion of the additional wording set out in paragraph 1.2 of the revised scheme which gives the Chair discretion to allow any other person to speak where they are satisfied that that person is affected by, or has a legitimate interest in, the business of the Council.

7.4.3. The task and finish group recommend some additional amendments to require that questions and statements should be relevant to the remit of the body to which they are addressed and to give flexibility as to which member may respond to public questions, to bring the provisions in line with those in Council Standing Orders for responses to Members' questions.

7.4.4. The revised Public Speaking Scheme is at Appendix C.

7.5. Petitions

7.5.1. Civic Affairs Committee asked the task and finish group to review the number of signatures required for petitions, noting that some authorities had very low thresholds. It was also suggested that officers should further review the practice elsewhere.

7.5.2. Currently the Council's threshold is 50 for ordinary petitions and 100 (or 50% of the electorate of a particular parish for a petition relating to a single parish) for petitions to trigger debates at a Council meeting. No change was proposed to these thresholds as part of the Constitution Review.

7.5.3. Officers conducted a further review of the practice of other authorities and a summary of this was presented to the task and finish group (Appendix D1). The task and finish group noted that some authorities had a lower petition for "ordinary" petitions (some specified 10 as the number of signatures required to "constitute a petition"). However, many authorities surveyed had higher thresholds for the number of signatures required for a petition to trigger debate at a Council meeting, with thresholds ranging from 10 to 3,000. The task and finish group noted that the Council's current threshold was amongst the lower thresholds and taking account of the information presented, was not minded to recommend lowering the current thresholds.

- 7.5.4. Further changes to the scheme are however recommended to enable Ward Members to hand in petitions on behalf of petitioners at Council meetings.
- 7.5.5. Additionally, the task and finish group have recommended changes to the scheme to cover the position with e-petitions which are generated via third party websites.
- 7.5.6. The recommended Petitions Scheme is set out at Appendix D2. It may be prudent for both the new Public Speaking and Petitions Schemes to be monitored following their implementation with a view to them being reviewed by this committee in the event that any operational issues should arise.

7.6. Council Standing Orders

- 7.6.1. The task and finish group is recommending further changes to Council Standing Orders to reflect amendments to the petitions and public speaking schemes and to address certain procedural issues raised by the Chairman of the Council.
- 7.6.2. The updated Council Standing Orders are attached at Appendix E.

7.7. Anti-Theft, Fraud and Corruption Policy

- 7.7.1. The task and finish group have reviewed whether the Anti-Theft, Fraud and Corruption Policy should continue to form part of the Constitution. Members noted that the Whistleblowing Policy, which is complementary to the Anti-Theft, Fraud and Corruption Policy, does not currently form part of the Constitution.
- 7.7.2. The task and finish group additionally noted that the Financial Regulations, which are in Part 4, of the Constitution, already contain the following provisions in relation to the Anti-Theft, Fraud and Corruption Policy and the Whistleblowing Policy:

“The Chief Finance Officer shall be responsible for ensuring that the Council’s Anti-Theft, Fraud and Corruption Policy and Whistleblowing Policy is subject to periodic review and, where deemed appropriate, he/she shall make recommendations for improvement to Council. Each Chief Officer or Director shall be responsible for ensuring his/her staff are aware of the existence of the policies and of their contents”
- 7.7.3. On that basis, the task and finish group was assured that appropriate provisions for ensuring that the policies are maintained and reviewed are contained in the Constitution but that the policies themselves need not form part of the Constitution. The task and finish group did however agree that in requesting the Audit and Corporate Governance Committee to review the Anti-Theft, Fraud and Corruption policy, it should also be asked to consider how this policy and the Whistleblowing Policy should best be published and promoted.

8. Organisational Review

8.1. The completion of the organisational review has necessitated revisions throughout the Constitution to reflect revised structures and job titles.

8.2. The task and finish group considered and endorsed specific revisions to:

8.2.1. Articles (including Article 12 (Officers)) (Appendix F1)

8.2.2. Part 3 - Responsibility for Functions (Terms of Reference of Employment and Staffing Committee (and panels)) (Appendix F2)

8.2.3. Part 3 – Responsibility for Functions (Scheme of Delegation) (Appendix F3)

8.2.4. Officer Employment Procedure Rules. (Appendix F4).

9. General Amendments

9.1. The task and finish group has agreed to the incorporation of a number of further general amendments to the draft Constitution including:-

9.1.1. Adding back into Article 5 (Chairing the Council), at the request of the Chair of Council, as one element of the role of the Chair “To be the conscience of the Council”;

9.1.2. Making explicit the exclusions from the powers of this Committee to review the Constitution;

9.1.3. Grammatical and typographical amendments and changes to use more gender neutral language where possible.

10. Licensing Delegations

10.1. A number of changes to the Licensing Committee delegations have been recommended to bring them in line with statutory guidance relating to the Licensing Act 2003 and the Gambling Act 2005. Licensing Committee has been informally briefed on these changes and members of the committee were content for them to form part of the revised Constitution to be recommended to Council.

11. Scrutiny Review

11.1. The Centre for Public Scrutiny is currently undertaking a review of the effectiveness and efficiency of the Council’s scrutiny function. The review has just begun, and it is anticipated that it will conclude in late March. Unfortunately, this means that any revisions that impact on the Constitution will not be available before Full Council on 2 April. The Centre for Public Scrutiny has advised that their reviews do not routinely result in changes in governance arrangements. However, if any changes do result, it may be necessary to take these directly to Council in May in order to avoid any further delay in presenting the Constitution to Council.

12. Conclusion

12.1. The task and finish group has now completed its review of the Constitution and its recommendations are set out in the report at Appendix G. The revised draft Constitution has been circulated separately as Appendix H (clean) and Appendix I (“compare” version showing content (but not formatting) changes) will be published on the Council’s website, with hard copies available on request. The Ethical

Handbook is attached at Appendix J (compared versions of documents in the Ethical Handbook may be found in Appendix I) and the Public Speaking and Petitions Schemes at Appendix K1 and K2 respectively. It should be noted that the further changes recommended by the task and finish group, as referred to in paragraph 7, have been incorporated into the latest draft of the Constitution.

12.2. Members are also asked to note that as the Joint Development Control Committee terms of reference (Cambridge Fringes) have been adopted jointly with Cambridge City Council only formatting changes have been made to the document. Additionally Part 6 (Members' Allowances Scheme) has yet to be updated with the changes agreed at Council on 20 February 2020.

12.3. It is proposed to insert the page numbers into the contents sheets and indexes prior to submission of the draft Constitution to Full Council.

Options

13. The Civic Affairs Committee could:

- (a) recommend the revised Constitution for adoption by the Council, with or without amendment; or
- (b) determine to maintain the status quo and not amend the Constitution; or
- (c) identify areas where it wishes the Constitution Review Task and Finish Group to undertake further work.

Implications

14. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

Legal

15. The Council is required to prepare and keep its Constitution up to date and to make it available to the public, in accordance with Section 37 of the Local Government Act 2000. Additionally, it is required by Section 38 of the Act to have regard to any guidance issued by the Secretary of State.

Equality and Diversity

16. The Council will be required by September 2020, by virtue of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018, to ensure the accessibility of information published on its website. These accessibility requirements have been taken into account in reformatting the revised Constitution.

17. The task and finish group has had regard to the equality duty requiring the Council to tackle stereotypes and to consider whether the use of certain language within the Constitution reinforces inappropriate “norms”.

Consultation responses

18. All Members and officers were invited to submit comments on the Constitution during the autumn of 2018. The Leader and a number of committee chairmen have also been consulted upon the proposals under consideration as part of the review, in so far as they relate to their area of responsibility and invited to participate in meetings of the task and finish group.

Effect on Council Priority Areas

A modern and caring Council

19. The review has provided the opportunity to bring the Constitution up to date, to review it against best practice and new accessibility requirements and to consider whether it remains fit for purpose.

Background Papers

Modular Constitutions for English local authorities (January 2000)

Appendices

Appendix A: Contract Regulations
Appendix B: Protocol on Member/Officer Relations
Appendix C: Public Speaking Scheme
Appendix D1: Petitions Thresholds
Appendix D2: Petitions Scheme
Appendix E: Council Standing Orders
Appendix F1: Articles
Appendix F2: Part 3 – Responsibility for Functions
Appendix F3: Part 3 - Scheme of Delegation (Table 7)
Appendix F4: Officer Employment Procedure Rules
Appendix G: Report of the Constitution Review Task and Finish Group
Appendix H: Revised Draft Constitution of South Cambridgeshire District Council (Clean)
Appendix I: Revised draft Constitution (Compare version)
Appendix J: Ethical Handbook
Appendix K1: Public Speaking Scheme (clean)
Appendix K2: Petitions Scheme (clean)

Report Author:

Rory McKenna:
Telephone: (01223) 457194

Kathrin John
Telephone: (01954) 713030

Appendix A

G. Contract Regulations

Under Section 135, Local Government Act 1972

A Quick Glance Guide on Contract Regulations

1. These Contract Regulations (issued under s.135 of the Local Government Act 1972) promote good purchasing practice and public accountability and deter corruption. Following the rules is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

For the purposes of these Regulations, where there is a requirement for communication to be in writing, this shall be deemed to include e-mail and other electronic transmissions.

2. **Officers responsible for purchasing *must* comply with Contract Regulations.** They lay down *minimum* requirements and a more thorough procedure may be appropriate for a particular contract.

3. In the event of a Civil Emergency

- 3.1 Any procurement or work contracted in response to an event that is classified as a Major Incident will be deemed to comply with these Contract Regulations.
- 3.2 The Authority is a Category 1 responder during a civil emergency. The definition of emergency in the Civil Contingencies Act 2004 focuses on the consequences of emergencies. It defines an emergency as:
 - (a) an event or situation which threatens serious damage to human welfare;
 - (b) an event or situation which threatens serious damage to the environment;
or
 - (c) war, or terrorism, which threatens serious damage to security.
- 3.3 For Part 1 of the Act, the definition sets out the range of possible incidents for which local responders must prepare when fulfilling their civil protection duties. Further information is available within the Council's Emergency Planning Manual.

4. During regular conditions

- 4.1 Check that there is a budget in place and that you are authorised to proceed.

- 4.2 Calculate the Total Contract Value. The Total Contract Value is the contract value for the contract term (e.g. £5k per year for a 3 year term contract = £15k value). Be particularly aware of the rules surrounding aggregation for the purpose of Tenders above the EU Threshold tenders. Do not break tenders up into constituent parts where it could be suggested that the Authority are avoiding EU procurement thresholds.
- 4.3 Every purchase or contract (other than for the sale / purchase of land and direct employment contracts) made by or on behalf of the Council shall comply with the Financial Regulations of the Council and with these Contract Regulations.
- 4.4 Take all necessary legal, financial, procurement and professional advice.
- 4.5 Declare any personal financial interest in a contract to your Line Manager to assess if a conflict of interest exists. Corruption is a criminal offence.
- 4.6 Take into account the requirements from any relevant service review and appraise the purchasing need.
- 4.7 Check with the Procurement Officer whether there is an existing Corporate Contract or Consortium Framework Contract before undergoing any procurement process.
- 4.8 Evaluate the potential to work on a Collaborative Contract or Shared Service with another Local Authority or Government body and make it possible to allow other Local Authorities to utilise our contracts.
- 4.9 Normally allow four weeks for submission of bids.
- 4.10 Keep bids confidential, safe and secure.
- 4.11 Include the ~~Equalities Questionnaire~~, Net Zero Carbon, Decarbonisation, Sustainable Procurement and Health & Safety elements in any enquiry or tender and ensure that they are evaluated as part of the award. Complete a written contract or Council purchase/works order before the supply or works begin.
- 4.13 Identify a Contract Manager with responsibility for ensuring the contract delivers as intended and ensure contract monitoring is undertaken (including Health & Safety).
- 4.14 Keep records of all dealings with suppliers.
- 4.15 Assess each contract afterwards to see how well it met the purchasing need and value for money requirements.

Remember help, support and advice is available from the Head of Legal Practice / Legal Services and the Procurement Officer.

Table Guide on Procedures, Short-listing and Approval

Total Value	Award Procedure	Shortlisting	Who can approve Award?
£0 to £5,000	Obtain one estimate in writing	Officer	Service Managers accepts
£5,001 - £25,000	Three written quotations	Officer and Line Manager	Complete an Evaluation form and send to Authorised Signatory
£25,001 – EU Threshold	Invitation to Tender. See Para 5.4 regarding requirements for advertising	Officer and Line Manager	Complete an Evaluation form and send to Authorised Signatory
Above EU Threshold	EU Procedure or, where this does not apply, Invitation to Tender by Advertisement / List to at least six candidates		PCR2015 must be followed. Consult with Legal Services and the Procurement Officer – see Regulation 8.4
Exemptions	See Regulation 3		
Disposals	See Regulation 8.5		

NB: This Guide is explanatory only and is not a substitute for reading the Contract Regulations.

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Definitions Appendix

Further Advice may be obtained from:

The Head of Legal Practice/Legal Services

The Procurement Officer

Section 1 – Scope of Contract Regulations

1. Basic Principles

All purchasing and disposal procedures ~~s~~shall~~must~~:

- 1.1 Achieve best value for public money spent
- 1.2 Be consistent with the highest standards of integrity and professionalism when undertaking procurement
- 1.3 Ensure fairness in allocating public contracts
- 1.4 Comply with all legal requirements
- 1.5 Ensure that 'Non-Commercial Considerations' do not influence any Contracting Decision.
- 1.6 Support the Council's corporate and departmental aims and policies.
- 1.7 Comply with the Council's Procurement Strategy.
- 1.8 Build in Equalities, Net Zero Carbon, Decarbonisation, Sustainable Procurement, Health & Safety and Ongoing Savings into the procurement process
- 1.9 Construct high quality agreements and make use of internal resources to document and provide a clear audit trail of decisions, agreements and contracts
- 1.10 Look for opportunities to work on a Collaborative Contract or a Shared Service with another Local Authority or Government body and evaluate whether the contract can allow other Local Authorities to utilise a SCDC contract.

2. Officer Responsibilities

2.1 Officers

- (a) The Officer responsible for purchasing or disposal ~~shall~~must comply with these Contract Regulations, Financial Regulations, the Code of Conduct, The Public Contracts Regulations 2015 (PCR2015) , The Concessions Contract Regulations 2016 (CCR2016), the Social Value Act 2012 and

with all UK and European Union (or following exit from the European Union any replacement body) binding legal requirements.

- (b) The Officer ~~shall~~**must** have regard to the guidance from the Procurement Officer and the principles of the Council's Procurement Strategy.
- (c) The Officer ~~shall~~**must** check whether a suitable Corporate Contract or Consortium Framework contract exists before seeking to let another contract. Where a suitable Corporate Contract or Consortium Framework contract exists, it ~~shall~~**must** be used unless there is a demonstrable reason not to and in which case an exemption must be applied for. If a Corporate Contract is in place, this will be used rather than a Consortium Framework contract.
- (d) The Officer ~~shall~~**must** keep the records required by Regulation 6.
- (e) Tender procedures ~~shall~~**must** be conducted in accordance with procedures set out in the Invitation to Tender. Where the Officer can foresee forthcoming contracts over £25,000, the Officer ~~shall~~**should** seek the advice of the Procurement Officer who will help by advising on regulations, frameworks, tenders, options, advertising and guide you through the procurement procedure.
- (f) Officers ~~shall~~**must** also ensure that agents acting on their behalf also comply.
- (g) Officers ~~shall~~**must** take all necessary legal, procurement, financial and professional advice.
- (h) When any employee either of the Council or of a service provider may be affected by any transfer arrangement, officers ~~shall~~**must** ensure that the Transfer of Undertaking (Protection of Employment) (TUPE) issues are considered and obtain the advice of Human Resources or Legal Services before proceeding with inviting tenders or quotations.
- (i) Contract Regulations ~~Shall must~~ be strictly followed, as ~~they~~ lay down minimum requirements when contracting, however ~~and a~~ more thorough procedures may be appropriate for a particular contract.

(For example, if Regulation 8.1 would normally require that 3 quotes be obtained, it might be appropriate in particular circumstances to seek additional quotations in writing or tender submissions. Equally it may not always be appropriate to make use of an exemption under Regulation 3 even if one might apply or be granted.)

- (j) The Council declared a Climate Emergency on 28 November 2019 and pledged to ensure all strategic decisions and budgets are in line with a shift to zero carbon. Procurement is a key mechanism by which SCDC can influence carbon emissions.

The Council's procurement activity is focussed towards selecting suppliers that are pursuing carbon reduction to achieve Net Zero Carbon emissions, whilst also actively Decarbonising the services provided to SCDC throughout the supply chain.

For all existing contracts or when issuing a tender or quotation document. Officers shall ask suppliers the following questions:

- confirmation that the supplier monitors their existing emissions
- the supplier's plans to achieve Net Zero Carbon emissions
- clear commitments from the supplier to achieve supply chain Decarbonisation with timescales

~~(a)~~

2.2 Directors/Heads of Service

~~Directors/Heads of Service shall~~must:

- (a) ensure their staff comply with Regulation 2.1.
- (b) ensure all staff complete an approved Evaluation Report Form to record all contracts and where seeking an exemption complete an Exemption Request Form in Regulation 2.2(c).
- (c) ensure that:
- (i) **contracts** are completed by signature or under the Council's seal, as appropriate (see Regulation 15.8) and that arrangements are made for their safekeeping on Council premises.
 - (ii) **exemptions** recorded under Regulation 3.3 and ensure the Procurement Officer receives a copy of the exemption form.

3. Exemptions

- 3.1 In most cases an exemption for a Level 1 (0 to £5k) ~~shall~~will not be required as it is sufficient to proceed with one quotation.

3.2 Exemptions are provided for in the Constitution (in the Financial Regulations) but are subject to the detailed requirements set out in this Regulation 3. An exemption under this Regulation 3 allows a contract to be placed by direct negotiation with one or more suppliers rather than in accordance with Regulation 8. For above EU Threshold Contracts, only Exemptions detailed within The Public Contract Regulations 2015 can apply.

3.3 All exemptions, and the reasons for them, ~~shall~~ **must** be recorded using the Exemptions Form. Advice should be sought from the Procurement Officer or Legal Services before applying for an exemption. Exemptions shall be authorised by:

Value	Levels	Who can authorise?
£0 to £25k £4.5k	1 to 2 1½	Service Manager
£25k £4.5k to £120k	1½ to 4 3 to 4	Director <u>Heads of Service</u>
£120k to EU	Over 4 to EU	Chief Executive Officer Executive Director <u>Chief Operating Officer</u>
EU Threshold	EU	EU procedures apply. Only Exemptions detailed within The Public Contract Regulations 2015 can apply. Chief Executive Officer Executive Director <u>Chief Operating Officer</u>

3.4 The following are allowable exemptions:

- (a) the subject matter of the contract can only be supplied by one specialist firm.
- (b) an exemption is necessary because of unforeseen emergency involving immediate risk to persons, property or serious disruption to Council services.

(c) collaborative procurement arrangements

In order to secure value for money the Council may enter into collaborative procurement arrangements:

- (i) The Procurement Officer or Legal Services ~~shall~~**must** be consulted where the purchase is to be made using collaborative procurement arrangements with another Local Authority, Government department or statutory undertaker.
 - (ii) All purchases from any Government or Local Authority Purchasing Consortium are deemed to comply with Contract Regulations. An exemption is only required to formally record the decision to use the Framework Contract. The Framework Contract must comply with legal requirements and let in accordance with EU Procedures. If there is any doubt then you should seek the guidance from Legal Services or the Procurement Officer.
 - (iii) Any contracts entered into through collaboration with other Local Authorities or other public bodies, where a competitive process has been followed that complies with the Contract Regulations of the leading organisation (but does not necessarily comply with these Contract Regulations), will be deemed to comply with our Contract Regulations and an exemption is only required to formally record the decision to use the collaborative contract. However, advice must be sought from the Procurement Officer or Legal Services.
 - (iv) Shared services are a complex procurement and will require a thorough investigation of the options, the risks, the costs and the impacts. Advice will need to be obtained from Human Resources, Legal Services, the Chief Finance Officer, as well as the Head of Service ~~and Director~~ of any team that the Shared Service will impact upon.
- (d) There is a Corporate Contract in existence for this type of service / product but it is unsuitable due to:
- (i) The Procurement Officer or Legal Services must be consulted before applying for any exemption for an existing Corporate Contract.
 - (ii) There needs to be clear and concise documentary evidence confirming that the Corporate Contract cannot meet this requirement because of:
 - a. Technical reasons
 - b. Capacity / availability

c. Conflict of interest

- (e) The product is for the supply of Electricity or Gas and is subject to significant and rapid changes in market forces, which gives only hours to respond and accept prices.

To proceed using this exemption the exemption form ~~shall~~**must** clearly demonstrate:

- (i) the ~~Director~~ Head of Service for the budget has provided consent to proceed
- (ii) the regular procedure in these Contract Regulations are unable to facilitate this type of purchase
- (iii) the values will not exceed EU thresholds and
 - a. is not an act to purely circumnavigate EU Procedures
 - b. that longer contract periods (that necessitate an EU process) would not provide a better deal for the Council (better price, terms, certainty or less risks)
- (iv) a competitive process will be undertaken
- (v) the award criteria that is to be used
- (vi) that bids will be invited from at least 3 suppliers
- (vii) sufficient time will be allowed for suppliers to respond
- (viii) that the contract will be advertised appropriately

- (f) Extension to an existing contract

Contract extensions can contribute to problems for example through contractor complacency or where Officers find themselves unwittingly contravening EU Regulations. In order to avoid such problems:

- (i) where a contract has the provision within the existing contract for an extension, the Officer may extend with the permission of their manager.
- (ii) where there isn't the provision within the existing contract for an extension, the Chief Finance Officer ~~shall~~**must** agree and sign off the exemption on the grounds of:

- a. disproportionate technical difficulties
- b. disproportionate effect on the Council's resources or finances
- c. significant disruption to the delivery of Council services

3.5 **In exceptional circumstances** the Chief Executive / ~~Executive Director~~Chief Operating Officer or the Chief Finance Officer also has the power, under the Scheme of Delegation in the Constitution to dispense with any provision of these Contract Regulations, provided that where the contract exceeds level 4 (£120,000), the relevant lead Cabinet member is consulted.

Where the contract exceeds the EU Threshold, only Exemptions detailed within The Public Contract Regulations 2015 can apply and where they do then the Chief Executive Officer or Chief Operating Officer ~~Executive Director~~, can approve. Where exemptions do not apply then the matter has to be determined by the Cabinet or Council (see Regulation 3.6).

3.6 **In exceptional circumstances**, the Council and its Cabinet have power to dispense with any provision of these Contract Regulations. Any such decision may be a Key Decision.

3.7 All exemptions will be appropriately time bound and attached to the specific contract. Overly long time periods and blanket exemptions are contrary to the Public Contract Regulations 2015.

3.8 The Chief Finance Officer must be kept informed of all authorised exemptions and provide an annual report to the Audit and Corporate Governance Committee.

3.9 The use of e-procurement technology does not negate the requirement to comply with all elements of Contract Regulations, particularly those relating to competition and value for money.

4. Relevant Contracts

4.1 Every purchase or contract made by or on behalf of the Council (every department, team, [including DLO], member, officer, consultant or contracted company) shall comply with the Financial Regulations of the Council and with these Contract Regulations will be considered a Relevant Contract.

4.2 Relevant Contracts do not include:

- (a) Contracts of employment making an individual a direct employee of the Council; or

- (b) agreements regarding the acquisition, disposal or transfer of land (for which Financial Regulations shall apply).

Section 2 – Common Requirements for all Contracts

5. Steps Prior to Purchase

- 5.1 Before beginning a purchase, the Officer responsible for it ~~shall~~**must** appraise the purchase by working through the following criteria. If the Total Value exceeds £25,000 then the Officer ~~shall~~**must** complete this as a checklist before commencing. The appraisal tasks ~~must~~**shall** be proportionate to the complexity and value of the purchase and take into account any guidance provided by the Procurement Officer.

- 5.2 The Officer ~~shall~~**must** appraise the purchase by:
 - (a) ensuring that they have the budget and permissions to carry out this type of purchase;
 - (b) making sure there is not a Corporate Contract or Consortium Framework Contract already in place before proceeding with any procurement exercise;
 - (c) taking into account the requirements from any relevant service review;
 - (d) appraising the need for the expenditure and its priority;
 - (e) defining the objectives of the purchase;
 - (f) assessing the risks associated with the purchase and how to manage them;
 - (g) considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing or sourcing through a purchasing consortium, a joint contract and collaboration with other purchasers;
 - (h) consulting users as appropriate about the proposed procurement method, contract standards, and also performance and user satisfaction monitoring;
 - (i) selecting the most appropriate procurement method;
 - (j) assess the relevance of Health & Safety and Equalities and ensure that these elements are included in any enquiry or tender;

- (k) taking into account Net Zero Carbon, Decarbonisation, Sustainable Purchasing factors such as environmental accreditation (e.g. EMAS or ISO 14001), consumption, waste management, recycled, reclaimed or managed sources (e.g. forests for timber), biodegradability, ease of repair, packaging, transportation, toxicity, ethical sourcing and fair-trade;
- (l) explore the potential for future savings within any quotation or tender documents and ensuring that where a bid is accepted and it contains ongoing cost savings proposals, that these are agreed and reflected within the contract documentation;
- (m) investigate the options for Collaborative Contracts, Shared Services and whether the contract can be written to allow other Local Authorities to utilise it.

5.3 The Officer shall~~must~~ confirm that:

- (a) the purchase accords with the approved policy framework and scheme of delegation as set out in the Constitution;
- (b) if the purchase is a Key Decision, ~~that~~ all appropriate steps have been taken;
- (c) Prior Information Notices, required for the EU Procedure, have been placed in the Official Journal of the European Union and copied to the Procurement Officer.

5.4 Officers shall ensure that where proposed contracts, irrespective of their Total Value, are likely to be of interest to potential Candidates located nationally and in other member states of the EU appropriate accessible advertising must take place. Generally, the greater the interest of the contract to such potential Candidates the wider should be the coverage of the advertisement. Advertisements for contracts above £25,000 must always be placed on Contracts Finder. and contracts above the EU Threshold must be placed in the Official Journal of the European Union (OJEU) / Tenders Electronic Daily (TED).

6. Records and Debriefing Candidates

6.1 Where the value is less than £5000:

- (a) The officer shall~~must~~ keep the quotation for a minimum of 18 months after the year end (to enable internal or external audit scrutiny). Telephone quotations should be followed up with a hard copy in the post with any other information from the supplier.

- (b) There is no need to debrief candidates or enter the record in the Contracts register.
- (c) An Exemption is unlikely to be required (as a single quote is sufficient), but where an Exemption has been applied ensure that it is recorded in the central archive.

6.2 The Procurement Officer will hold the centralised records of Contracts and Exemptions. Any authorised Exemption must be copied to the Procurement Officer detailing the exemption and the reasons for it.

6.3 ~~Ensure that a~~All contracts that exceed £5,000 ~~shall be~~ recorded in the central archive (note: the original documents may need to be made available for scanning).

~~3.26.4~~ Where the Total Value is £25,000 or less, Officers should use the nominated electronic tendering portal to undertake quotes and make sure that the same principles of fairness, transparency and competition are being applied to quotations.

The following documents ~~shall~~ must be kept:

- (a) invitations to quote and Quotations. Remember 3 quotations ~~must~~ shall be obtained.
- (b) the reason if the lowest price is not accepted.
- (c) written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.
- ~~(d) Ensure that the same principles of fairness, transparency and competition are being applied to quotations.~~

~~3.36.5~~ 6.4—Where the Total Value exceeds £25,000, Officers should use the nominated electronic tendering portal to undertake tenders.

The Officer ~~shall~~ must record Pre-tender market research

- (a) any exemption under Regulation 3 together with the reasons for it
- (b) the method for obtaining bids (see Regulation 8.1)
- (c) the Award Criteria in descending order of importance
- (d) tender documents sent to and received from Candidates

- (e) the responses to any Net Zero Carbon, Decarbonisation, Sustainable Procurement and Health & Safety requirements
- (f) any clarifications undertaken
- (g) any Contracting Decision and the reasons for it
- (h) the contract documents
- (i) written records of communications with Candidates and with the successful contractor throughout the period of the contract
- (j) records of cost savings achieved throughout the life of the contract with supporting evidence
- (k) post-contract evaluation and monitoring (including Net Zero Carbon, Decarbonisation, Sustainable Procurement, Health & Safety and Equalities)

~~6.66.5~~ Written records required by this Regulation (6.2 above) ~~shall~~must be kept for six years after the end of the contract. Documents which relate to unsuccessful Candidate ~~shall~~must be retained for 12 months and then may be destroyed, provided there is no dispute about the award. However, the documents which relate to unsuccessful Candidates may be electronically scanned. (See 15.9 regarding record storage). All contracts once scanned should be stored within the service area, with an electronic copy held in the Central Contracts Archive.

~~3.46.7 6.6~~ Candidates ~~must be~~shall be notified simultaneously and as soon as possible of any Contracting Decision.

- (a) The notification ~~shall~~must be in writing where the Total Value exceeds £25,000.
- (b) If a Candidate requests in writing the reasons for a Contracting Decision, the Officer ~~must~~shall give the reasons in writing within 10 working days of the request (see further Regulation 14.4).

7. Framework Agreements

- 7.1 The term of framework agreements ~~should~~shall not exceed 4 years, except in cases duly justified by Contracting Authorities.
- 7.2 Where the framework agreement is concluded with several organisations contracts may be awarded either:
 - (a) By applying the terms laid down in the framework agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition;

- (b) Where the terms laid down in the framework agreement are not precise enough or complete for the particular call-off, by holding a mini competition in accordance with the following procedure:
- (i) Inviting the organisations within the framework agreement who are capable of executing the subject of the contract to submit written tenders which should be submitted electronically via the tendering portal.
 - (ii) ~~Taking the complexity and the subject matter into account, Fixing setting a suitable end date and time for tender responses, time limit, which is sufficiently long, to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract.~~
 - (iii) ~~The content of Tenders shall remain confidential until the stipulated time limit for reply has expired.~~
 - (iii) ~~Keeping the tenders will remain sealed until after stipulated end date and time for reply has expired. the end date and time.~~
 - (iv) Contracting authorities shall award each contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the specifications of the framework agreement.

Section 3 – Conducting a Purchase

8. Competition Requirements for Purchase and Partnership Arrangements

The Officer ~~must~~ shall calculate the Total Value. The following procedures apply where there are no other procedures that take precedence. Other procedures may include agency agreements with government. If in doubt, Officers shall ~~must~~ seek the advice of Legal Services or the Procurement Officer.

8.1 Purchasing – Minimum Competition Requirements £0 to £5,000

- (a) Obtain one estimate in writing
- (b) Officer can short list
- (c) The award shall be approved by ~~the~~ the appropriate authoriser as detailed in the Officer Financial Scheme of Delegation.

£5,001 – £25,000

- (a) Three written Quotations and response to our Equalities Questionnaire
- (b) Contracts over £25,000 that are advertised ~~must~~shall be advertised on Contracts Finder, see Para 5.4 regarding requirements for advertising
- (c) Officer and Line Manager can shortlist
- (d) ~~Send~~The Evaluation form shall be sent to ~~:-t~~The appropriate authoriser as detailed in the Officer Financial Scheme of Delegation.

£25,001 – EU Threshold

- (a) Undertake full tender process
- (b) Invitation to Tender (that includes our response to our Equalities Questionnaire) See Para 5.4 regarding requirements for advertising,
- ~~(c)~~ The award decision – The evaluation form shall be sent to the appropriate authoriser as detailed in the Officer Financial Scheme of Delegation.
- ~~(c)~~ send Evaluation form to:

~~The appropriate authoriser as detailed in the Scheme of Delegation.~~

Above EU Threshold

- (a) Undertake full tender process
- (b) Procedures set out in PCR2015
- (c) Invitation to Tender by Advertisement
- ~~(d)~~ The procedures described in PCR2015 must be followed. Consult with Legal Services and the Procurement Officer – see Regulation 8.4.
- ~~(e)~~ The award decision – The evaluation form shall be sent to the appropriate authoriser as detailed in the Officer Financial Scheme of Delegation.

- 8.2 In addition, other steps shall~~must~~ be taken as necessary to obtain adequate competition and Value for Money.
- 8.3 An Officer shall~~must~~ not enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these Contract Regulations.

- 8.4 Where the EU Procedure is required the Officer shall consult with Legal Services or the Procurement Officer to determine the method of conducting the purchase.
- 8.5 Assets for disposal ~~shall~~**must** be sent to public auction except where better value for money is likely to be obtained by inviting Quotations and Tenders unless the time commitment and costs outweigh the benefits of selling off the equipment. In any event, the method of disposal of surplus or obsolete stocks / stores or assets other than land is determined in the Financial Regulations in the Constitution.
- 8.6 **Providing services to external purchasers**
The Financial Regulations, Legal Services and the Procurement Officer ~~shall~~**must** be consulted where contracts to work for organisations other than the Council are contemplated.
- 8.7 **Collaborative and partnership arrangements** are subject to all UK and EU Procurement legislation and should follow the usual principles in Contract Regulations. The advice of Legal Services and the Procurement Officer must be taken.

9. Pre-tender Market Research and Consultation

- 9.1 The Officer responsible for the purchase:
- (a) may consult potential suppliers prior to the issue of the Invitation to Tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters provided this does not prejudice any potential Candidate, but
 - (b) ~~shall~~**must** not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in it, if this may prejudice the equal treatment of all potential Candidates or distort competition, and
 - (c) ~~shall~~**should** seek advice from Legal Services or the Procurement Officer.

10. Standards and Award Criteria

- 10.1 The Officer ~~shall~~**must** ascertain which British, European or International standards apply to the subject matter of the contract. The Officer must include these standards to describe the required quality. The Head of Legal Practice must be consulted if the Officer proposes to use standards other than European standards.

10.2 The Officer ~~shall~~**must** define Award Criteria appropriate to the purchase. Award Criteria must be designed to secure an outcome giving Value for Money for the Council. The basic criteria shall be:

- (a) The preference is the use of "most economically advantageous" offer (where considerations other than price also apply).
 - (i) "lowest price" where payment is to be made by the Council
 - (ii) "highest price" if payment is to be received, or

If the first criterion is adopted, it ~~must~~**shall** be further defined by reference to sub-criteria. Sub-criteria may refer only to relevant considerations. These may include: resources, service, quality of goods, running costs, technical merit, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), health & safety, after-sales services, technical assistance and any other relevant matters.

10.3 The Award Criteria ~~shall~~**must** take into account:

10.4 the ability of the firm to make ongoing future savings over the life of the contract

10.5 Net Zero Carbon, Decarbonisation and Sustainable Procurement

10.6 Award Criteria ~~shall~~**must** not include:

10.7 Non-Commercial Considerations

10.8 matters that discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement

11. Invitations to Tender / Quotations

11.1 The Invitation to Tender or Quote ~~shall~~**must** include a specification. The specification ~~shall~~**must** describe clearly the Council's requirements in sufficient detail to enable the submission of competitive offers. In preparing specifications the Officer ~~shall~~**must** have regard to any guidance from the Procurement Officer.

11.2 The Invitation to Tender or Quote ~~shall~~**must** state that the Council is not bound to accept any Quotation or Tender.

- 11.3 All Candidates invited to tender or quote ~~shall~~**must** be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.
- 11.4 The Invitation to Tender ~~shall~~**must** specify the Award Procedure.
- 11.5 Invitations to Tender ~~shall~~**must** state the Award Criteria in objective terms.
- 11.6 The Invitation to Tender ~~shall~~**must** include a form of tender and instructions to tenderers (see the Procurement Officer or Legal Services for the Council's Invitation to Tender template).
- 11.7 The Invitation to Tender should normally include the contract terms (see Regulation 15).

12. Submission, Receipt and Opening of Tenders

12.1 Period for Candidates' response:

Candidates invited to respond ~~shall~~**must** be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the urgency of the contract requirement. Normally at least four weeks ~~shall~~**should** be allowed for submission of Tenders. In exceptional circumstances:

- (a) calendar days may be allowed after seeking the permission of the Procurement Officer.
- (b) 5 calendar days may be allowed after seeking the permission of the Chief Finance Officer.

The EU Procedure lays down specific time periods (see the Procurement Officer for further guidance).

- 12.2 Tenders ~~should~~**shall normally** be submitted using an approved electronic method as approved by the procurement officer. Where manual submission methods are used, Tenders ~~shall~~**must** be clearly identified with the name of the Tender exercise and have an envelope that has 'Tender' clearly written on it and addressed and returned c / o Reception, South Cambridgeshire District Council, Cambourne Business Park, Cambourne CB23 6EA. The envelope ~~shall~~**must** not carry any distinguishing marks. Tenders arriving by hand ~~will~~**shall** be given a receipt.
- 12.3 The Officer conducting a manual tender exercise (or their nominated representative) ~~shall~~**must** inform the Reception desk at Cambourne Offices of the tender return date. On receipt of any tenders the Reception will store these in a secure place until the time of opening.

- 12.4 Late Tenders received after the specified time for submission shall be ~~ei~~ndorsed with the date and time of receipt (by reception for a manual tender exercise) and returned promptly to the tenderer by the Officer concerned. The tender may be opened to ascertain the name of the tenderer.
- 12.5 Tenders received not using the approved receipt method, ~~shall~~must be rejected.
- 12.6 Reception ~~shall~~must record the details in a Tender Receipt Log (they must ensure that they do not disclose the names of Candidates to any staff involved in the tender process). The tender shall be:
- (a) ~~tender must shall be~~ date-stamped
 - (b) recorded ~~logged within in~~ the Tender Receipt Book
 - (c) Stored in a central secure location and ~~shall be responsible for kept in the~~ safe custody ~~of tenders~~ until the date and time of opening
- 12.7 The Officer ~~shall~~must ensure that all Tenders are opened at the same time when the period for their submission has ended. The Officer or his representative ~~shall~~must be present. Tenders ~~shall~~must be opened in the presence of two officers one representing the service and the other from Procurement or Legal Services (If either unavailable then a Head of Service ~~or Director~~ is acceptable).
- 12.8 Upon opening, a summary of the main terms of each Tender ~~shall~~must be recorded in the Tender Book. The information on each Tender containing prices ~~should~~shall be initialled by each Officer and the summary of the main terms of each tender entered into the Tender Book such as:
- (a) The details of the company name
 - (b) The Tender sum
 - (c) The order in which the tenders were opened
 - (d) A signature from the Officers present confirming that the information is correct
- 12.9 If there appears to be an error in a bid or supporting information, the Candidate ~~shall~~must be invited to confirm or withdraw the bid. Where the error relates to the tender total as calculated from tendered rates and variable quantities, the bid ~~shall~~will be regarded as the tender total bid and the rate adjusted accordingly. The tenderer ~~will~~shall be invited to confirm or withdraw the bid and resulting rate.

13. Clarification Procedures

- 13.1 Providing clarification of an Invitation to Tender to potential or actual Candidates or seeking clarification of a Tender whether in writing or by way of a meeting is permitted. However, the Procurement Officer or Legal Services shall~~must~~ be consulted.
- 13.2 Post-tender clarifications means clarifications with any tenderer after submission of a Tender and before the award of the contract with a view to clarifying information about the content of the bidder's submission. Care shall~~must~~ be taken where clarifications may distort competition.
- 13.3 Where post tender clarification results in a fundamental change to the specification (or contract terms) the contract shall~~must~~ not be awarded but re-tendered.

14. Evaluation and Award of Contract

- 14.1 Apart from the debriefing required or permitted within this section (Regulation 14)
 - (a) confidentiality of Quotations, Tenders and the identity of Candidates shall~~must~~ be preserved at all times
 - (b) information about one Candidate's response ~~must~~shall not be given to another Candidate
- 14.2 Contracts shall~~must~~ be evaluated and awarded in accordance with the Award Criteria.
- 14.3 Before accepting any tender or quotation a Contract Award Form shall~~must~~ be completed.
- 14.4 Where the Total Contract Value is over £25,000
 - (a) All contracts
 - (i) The Officer shall~~must~~ inform all Candidates of their Intention to Award the contract to the successful Candidate and provide the unsuccessful Candidate with their scores and of the winning bidder.
 - (b) Contracts below the EU Threshold
 - (i) The Officer needs only to provide useful feedback at their discretion.

(ii) A 10 day standstill period shall not apply.

(c) Contracts above the EU Threshold:

(i) The officer **shall** provide detailed feedback automatically.

(ii) The officer **shall** allow a standstill period of not less than 10 days after announcing their Intention to Award. This is to provide unsuccessful Candidates with a period in which to challenge the decision before the Officer awards the contract.

(iii) If the decision is challenged by an unsuccessful Candidate then the Officer shall not award the contract and shall immediately seek the advice of Legal or the Procurement Officer.

14.5 The Officer shall debrief in writing all those Candidates who submitted a bid about the characteristics and relative advantages of the leading bidder. This should normally include:

(a) how the Award Criteria were applied; **and**

(b) the prices or range of prices submitted (in percentage analysis form), in either case not correlated to Candidates' names (anonymised);

No other information should be given without taking the advice of Legal Services.

14.6 If requested, the Officer may also give the debriefing information required by Regulation 14.4 to Candidates who were deselected in a pre-tender short-listing process.

Section 4 – Contract and Other Formalities

15. Contract Documents

15.1 Every Relevant Contract **shall** be recorded on a Contract Award Form (or the approved electronic version of this form)

15.2 Every Relevant Contract **shall** be recorded in writing or through an order placed using a Purchase Order/Works Order, and **shall** state clearly:

(a) what is to be supplied (description and quality)

(b) roles and responsibilities of the supplier (where appropriate)

(c) payment provisions (amount and timing)

15.3 Every Relevant Contract up to £25,000 ~~shall~~**must** state clearly:

- (a) when the Council will have the right to terminate the contract
- (b) that the contract is subject to the law as to the prevention of corruption (Regulation 17)
- (c) the Council's Order Form or standard terms and conditions ~~shall~~**must** be used where possible.

15.4 Every Relevant Contract over £25,000 ~~shall~~**must** state clearly:

- (a) that the contractor may not assign or sub-contract without prior written consent
- (b) any insurance requirements
- (c) health and safety requirements
- (d) ombudsman requirements
- (e) requirements under the Data Protection Act 1998
- (f) that charter standards are to be met (if relevant)
- (g) Equalities and race relations requirements
- (h) Disability Discrimination Act requirements
- (i) Freedom of Information Act requirements
- (j) (where agents are used to let contracts) that agents must comply with the Council's Contract Regulations relating to contracts
- (k) a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant
- (l) any provision for Ongoing Savings

15.5 The advice of Legal Services ~~shall~~**must** be sought for the following contracts:

- (a) those involving leasing arrangements

- (b) where it is proposed to use the supplier's own terms
- (c) where the Total Value exceeds £25,000
- (d) those that are complex in any other way

15.6 Contract Agreements shall be completed as follows:

Total Value	Method of Completion	By
Level 1 £0 to £5,000	Due to the low values it is unlikely there will be no need for a written document. In cases where one is necessary use a Purchase Order/Works Order and include our terms and conditions.	N/A
Level 2 £5,001 to £25,000	Completion of a Contract Award Form and a Purchase Order/Works Order and include our terms and conditions.	N/A
Level 3 to above Level 4 £50,001 to above £120,001	Completion of an Award Form and written agreement followed by a signature.	Written contract signed by Legal Services and Head of Service.

A practical approach to contracting should be adopted. Level 1 & 2 contracts A Purchase Order/Works Order accompanied by our terms and conditions will be sufficient.

All contracts in excess of Level 2 ~~shall~~ must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances.

15.7 Signature

The Officer responsible for securing signature of the contract ~~shall~~must ensure that the person signing for the other contracting party has authority to bind it.

15.8 Sealing

Where contracts are completed by each side adding their formal seal, the fixing of the Council's seal shall be witnessed by the Head of Legal Practice or their nominated representative. A decision of the Council, or any part of it, ~~shall~~will be sufficient authority for sealing any document necessary to give effect to the decision. Every Council sealing shall be consecutively numbered, recorded and signed by the person witnessing the seal. The seal shall not be affixed without the authority of the Head of Legal Practice. A contract shall be sealed where:

- (a) the Council may wish to enforce the contract more than six years after its end
- (b) there is any doubt about the authority of the person signing for the other contracting party.

15.9 Archiving and lodgement of records

Any original signed or sealed contract that ~~are~~ is considered high risk or ~~are~~ is ~~at or above~~ EU value ~~shall~~ must be stored in Legal Services. All other contracts ~~must~~ shall be held within the relevant service department. The Officer ~~shall~~ must also ensure that a copy of the contract has been scanned into the central Contracts Archive held by the Procurement Officer.

16. Bonds and Parent Company Guarantees

16.1 The Officer ~~shall~~ must consult the Chief Finance Officer:

- (a) when a Candidate is a subsidiary of a parent company, the Officer does not think a Parent Company Guarantee is necessary and any of the following conditions are satisfied:
 - (i) the total value exceeds £120,000
 - (ii) award is based on evaluation of the parent company, ~~or~~
 - (iii) there is some concern about the financial stability of the Candidate.
- (b) about whether a Bond is needed
 - (i) where the Total Value exceeds £120,000, or

- (ii) where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract.

17. Corruption

17.1 The Council's Code of Conduct:

- (a) The Officer ~~shall~~**must** comply with the Code of Conduct and ~~shall~~**must** not invite or accept any gift or reward in respect of the award or performance of any contract.
- (b) It will be for the Officer to prove that anything received was not received corruptly.
- (c) High standards of conduct are obligatory. Corrupt behaviour ~~shall~~**will** lead to dismissal and is a crime under the statutes referred to in Regulation 17.2.

17.2 The following clause ~~shall~~**must** be put in every written Council contract:

"The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf does any of the following things:

- (a) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or
- (b) commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972; or
- (c) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees.

Any clause limiting the Contractor's liability shall not apply to this clause."

17.3 The Bribery Act 2010 details both general offences in relation to bribing another person or being bribed and also introduces a specific corporate offence of failing to prevent bribery. SCDC can now be held responsible for failing to prevent bribery committed on their behalf by employees, agents or subsidiaries. Officers ~~shall~~**must** therefore ensure that they do not commit an offence under the act and also where they suspect an offence, report the activity to their Line Manager or the Chief Finance Officer.

Section 5 – Contract Management

18. Managing Contracts

18.1 Contract management is the ongoing monitoring and management of the provision of services in line with the agreed terms and conditions of the contract. It ensures that the contract delivers value for money by meeting its performance targets throughout the contract's lifetime.

18.2 Heads of Service in each department ~~shall~~ are to appoint name Contract Managers for all new contracts. All Contracts ~~shall~~ must have a named SCDC Contract Manager for the entirety of the contract.

18.3 Contract Managers ~~shall~~ must follow the procedures set out by the Procurement Officer and the advice of Legal Services.

19. Contract Monitoring, Evaluation and Review

19.1 All contracts which have a value higher than the EU Threshold limits, or which are high-risk, are to be subject to formal review with the contractor. The minimal requirements are to conduct a review quarterly however more frequent reviews may appropriate on large, complex or high-risk projects. It is important that during these reviews formal minutes are taken and agreed by both parties. Where no action is necessary that the need for no action is noted.

19.2. A service developed review process must be applied to all contracts deemed either high risk, high value or high profile. This process must be applied at key stages of major procurement projects.

19.3. During the life of the contract the Officer ~~shall~~ must:

- (a) monitor:
 - (i) performance
 - (ii) compliance with specification and contract
 - (iii) cost
 - (iv) any value for money requirements
 - (v) user satisfaction and risk management

(vi) Ongoing Savings

(vii) improvements in working practices and efficiency

- (b) ~~and~~ act in accordance with any guidance in the Procurement Strategy or from the Procurement Officer.

20. Risk Assessment & Contingency Planning

20.1 A Business case shall ~~must~~ be prepared for all procurement with a potential value over the EU Threshold. Provision for resources for the management of the contract, for its entirety, ~~shall~~ ~~must~~ be identified in the business case.

20.2 For all contracts where the value exceeds Level 2 (£25,000), Contract Managers ~~shall~~ ~~must~~:

- (a) Maintain a risk register during the Contract period and,
- (b) Undertake appropriate risk assessments and,
- (c) For identified risks, ensure contingency measures are in place.
- (d) Ensure critical support and maintenance arrangements are documented in the Specification.

Section 6: General

21. Amendments

21.1 In accordance with the Constitution, The Chief Finance Officer shall have the power to make amendments from time to time to these contract procedure rules after consultation with the Head of Legal Practice, the Procurement Officer, Audit and Risk Management.

21.2 All such amendments ~~shall~~ ~~should~~ be recorded and notification made to the Civic Affairs Committee so that the changes can be incorporated into the Constitution by the Full Council.

22. Breaching Contract Regulations

22.1 Contract Regulations is a part of the Council's Constitution. A breach of this Code may lead to disciplinary action. A breach is defined as any non-compliance or failure to evidence compliance with any part of these regulations.

23. Transfer of Contracts

23.1 Responsibility for a contract cannot be transferred to another party without agreement in writing of the existing parties to the contract. The agreement is called a Novation Agreement.

Definitions Appendix

Agent	A person or organisation acting on behalf of the Council or on behalf of another organisation.
Award Criteria	The criteria by which the successful Quotation or Tender is to be selected (see further Regulation 10 and 11.5).
Award Procedure	The procedure for awarding a contract as specified in Regulation 8.
Bond	An insurance policy: if the contractor does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the Bond (often 10% of the contract value). A Bond is intended to protect the Council against a level of cost arising from the contractor's failure.
Cabinet	The Council's Cabinet as defined in the Constitution.
Candidate	Any person who asks or is invited to submit a Quotation or Tender.
Chief Officer	The officers defined as such in Article 12 of the Constitution.
Code of Conduct	The Officers' Code of Conduct regulating conduct of Officers as set out in Part 5 of the Constitution.
Committee	A committee, which has power to make decisions for the Council (including a joint committee with another local authority but not a scrutiny committee).
Constitution	The constitutional document approved by the Council which:

- (a) allocates powers and responsibility within the Council and between it and others
- (b) delegates authority to act to the Cabinet, committees, lead ~~c~~Cabinet members ~~Executive~~ and officers; and
- (c) regulates the behaviour of individuals and groups through rules of procedure, codes and protocols.

Contracting Authority

The organisation which is letting the contract in question.

Contracting Decision

Any of the following decisions:

- (a) composition of Approved Lists
- (b) withdrawal of Invitation to Tender
- (c) whom to invite to submit a Quotation or Tender
- (d) award of contract
- (e) any decision to terminate a contract.

Contracts Finder

A national government portal for advertising public contracts.

Corporate Contract

A contract let by the Officer to support the Council's aim of achieving Value for Money. Where a Corporate Contract is in place, the Officer is obliged to use it unless an exemption has been granted under Section 3 of Contract Regulations.

Council

For the purposes for these Regulations, "Council" refers to South Cambridgeshire District Council (SCDC).

Chief Executive

As defined in [Article 12 of](#) the Constitution.

Chief Finance Officer

As defined in [Article 12 of](#) the Constitution.

Decarbonising/
Decarbonisation

Means reducing the carbon dioxide intensity of the emissions expressed in grams of (CO₂).
Decarbonising/Decarbonisation the supply chain is necessary to respond to the Climate Emergency declared by SCDC on 28 November 2019.

Executive
Director/Chief
Operating
Officer

As defined in Article 12 of -the Constitution.

E-Procurement
or EBIS

The Council's Information Technology system including financial and self-service purchasing modules, and any others that may be added in future.

Consortium
Framework
Contract

A contract let by a Local Authority or other Government body that the Council is entitled to use to support the Council's aim of achieving Value for Money. Where a suitable Consortium Framework Contract exists, the Officer should use it unless there are auditable reasons for going elsewhere. See also "Framework Agreement"

EU Procedure

The procedure required by the EU where the Total Value exceeds the EU Threshold (see the Purchasing Guide for the tendering rules).

EU Threshold

The contract value at which the EU public Procurement Officer directives must be applied. See the Purchasing Guide for current values.

European
Economic Area

The 15 members of the European Union, and Norway, Iceland and Liechtenstein.

Evaluation
Report Form

A report produced by the Officer detailing the outcome of the evaluation process undertaken, from which a recommendation is put forward for the acceptance of a tender or quotation. Once approved it will be forwarded to Procurement to update the contracts register.

Equalities	Ensuring fairness and promotion of equalities and covers race, sex, employment equality, disability, sexual orientation, religion and beliefs.
Equalities Questionnaire	The Council's questionnaire that addresses the procurement aspects of equalities.
Financial Regulations	The financial regulations outlining Officer responsibilities for financial matters issued by the Chief Finance Officer in accordance with the Constitution.
Full Council	As defined in the Constitution.
Framework Agreement	<p>An agreement between one or more contracting authorities and one, three or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.</p> <p>(EU law allows contracts with 1 contractor or more).</p>
Government or Local Authority Purchasing Consortium	A Government department, body or owned organisation or a Local Authority owned organisation that lets competitively Framework Agreements that entitle Local Authorities such as ours to use these contracts without negating the need for the Council to undertake aan enquiry or a tender exercise. Examples of these organisations are Eastern Shires Purchasing Organisation (ESPO), Crown Commercial Service, (CCS), Department for Work and Pensions (DWP), HM Prison Service (HMPS) and the Central Buying Consortium (CBC).
Government Procurement Agreement	The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are:are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.

Head of Service	The person appointed by the Chief Executive to undertake the running of the Council's finance, performance, risk management, procurement, efficiency, and value for money services.
High Profile	A high-profile purchase is one which could have an impact on functions integral to Council service delivery should it fail or go wrong.
High Risk	A high-risk purchase is one which presents the potential for substantial exposure on the Council's part should it fail or go wrong.
High Value	A high-value purchase is one where the value is greater than that of the EU Threshold values.
Invitation to Tender	Invitation to tender documents in the form required by Contract Regulations.
Invitation to Tender by Advertisement / List	<p>An Invitation to Tender sent to Candidates shortlisted from among either</p> <p>those responding to advertisement of the contract inviting proposals placed in such publications as shall secure widest publicity among relevant suppliers; or</p> <p>those included on an Approved List in respect of the type of purchase which is the subject of the Invitation to Tender.</p>
Irregular Tender	An Irregular Tender is a Tender, which is received after the appointed time for receipt or contains a mark of identification.
Key Decision	Decisions that are defined as Key Decisions <u>As defined</u> in the Constitution.
Lead Cabinet Member	A member of the Cabinet to whom political responsibility is allocated in respect of specified functions.

Line Manager The Officer's immediate superior or the Officer designated by the Chief Executive Officer to exercise the role reserved to the Line Manager by these Contract Regulations.

Net Zero Carbon

Net Zero Carbon relates to how the impact of the production of carbon dioxide (CO₂) can be cancelled by other activity (e.g. planting trees or clean generation of power).

Nominated Suppliers and Sub-contractors

Those persons specified in a main contract for the discharge of any part of that contract.

Non-Commercial Considerations

Except as provided below, the following matters are non-commercial considerations:

- (a) the terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ("workforce matters");
- (b) whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only;
- (c) any involvement of the business activities or interests of contractors with irrelevant fields of Government policy;
- (d) the conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ("industrial disputes");
- (e) the country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors;
- (f) any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees;

Procurement Officer	The Council's Procurement Officer charged with providing strategic direction and advice to secure value for money in the Council's procurement activities. In the absence of a dedicated Procurement Officer this role will be fulfilled by the Chief Finance Officer's nominated representative
Procurement Strategy	The document setting out the Council's approach to Procurement taking into account the Council's key priorities for the next few years.
Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Relevant Contract	Contracts to which these Contract Regulations apply (see Regulation 4).
Short-listing	Where Candidates are selected: (a) to quote or bid or (b) to proceed to final evaluation.
Supervising Officer	The Line Manager's immediate superior.
Sustainable Procurement	Approach for reducing the environmental impact of procurement. The Council needs to ensure that it purchases goods that have a recycled content, use less energy, use less raw material or produce less waste during their life cycle than alternatives.
Tender	A Candidate's proposal submitted in response to an Invitation to Tender.
Tender Record Book	The log kept by the Chief Executive to record details of Tenders (see Contract Regulations 12).

- Total Value
1. the whole of the value **or estimated** value (in money or equivalent value) for a single purchase or disposal
 2. whether or not it comprises several lots or stages
 3. to be paid or received by the Council or a Discrete Operational Unit within the Council.

The Total Value shall be calculated as follows:

- (a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period;
- (b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months;
- (c) where the contract is for an uncertain duration by multiplying the monthly payment by 48;
- (d) for feasibility studies: the value of the scheme or contracts which may be awarded as a result;
- (e) for nominated suppliers and sub-contractors: the Total Value shall be the value of that part of the main contract to be fulfilled by the nominated supplier or sub-contractor.

TUPE –
Transfer of
Undertakings
(Protection of
Employment)

TUPE refers to the Transfer of Undertaking (Protection of Employment) Regulations, 1981. These regulations were introduced to ensure the protection of employees when, for example, a business is taken over by another organisation. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.

Value for Money

The established definition of Value ~~For~~ Money (VFM) is the relationship between economy, efficiency and effectiveness.

VFM should not be judged on the basis of the cheapest initial price, but on the lowest whole life cost to GENERIC. This means that, in anticipating the price to pay, we should consider aspects such as maintenance, support costs, buy back values, design, delivery, and reliability. Factors such as these may justify a higher initial cost in the expectation of lower whole life costs. In major purchases or projects this may include preliminary business cases and discounted cash flow calculations. VFM can be achieved through:

- (a) competition;
- (b) improved supply chain management;
- (c) supplier partnership working;
- (d) group purchasing by aggregating the organisations spend for structured discounts; and
- (e) for low value items spot purchasing.

The method used is very much determined by your level of delegated authority, the organisations Financial Directions and the assessed risk a poor procurement route poses to the organisation.

Workforce Matters

Authorities cannot focus on matters classed as 'non-commercial' considerations as part of the contractual process. However, the restrictiveness of the original definitions was considered too great, and so from 2001 authorities may consider the following matters to the extent that they are relevant to the delivery of best value or for the purposes of a TUPE transfer.

- (a) the terms and conditions of employment by suppliers of their workers or the composition of, the arrangements for the promotion, transfer or training of or other opportunities afforded to, their workforces (section 17(5)(a) of the Local Government Act 1988)
- (b) the conduct of suppliers or workers in industrial disputes between them (section 17(5) (d) of the Local Government Act 1988).

Save for the above restrictions on other non-commercial considerations listed in Section 17 of the Local Government Act 1988 remain in place.

Appendix B

C. Protocol on Member / Officer Relations

Contents

1. Introduction
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1. Introduction

- 1.1 The Nolan Committee's Report on Standards of Conduct in Local Government in 1997 recommended that every Council should adopt a formal protocol setting out guidance for appropriate relationships between officers and members. The relationship between members and officers is an essential ingredient that goes to the very heart of the successful working of the Council. This relationship should be characterised by mutual trust, respect and courtesy. These are essential for good local government and serve to enhance local democracy. Members and officers should feel free to speak to one another openly and honestly. Nothing in this protocol is intended to change this relationship. The purpose of this protocol, rather, is to help members and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The protocol aims to serve as a guide to dealing with those issues that most commonly arise or which cause concern.
- 1.2 This protocol seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. It should be read and operated in the context of any relevant legislation, national and local Codes of Conduct and guidance on effective corporate governance, the Council's Constitution, and any other relevant Council policies. If a member is unsure about any matter, ~~s/hethey~~ should contact the Monitoring Officer for appropriate advice or guidance. If any officer is unsure about any matter s/he should contact ~~his/hert~~their line manager, ~~Director-Head of Service~~ or Chief Officer.

2. Roles of Members and Officers

- 2.1 The respective roles of members and officers can be summarised as follows:

Both members and officers are servants of the public and they are indispensable to one another. Their individual responsibilities are, however, distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are employees of the Council and their job is to give advice to members and the authority, and to carry out the Council's work under the direction and control of the Council, the Cabinet and relevant committees, panels etc. Officers shall act in the best interests of the Council as a whole and shall not give partisan political advice. Mutual respect between members and officers is essential to good local government.

Members

- 2.2 Members have three main areas of responsibility: (1) determining the policy of the Council and giving it political leadership, (2) representing the Authority externally, and (3) acting as advocates on behalf of their constituents. It is not the role of members to involve themselves in the day-to-day management of the Council's services. Members should be careful to avoid involvement in internal office management, discipline and other employment related issues, as the actions of a member may be held to be the actions of the Council as an "employer".

Members of the Cabinet, Chairs and Vice-Chairs

- 2.3 Members of the Cabinet and chairs and vice-chairs of committees and panels have additional responsibilities. Their relationships with officers may be different from, and more complex than, those of members without those responsibilities and this is recognised in the expectations they are entitled to have.

Opposition Members

- 2.4 As individual members of the Council, all members have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of scrutiny and overview. Where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between officers (particularly those at a senior level in the Council) and the administration ~~shall~~will differ from that with opposition groups. However, members in opposition still have the same rights and obligations in their relationships with officers and should be treated equally.

Officers

- 2.5 The role of officers is to give advice and information to members and to implement the policies determined by the Council.
- 2.6 Certain employees (i.e., the Head of Paid Service, Monitoring Officer and Section 151 Officer [Chief Finance Officer]) have responsibilities in law over and above their obligations to the Council and its members that they must be allowed to discharge.

3. Expectations

- 3.1 Members can expect from officers:

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- (a) a commitment to the Authority as a whole, and not to any political group;
- (b) a working partnership;
- (c) an understanding of, and support for, respective roles, workloads and pressures;
- (d) a timely response to enquiries and complaints;
- (e) professional advice, not influenced by political views or preference, which does not compromise the political neutrality of employees;
- (f) regular up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- (g) awareness of, and sensitivity to, the political environment;
- (h) respect, dignity and courtesy;
- (i) training and development in order to carry out their role effectively;
- (j) integrity, mutual support and appropriate confidentiality;
- (k) not to have personal issues raised with them by employees outside the agreed procedures;
- (l) that employees shall not use their relationship with members to advance their personal interests or to influence decisions improperly;
- (m) that employees shall at all times comply with the Officers' Code of Conduct.

3.2 Officers can expect from members:

- (a) a working partnership;
- (b) an understanding of, and support for, respective roles, workloads and pressures;
- (c) political leadership and direction;
- (d) respect, dignity and courtesy;

- (e) integrity, mutual support and appropriate confidentiality;
- (f) not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between members and officers, and the potential vulnerability of officers, particularly at junior levels;
- (g) that members shall not use their relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- (h) that members shall at all times comply with the local Code of Conduct.

4. Potential Issues

Working Relationships

- 4.1 It is clearly important that there should be close working relationships between all officers and members. However, such relationships should never be allowed to become so close or appear so close as to bring into question the individual's ability to deal impartially with others. Close personal familiarity between individual members and officers can damage professional relationships and can prove embarrassing to other members and officers. Situations should be avoided, therefore, that could give rise to suspicion and / or appearance of improper conduct or behaviour. This includes excessive socialising between members and officers, for example meeting on a social basis more than once per week. Provided these guidelines are observed, there is no reason why there should not be an informal atmosphere between members and officers outside formal meetings and events.
- 4.2 Any dealings between members and officers should be conducted with mutual trust, respect and courtesy and neither party should seek to take unfair advantage of their position. An employee who is one of their constituents may ask a member for advice and support. Employees are entitled to seek such assistance in the same way as any other member of the public. However, members should be careful not to prejudice the District Council's position in relation to disciplinary procedures or employment matters in respect of any employee. A member approached for help in such circumstances should first seek advice from the Monitoring Officer.
- 4.3 In seeking advice and support, members should have due regard to the seniority of the officer with whom they are dealing and recognise that, whilst officers owe an overriding duty to the Council as a whole, such duties are first owed to their respective line managers, Directors/Heads of Service and Chief Officers and not to any individual member. For this reason, members should

not give direct instructions to staff. In these circumstances, any requests should be given to the Director-Head of Service or Chief Officer and not to a more junior officer.

- 4.4 Members shall also not pressurise any officer to change their professional opinion on any Council business matter or do anything that compromises, or which is likely to compromise, the impartiality of officers or those who work for, or on behalf of the Council.

Constructive Criticism

- 4.5 It is an absolute requirement that councillors do not criticise officers personally or use, as councillors, intemperate language or conduct in public about reports or actions taken by officers. Officers are similarly constrained by their own code, by their employment provisions and by their requirement to maintain professional integrity. It is important that there should be mutual respect and courtesy between councillors and officers and that no councillor or officer should seek to take unfair advantage of their position
- 4.6 Councillors have the right to criticise reports or the actions taken by officers but they should always avoid personal attacks on officers and ensure that criticism is constructive, well-founded and likely to lead to improved performance in future, and does not seek to apportion blame

Appointments with Officers

- 4.7 Where possible, members should endeavour to make appointments to speak to all levels of officers so that workloads can be organised around such appointments. This also avoids encroaching on the officer's colleagues' time in dealing with queries they are not best placed to assist with in the absence of that officer. Equally, members should try to ask questions via e-mail or telephone rather than face-to-face meetings where possible. Members should also appreciate that responses to such queries may not always be immediate depending on the particular officer's work priorities. There should be no expectation among members that member queries will always be given priority over an officer's other work commitments. (See also paragraph 7 of this protocol (Members' enquiries).
- 4.8 Members should ensure, where possible, that they speak to the correct level of officer for their query in the first instance and should avoid speaking to chief officers about issues that should be dealt with at a lower level. This is vital if chief officers are to be allowed the time to focus on their more strategic work. Members should speak to the contact centre in the first instance in order to be referred to the officer / service they need to speak to. Members should advise their residents to do the same, and only themselves get involved if there is a

failure of service. Members may also refer to the intranet to establish which officer they need to speak to.

5. Accountability of Members / Officers under Scrutiny Arrangements

A scrutiny and overview committee may scrutinise and review decisions made by the Cabinet or actions taken by or on behalf of the Cabinet. As well as reviewing documentation, in fulfilling the scrutiny role, a scrutiny and overview committee may require the Leader, ~~lead Cabinet member~~ lead cabinet member, Chief Officer or ~~Director~~ Head of Service to attend before it as provided in the Scrutiny and Overview Procedure Rules.

6. Local Members

- 6.1 Local members have an important role to play in representing the District Council in the electoral Wards, responding to the concerns of their constituents, in meetings with partners and serving on external bodies and organisations.
- 6.2 It is essential for the proper running of the Council that there should be full consultation with local Ward members before decisions are taken which affect their electoral Wards. It is the duty of each ~~Director~~ Chief Officer and Head of Service to ensure that all relevant staff are aware of the requirements to consult, as set out in the Scheme of Delegation (Part 3 of the Constitution), and to keep local members informed and that the timing of such information allows members to contribute to those discussions. Local members should also be fully consulted and kept informed about matters affecting their Wards during the formative stages of policy development. Issues may affect a single electoral Ward but others may have a wider impact in which case numerous members will need to be consulted and kept informed.
- 6.3 Wherever a public meeting is organised by the Council to consider a local issue, all members representing the electoral Ward(s) affected should, as a matter of course, be invited to attend. Similarly, whenever the Council undertakes any form of consultation exercise, the local member(s) should be notified at the outset of the exercise.
- 6.4 If a local member is not sure how to handle a problem that has arisen in their Ward they may, if appropriate, seek guidance from their Group Leader or member colleagues before seeking advice from officers.

7. Members' Enquiries

- 7.1 The relationship between members and officers should be characterised by partnership, empowerment and trust. In order to ensure delivery of the Council's priorities and provision of high-quality public services it is essential that members and officers work in a collaborative and mutually supportive manner. Officers should recognise the need for members to receive information in a timely manner in order to carry out their constituency roles. Members should likewise be appreciative of the competing demands on officer time.
- 7.2 Heads of Service are responsible for ensuring that members' enquiries are dealt with promptly and satisfactorily within their service areas.
- 7.3 Officers shall aim to provide a substantive response to deal with members' enquiries within 2 working days of receipt. -as quickly and efficiently as possible, but the expectation is that, as a minimum, officers shall respond to such enquiries within the corporate timescales set for responding to the Council's customers. Officers shall accordingly be expected to acknowledge receipt of the enquiry and to provide a substantive response to a member enquiry within the same timescales as prescribed for acknowledging and responding to customer enquiries. If a substantive response cannot be provided within these timescales, officers shall contact the member to explain the reason why and shall liaise with them regarding the timescale within which the full response shall be sent.
- 7.4 An officer shall raise with their Head of Service any enquiry which would impose a disproportionate burden on their work and, if necessary, further discussion shall then take place with the member concerned with a view to agreement of the approach to managing the response to the enquiry
- 7.5 Members' enquiries which fall within the remit of constituents' complaints shall be handled under the Council's Complaints Procedure.
- 7.6 The process outlined in this paragraph supplements members' statutory and common law rights to information as detailed in paragraph 10.

8. Political Groups

- 8.1 Political group meetings, whilst they form an important part in the preliminaries to Council decision-making, are not formal decision-making bodies of the District Council and as such 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 members and officers understand and interpret them accordingly.

- 8.2 Officer support to political groups shall not extend beyond providing information and advice in relation to Council business (not party-political business). It may be appropriate for officers to participate in discussions within political group meetings in relation to the professional advice they give. However, it is good practice for party political discussions and debates to take place and conclusions to be reached in the absence of officers, in order to avoid suspicion of impropriety or misunderstanding.
- 8.3 Officers shall respect the confidentiality of any political group discussions. Any breach of this part of the protocol shall be brought to the attention of the Monitoring Officer for consideration. For the avoidance of doubt, it shall be recognised by all that, in discharging their duties, officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual members. Members shall, at all times, respect the political impartiality of officers and shall not expect or encourage officers to give a political view on any matter.
- 8.4 When an officer is requested to attend a political group meeting:
- (a) the request to attend shall be made through and approved by the appropriate Chief Officer;
 - (b) such a request shall only be made in relation to Council business; and officers shall:
 - (i) provide relevant factual advice and assistance;
 - (ii) leave during the deliberations of the political group on the issues;
 - (iii) respect the confidentiality of any party group decisions at which they are present;
 - (iv) not champion, defend, action a request or spend any resources of the Council, or be held responsible for actioning in any way whatsoever the decisions of the political group(s), unless and until such decisions have become the formal decisions of the Council; and
 - (v) inform the other political groups, offering them the right of the same information.

9. Ceremonial Events

- 9.1 The Chair of the District Council, or in ~~his / her~~their absence the Vice-Chair, shall be the appropriate person to lead District Council ceremonial events and to represent the Council by invitation at ceremonial events of other organisations.
- 9.2 Local members should always be informed of, and where possible, invited to ceremonial events taking place within their own Wards.
- 9.3 Any member taking part in a ceremonial event shall not seek disproportionate personal publicity or use the occasion for party political advantage, bearing in mind that the member is representing the Council as a whole.
- 9.4 Members should always dress appropriately for a particular occasion, mindful of their community leadership role. The Chair of the Council shall oversee this obligation.

10. Access to Information and Documentation

- 10.1 The Access to Information Procedure Rules set out the rights of access for members.
- 10.2 Any member may request a private and confidential briefing from a senior officer on matters of policy, which have already been or may be discussed by the Council within its decision-making or advisory process. All such requests should be made to the appropriate Chief Officer or ~~Director~~Head of Service and shall be subject to the exigencies of the service. Briefings should remain strictly confidential and are not to be shared with other members of the Council unless so permitted by the relevant member and officer.
- 10.3 Individual members may request any Chief Officer (or another senior officer) to provide them with factual information, which is necessary in pursuance of the proper performance of their duties. Such requests shall be reasonable and shall also recognise the need for officers to maintain the distinction between the cabinet and scrutiny processes.
- 10.4 As regards the legal rights of members to inspect Council documents, these are partly covered by statute and partly by common law. This is commonly known as the “need to know principle”.
- 10.5 Sometimes a member’s “need to know” will be presumed. For example, a member is unlikely to be refused an opportunity to inspect documents relating to the functions or activities of a member body on which they serve. At other

times, for example when documents contain confidential information or personal information about a third party, the member will need to satisfy the relevant Chief Officer or Director-Head of Service about their “need to know”.

- 10.6 If a Chief Officer or Director-Head of Service considers the cost of providing the information requested, or the nature of the request to be unreasonable s/he should seek guidance from the Monitoring Officer as to whether the information should be provided. Where necessary, the Monitoring Officer shall determine whether the information should be provided.
- 10.7 Confidential information relating to casework should not normally be sought. If in exceptional circumstances members wish to discuss confidential aspects of an individual case then they shall first seek advice from the appropriate Chief Officer or Head of Service Director. If a member is already in possession of confidential information regarding a constituent then it is acceptable to discuss this with the relevant officer in order to help bring about a satisfactory resolution to a situation.
- 10.8 Council information provided to a member shall only be used by the member for the purpose for which it was provided (i.e. in connection with the proper performance of the member’s duties as a member of the District Council). Where confidential, personal or otherwise sensitive information is obtained by a member, they shall deal with that information in accordance with the Members’ Code of Conduct.

11. Correspondence

- 11.1 E-mail relating to the Council shall be treated in the same way as formal business correspondence and its distribution considered accordingly. Members should restrict the distribution of e-mail correspondence to the intended recipients and refrain from using multi address distribution lists (for example e-mail replies copied to all members) unless there is good reason so to do. It should be noted that e-mail can be used for documentary evidence in matters such as disciplinary proceedings and libel cases even after it has been deleted.
- 11.2 Official correspondence on behalf of the Council would normally be sent in the name of the appropriate officer, rather than in the name of a member. However, there would be circumstances in which it would be appropriate for correspondence to appear in the name of a member. For example, a local member may deal with correspondence with a local constituent in relation to a local matter in their name. Similarly, the Leader of the Council or a ~~lead Cabinet member~~lead cabinet member may deal with correspondence concerning their area of responsibility in their name. Any member who receives correspondence should consider whether it is appropriate in the

circumstances for it to be passed to an officer for a reply or for them to reply in their name. The Chair of Council shall respond to correspondence addressed to him / her / them in consultation with the relevant officers. Any such correspondence should always have regard to the Council's policies, practices and procedures and any mechanisms, if appropriate, for changing them. A member is advised to seek advice, as necessary, from officers before sending any correspondence in their own name. Correspondence which creates legal obligations or gives instructions on behalf of the Council should never be sent out in the name of a member. Correspondence includes any communication by letter, fax or e-mail, texts, social media posts or other electronic means.

12. Support Services to Members and Party Groups

The only basis on which the Council can lawfully provide support services (e.g., stationery, typing, printing, photocopying and transport) to members is to assist them in discharging their duties as a district councillor. Such support services shall therefore only be used on Council business. They should never be used in connection with any party-political activity or self-promotion. Members are required to comply with the provisions of the Members' ICT User Agreement (inclusive of the Members' ICT and Information Security Policy) when accessing the Council's network and email systems and when using any ICT equipment provided by the Council.

13. Publicity and Media

Publicity

- 13.1 The Council wishes to encourage regular, open and two-way dialogue with its communities to ensure that the public are aware of the Council's activities, are informed about how to access services and are aware of opportunities for public participation in the democratic process.
- 13.2 The way information is publicised has changed significantly over time with online and social media being more prominent and instant. Messaging in publicity should be well considered as it is essential to ensure that local authority decisions on publicity are made in accordance with clear principles of good practice.
- 13.3 Officers and members of the Council shall, therefore, in making decisions on publicity, take account of the provisions of the national Code of Recommended Practice on Local Authority Publicity 2011. The Council's communications team can help to ensure publicity is timely, correct and targeted appropriately.

13.4 Particular care should be taken with Council publicity in the run-up to an election. Additional guidance is issued at these times to help members and officers. The guidance includes contacts in the Communications Team and Legal who can provide additional advice where necessary.

Media

13.5 Members wishing to publicise themselves or their political parties shall do so in an independent capacity without using Council resources.

13.6 When using Council email, or writing on behalf of the authority, correspondence should not include political comments or criticise Council policy adopted by Full Council. If members wish to make political statements in correspondence, they shall not use Council communications channels or give the impression their views are those of the Council.

13.7 The Council's Communications Team provides a press office function on behalf of the Council. Press enquiries requesting information or a response on behalf of the Council should be referred to the Communications Team.

14. When Things Go Wrong

14.1 This protocol is designed to provide the framework within which members and officers work effectively together. However, the following process should be followed in the event of any difficulties arising.

Procedure for officers to follow when experiencing difficulties with members

14.2 From time to time the relationship between members and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or member, officers shall have recourse to a procedure whereby the complaint or grievance shall be referred to the Council's Monitoring Officer. An informal meeting shall then be arranged between the relevant member and officer, the member's group leader and the Chief Executive. The Chair of the Civic Affairs Committee may also be invited to attend where appropriate.

Procedure for members to follow when experiencing difficulties with officers

~~14.1~~14.3 A member should not raise matters relating to the conduct, behaviour or capability of an officer in a manner that is incompatible with the objectives of this protocol. An officer has no means of responding to such criticism in public. If any member feels that s/he has not been treated with the proper mutual trust, respect or courtesy or has any concern about the conduct or

capability of an officer, s/he should raise the matter, in private, with the relevant Head of Service. Any concerns with regard to a ~~Director-Head of Service or Chief Officer~~ should be discussed in private with the Chief Executive. Where the officer concerned is the Chief Executive, the matter should be raised with the Chair of Council, Leader of the Council or Monitoring Officer, as appropriate to the circumstances. If the matter cannot be resolved informally it may be necessary to invoke the Council's Disciplinary Procedure..

Whistleblowing

~~14.3~~14.4 Where an officer or councillor is concerned about potential unlawful conduct of an officer or councillor, the Council's whistle-blowing policy may also be relevant.

15. Interpretation

Questions of interpretation of this protocol shall be determined by the Monitoring Officer.

Appendix C

South Cambridgeshire District Council

Public Speaking Scheme

1. General

1.1 Any person who lives, works, studies or owns or occupies property in the District, may, at the discretion of the Chair, ask a questions or make a statements at ordinary meetings of:

(a) the Council; and

(b) ~~t~~The Cabinet, a committees or a ~~and~~ sub committees where the question or statement falls within the remit of that body (other than regulatory committees, sub committees and panels)

in accordance with this scheme.

1.2 The Chair shall have discretion to permit any other person to ask a question or make a statement in accordance with this scheme where ~~he or she is~~ they are satisfied that such person is affected by, or has a legitimate interest in, the business of the Council, Cabinet, relevant committee or sub committee, as appropriate (for example, representatives of partner organisations).

1.3 At the beginning of each ordinary meeting a period of up to 15 minutes shall be allowed for public questions, ~~and~~ statements and responses. The Chair shall have discretion to extend this period.

~~4.21.4~~ Questions may be directed to the Chair, the Leader, a Cabinet member or the Chair of any committee.

~~4.31.1 The Chair shall have discretion to extend this period.~~

4.41.5 Where the question or statement relates to an item of business included on the agenda for the meeting, the Chair shall have discretion to take the public speaking at that part of the agenda, rather than during the public speaking period at the beginning of the meeting.

2. Order of speaking

- 2.1. Questions and statements shall be asked in the order in which notice of them was received, except that the Chair may group together similar questions or statements

3. Notice of request to speak

- 3.1 Members of the public wishing to speak at a meeting shall give notice in writing, or by email, to the Council's Democratic Services team at least three clear days before the meeting and shall provide:

- (a) The name, address and contact details of the person wishing to speak.
- (b) The name of the organisation, if speaking on their behalf.
- (c) Details of the question to be asked or statement to be made.
- (d) The cCouncillor to whom a question is to be put.

- 3.2 The Chair may permit a question or statement if shorter notice is given, at ~~his or her~~their discretion.

4. Number of questions and statements

- 4.1 At any one meeting, no person shall submit more than one question or statement, but one supplementary question or statement may be made at the meeting (see paragraph 7 below). More than one question or statement shall not be submitted on behalf of any organisation.

5. Scope of questions or statements

- 5.1 The Chair, having regard to the advice of the proper officer, may reject a question or statement if it:

(a) is not about a matter for which the local authority has a responsibility or which affects the district;

~~(a)(b)~~ is not a matter which falls within the remit of the Cabinet, committee or sub committee, as appropriate;

~~(b)~~(c) is vexatious, defamatory, frivolous, discriminatory, offensive or otherwise inappropriate;

~~(e)~~(d) is substantially the same as a question or statement which has been put at the meeting or a meeting of the Council (or Cabinet, committee or sub committee, as appropriate) in the past six months;

~~(d)~~(e) raises issues about the competence or performance of a councillor or officer;

~~(e)~~(f) requires the disclosure of confidential or exempt information;

~~(f)~~(g) relates to a planning or licensing application;

~~(g)~~(h) relates to any matter where there is already an existing right of appeal or a separate complaints process;

~~(h)~~(i) refers to a matter which is, or may be, the subject of legal proceedings.

- 5.2 The Chair shall have the discretion to limit the length of preamble or other background information supplied with a question or statement.

6. Speaking at the meeting

6.1 The Chair will invite the speaker to put the question, or to read out ~~his or their~~ statement. If a speaker is unable to be present, they ~~s/he or she~~ may ask the Chair to put the question or read out the statement on ~~his/their~~ behalf or may appoint a representative to do so. In the case of a question, the Chair may ask the question on the questioner's behalf, indicate that a written reply will be given, normally within five working days, or decide, in the absence of the questioner, that the question will not be dealt with.

6.2 Each speaker shall have a maximum of three minutes in which to ask ~~his or their~~ question or to make a statement. The Chair may curtail any preamble given before the question is asked. The public speaker shall not participate in any discussion and shall not be entitled to vote.

6.3 Where there are a number of speakers wishing to speak for or against an issue, they shall have a total of three minutes to speak and therefore they will be encouraged to appoint a spokesperson.

6.36.4 The response to the question shall normally be given by the councillor to whom the question is put, save that the Leader of the Council or another cabinet member may respond in the case of a question put to a cabinet member. Where a substantive answer cannot be provided at the meeting, a written answer may be given within the timescales specified in Standing Order paragraph 8.

7. Supplementary question or comment

- 7.1 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 or their~~ original question. A supplementary question shall arise directly out of the original question or the reply.
- 7.2 A speaker who has made a statement may make a supplementary comment without notice not exceeding 1 minute in length. A supplementary comment shall arise directly out of the original statement.
- 7.3 The Chair may reject a supplementary question or comment on any of the grounds in paragraph 5.1 above.

8. Written answers

- 8.1 Any question which cannot be dealt with during public speaking time shall be dealt with by a written answer. Written answers shall be circulated to the questioner, normally within five working days of the meeting, and shall be included as an appendix to the minutes.

9. Reference of question by Council to the Cabinet or a committee

- 9.1 If a substantive answer cannot be given at the meeting of the Council, the Chair may refer the question to the Cabinet or a committee.
- 9.2 Discussion shall take place on a question or statement only at the invitation of ~~if~~ the Chair **agrees**, but any member may move that a matter raised by a question or statement be referred to the Cabinet or the appropriate committee. Once seconded, such a motion shall be voted on without discussion.

10. Authority of the Chair

10.1 The Chair may vary or suspend the operation of this procedure in advance or during the meeting if ~~s/he or shethey~~ considers:

- (a) that it is necessary to do so for the purpose of maintaining order at the meeting; or
- (b) that it is convenient and conducive to the despatch of business to do so.

11. Public participation at Planning Committee

11.1 Members of the public shall be entitled to address the Planning Committee in accordance with a scheme agreed by the committee and as amended from time to time.

12. Public participation at Licensing Committee

12.1. Where a public hearing is being conducted by the Licensing Committee, or its sub committees or panels, public participation shall be conducted in accordance with the separate procedure agreed by the committee for such hearings and as amended from time to time.

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Petitions Schemes – Thresholds Analysis

Authority	Threshold to constitute a petition	Trigger point for Council	% of Parish	Comments
Bedford	Not specified	30 If about a localised issue, only affecting a small part of Borough, threshold of 30 signatures still applies and must all be from people living in area concerned.		<p>Petitions need to include name, address and signature of persons supporting petition (does not specify local connection)</p> <p>Petitions can be handed in at Council meeting but will normally be discussed at next meeting.</p>
Broadland	Not specified	1500	“Ward level petitions” relating to a single ward signed by 300 people will be received and responded to – referred to scrutiny committee.	<p>Petitions can be organised/signed by anyone who lives, works or studies in the district.</p> <p>Maximum of 15 minutes for debate at Council (plus 3 minutes for petition organiser to present).</p>
Cambridge City	Not specified	500	N/A	Petitions can be organised/signed by anyone who lives, works or studies in Cambridge.

Authority	Threshold to constitute a petition	Trigger point for Council	% of Parish	Comments
				Maximum of 15 minutes for discussion at Council (plus 5 minutes for lead petitioner to present)
Cambridgeshire County	50 local people	3,000	N/A	<p>Local people = anyone who lives, owns a business or works in the area or attends a school or college in area.</p> <p>Petitions with fewer than 50 signatures will still be considered but there is no right to speak. Maximum of 15 minutes for debate at Council (after 5 minutes for lead petitioner to present).</p>
Central Beds	10 for paper and 100 for e-petition	1250	N/A	Petitioners must live, work or study in area. Maximum of 30 minutes per meeting for presentation and discussion of petitions at Council – 10 minutes per petition (3 minutes for lead petitioner to introduce). Petitions with 1250 signatures or more must be discussed at Council for up to 15 minutes.
Chelmsford	Ordinary petitions – 50 or more signatures	2000	N/A	<p>Anyone who lives, works or studies in borough can organise or sign a petition including under 18s – have to provide an address in borough</p> <p>Petitions below minimum threshold still passed onto the relevant service area for response. Senior officer, after consultation with relevant director and cabinet member conclude that even though less than 50 signatures, there is clear local support for a specific course of action.</p> <p>CX and Chairman determine if enough information to have an informed debate at Council, if so debated at Council (20 mins maximum). If not, lead petitioner can present (speak up to 10 mins but debate at Council limited to determining whether</p>

Authority	Threshold to constitute a petition	Trigger point for Council	% of Parish	Comments
				petition should be considered at future Council meeting or Cabinet or another committee (depending on which body responsible for issue)
Cheltenham	No minimum specified	750	N/A	Limited to anyone who lives, works or studies in district, including under 18s
Cotswold	50	850	N/A	Maximum of 15 minutes for discussion at Council
East Cambs	50	200	N/A	Must be signed by local people (anyone who lives, owns a business or works in the area or attends school or college) Maximum of 15 minutes for debate at Council
Eastleigh	No threshold	N/A	N/A	Any member may present a petition (other than at AGM) which is relevant to some matter in relation to which the authority has functions, or which affects the area of the authority, or part of it, or the inhabitants of that area, or some of them. No discussion but petition is referred to Cabinet, Committee or Scrutiny committee (as relevant to terms of reference) who report to Council. Member of public can submit petition to Cabinet, committee or Scrutiny committee – 10 days' notice needed. Item then goes on agenda of relevant body.
Fenland	Not specified	500	N/A	Anyone who lives, works or studies in the area can submit or sign a petition. Maximum of 15 minutes for debate at Council (plus 5 minutes for petition organiser to present).

Authority	Threshold to constitute a petition	Trigger point for Council	% of Parish	Comments
Hinckley and Bosworth	Not specified	2000 or % of single parish electorate	Schedule set out for each parish specifying % of parish required to trigger debate at Council which is 2.5% of electorate of ward	Maximum of 15 minutes for discussion at Council
Huntingdonshire	Not specified.	50		<p>Any resident who lives, works or studies (including those under 18) or who owns or occupies commercial premises in the district may present a meeting to the Council.</p> <p>A maximum of 3 petitions per meeting.</p> <p>Presenter has 3 minutes and councillors may question the presenter for up to 5 minutes.</p>
Lewes	10	1500 (or 33% of population of a town or parish if on a localised issue, whichever is lower figure).	N/A	<p>Anyone who lives, works or studies can sign petition.</p> <p>Lead petitioner or councillor can hand in petition at Council meeting. Person submitting may speak for up to 5 minutes. Ward councillor and a maximum of two other councillors may address Council on petition. Petition then referred to Cabinet or relevant committee – maximum of 15 minutes allowed – if more investigation needed it is referred to future meeting.</p>

Authority	Threshold to constitute a petition	Trigger point for Council	% of Parish	Comments
				If petition has 1500 signatures or 33% of population of town/parish, it will be debated at Council
North Norfolk	Not specified (but see ward level petitions)	1500	10% of ward population	<p>Ward level petitions likely to be considered by scrutiny committee</p> <p>Discussion at Council limited to 15 minutes</p> <p>Petitions to contain name, address and signature of any person who lives, works or studies in district</p>
South Lakeland	30	1000	N/A	<p>Council can use discretion to permit a petition where there is "clear support for local action"</p> <p>Petitions can be handed in at Council either by petitioner or councillor.</p> <p>Maximum of 15 minutes for discussion at Council.</p> <p>Anyone who lives, works or studies in district, including under 18s can sign petition</p>
South Norfolk	10	10		<p>Signatures of people living in South Norfolk needed.</p> <p>No more than 5 people may speak on petition. At the meeting the Chairman will move that the petition is received. After being seconded the motion will be voted on. Up to 10 minutes discussion on the issue but any member may move that the petition is referred to the appropriate committee or other body. Once seconded the motion will be voted on without further discussion.</p>

Authority	Threshold to constitute a petition	Trigger point for Council	% of Parish	Comments
				No more than 5 petitions per meeting
Vale of White Horse	Not specified	500	N/A	Anyone who lives, works or studies in district can organise or sign petition. In period immediately before an election or referendum, may need to deal with petition differently.
West Oxfordshire	10	1500		Lead petitioner or councillor can present at Council
Winchester	10	For an issue which relates to a single ward: - 100 signatures for a 1 member ward - 200 signatures for a 2 member ward - 300 signatures for a 3 member ward For an issue which affects 2 or more wards:	N/A	The following can present a petition: - Any councillor - Any local government elector in district - Any resident of district - Any person who works or studies in district

Authority	Threshold to constitute a petition	Trigger point for Council	% of Parish	Comments
		- 500 signatures for 2 or more wards		
Wychavon	20	2000		Anyone who lives, works or studies in district, including under 18s, may organise or sign a petition. Maximum of 15 minutes for debate at Council
York	10	N/A	N/A	Refer to Scrutiny Committee, not Council, but committee can refer to Council as one of its options for responding to petition. Councillors can present petitions on behalf of petitioners at Council meetings (but not discussed there – referred to scrutiny)

Original Proposal for South Cambridgeshire District Council

Authority	Threshold to constitute a petition	Trigger point for Council	% of Parish	Comments
South Cambridgeshire	50	100 or 50% of the electorate of a particular parish for a petition relating to a single parish, whichever is the lowest.	50% but only applies to petitions for full Council	Local people can sign petitions (Local person is anyone who lives, works or studies or owns or occupies premises in the District. No provision to hand in petitions at Council meeting.

Authority	Threshold to constitute a petition	Trigger point for Council	% of Parish	Comments
		If about a localised issue, only affecting a small part of Borough, threshold of 30 signatures still applies and must all be from people living in area concerned.		Maximum of 30 minutes allowed for debate at Council (including 3 minutes for petition organiser and 3 minutes for lead cabinet member)

Appendix D2

South Cambridgeshire District Council Petitions Scheme

1. Introduction

The Council welcomes petitions and recognises that they are one way in which people may let us know about their concerns and participate in the democratic process. This scheme explains how members of the public can submit petitions to the Council.

2. What is a petition?

We treat as a petition any communication which is signed by 1 or sent to 1 the Council on behalf of a number of people which contains a formal request for the Council to consider a particular matter or take a specified course of action.

3. What can the petition be about?

A petition must relate to something that the Council does, or for which it has a responsibility, or something over which the Council has some influence.

4. What Information must be included within a Petition?

4.1 Petitions submitted to the Council must:

- (a) Include a clear and concise statement about the subject of the petition and what action you would like the Council to take.
- (b) Be addressed to South Cambridgeshire District Council.
- (c) Include the name and contact details (including address, post code telephone number or email address) of the petition organiser who should be a local person *. This will be the person we contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the Council's website.
- (d) In the case of paper petitions, contain the name, postal address, post code and signature of each local person who signed it. This must be in a legible format so that we can check the validity of the signatories.

- (e) In the case of electronic petitions, contain the name, postal address, post code and a valid email address for each local person who is party to it.

4.2 *A “local person” is anyone who lives, works or studies or who owns or occupies property in the District.

4.24.3 Exceptionally, we may, at the discretion of the relevant Chair, agree to accept a petition signed by persons who, are not “local persons” but where we are satisfied, having regard to the subject matter of the petition, that they are affected by, or have a legitimate interest in, the business of the Council (or Cabinet, relevant committee or sub committee, as appropriate).

4.34.4 A template petition signature sheet is attached to this scheme.

5. How many signatures do I need?

- 5.1 The type of petition will determine the number of signatures required for it to be valid and how it will be processed. Petitions received will fall into one of the following two categories:

(a) Ordinary Petitions:

These must contain **50** or more signatures before they will be reported to the next most convenient meeting with the power to take a decision on the matter in question.

(b) Petitions for Debate at Full Council Meetings

In order to trigger a debate at Full Council meetings, these petitions must contain at least **100** signatories or **50%** of the electorate of a particular parish to which the petition relates, whichever is the lowest. These petitions shall be taken to the next meeting of the Council (excluding the Annual Council meeting or an extraordinary Council meeting).

6. How do I submit a Petition?

- 6.1 **Paper petitions** should be submitted to the following address:

Democratic Services
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

- 6.2 Paper petitions may also be given to your local Ward councillor to hand in at a meeting of the Council on your behalf. Such petitions will be treated in

accordance with the provisions of this scheme and will not be discussed at the same meeting at which it is handed in.

6.3 **Electronic Petitions** should be submitted via the Council's website (www.scamb.gov.uk).

6.4 Once submitted, your request will be reviewed prior to its activation to ensure that it meets the requirements of the Petitions Scheme. If acceptable, confirmation of its activation period, which will be set at 90 days, will be sent to you via email. Once the 90 days has passed, the electronic petition will automatically be submitted to the Council.

6.5 We may accept e-petitions created on websites hosted by third parties. However, the Council does not monitor third party websites and therefore if you are setting up a petition on one of these sites, it will be the responsibility of the lead petitioner to ensure that the petition is submitted directly to the Council (most sites have a facility to enable the signatory data and comments to be downloaded and submitted in an electronic format).

6.6 Please be aware that it is also the responsibility of the lead petitioner to submit the petition in a format that enables the Council to verify the address of each signatory. This means that signatories who do not evidence that they live, work, study or occupy property in the District may not be included when we count the total number of signatories.

7. When should I send my Petition in?

- 7.1 You may send your petition in at any time. However if the petition relates to a particular issue on an agenda for a meeting or if it has sufficient signatories to trigger a debate at Full Council, then the petition must be received at least 10 working days before a meeting, if it is to be reported to that meeting. Dates of our Council, Cabinet and committee meetings are published on our website.
- 7.2 Where it is necessary to undertake a significant amount of work to collect information and advice in order to enable the matter to be properly considered, we may decide that it is necessary to consider the petition at the following meeting of the relevant body and we will notify the petition organiser accordingly.

8. Is my Petition guaranteed to be reported to a meeting?

- 8.1 Whilst we accept the majority of petitions we receive, we will not accept a petition under this scheme which:
- (a) Relates to a matter for which the Council is not directly responsible for or has no influence over.

- (b) Relates to a planning or licensing application or decision – these are dealt with using separate procedures.
- (c) Is a statutory petition, such as calling for a referendum, as separate requirements apply.
- (d) Relates to any matter where there is already an existing right of appeal or a separate complaints process (for example: complaints about councillor conduct).
- (e) Refers to a consultation which the Council is carrying out. Any petition relating to a consultation shall automatically be referred to the consultation organiser.
- (f) Duplicates another petition already received or is the same, or has a substantially similar effect, as a petition which has been made to the Council within the last year.
- (g) Contains confidential information, for example, about a specific individual.
- (h) Relates to an individual or body where a right of review of appeal is given by other legislation.
- (i) ~~Which Breaches~~ breaches data protection, libel or the Authority's statutory requirement to comply with equalities and anti-discrimination legislation.
- (j) Refers to a matter which is, or may be, the subject of legal proceedings.
- (k) Seeks to support or promote the personal interests of the petition organiser.
- ~~(k)~~(l) Raises issues about the competence or performance of a councillor or officer. Any such issues should be dealt with under the Code of Conduct complaints procedure (for councillors) or the Council's complaints procedure (for officers).
- ~~(l)~~(m) Contains matters associated with political parties or organisations.
- ~~(m)~~(n) Is vexatious, abusive, offensive, discriminatory or otherwise inappropriate.

The Council's Chief Executive and/or Monitoring Officer, after consultation with the Chair of the Council or the relevant committee, will determine whether your petition should be rejected because it falls under one of the criteria above.

9. How will the Council deal with my Petition?

9.1 When a petition is received:

- (a) We will acknowledge receipt to the petition organiser within 3 working days.
- (b) In some ~~cases~~cases, we may be able to resolve the petitioners' request directly by getting the relevant lead cabinet member or officer to take appropriate action. For example, where the petition relates to fly tipping and the Council can arrange for it to be cleared up directly. Where this happens we will ask the petition organiser whether he or she is satisfied that the matter is resolved.
- (c) Unless the matter has been resolved to the satisfaction of the petition organiser, we will write to the petition organiser within 10 working days of receipt, confirming whether the petition has been accepted and advising what steps the Council has taken, or proposes to take, in response to the petition. In some circumstances, more time will be needed to clarify some details about what action the Council proposes to take but we will inform you of this.
- (d) At the same time as writing to the petition organiser, we will notify political group leaders/convenors and the relevant local councillor(s) and officers of receipt of the petition.

10. How will my Petition be dealt with at a Full Council meeting?

10.1 Where your petition contains at least 100 valid signatures from local persons (or from 50% of the electorate of the parish), it will trigger the right to be debated at full Council. This means the issue raised in the petition will be discussed at a meeting at which all councillors may attend. If it relates to an item on the agenda, it will normally be dealt with immediately before ~~at~~ the start of that item. Otherwise it will be taken at the beginning of the meeting.

The following process shall be followed:

- (a) Petition organiser (or ~~his/her~~their representative) to present the petition for up to 3 minutes. If any clarification of what the petitioner has said is required, the Chair shall have the discretion to allow councillors to ask questions.
- (b) Relevant lead cabinet member (and/or relevant committee chair, if appropriate) invited to respond to the petition for up to 3 minutes.
- (c) Local councillors (if appropriate) invited to respond to the petition for up to 3 minutes.

- (d) Council to debate the petition and make a decision either to:
- (i) Vote in support of the petition;
 - (ii) Vote against the petition;
 - (iii) Note the petition;
 - (iv) Make recommendations to Cabinet if the issue it is one that requires Cabinet to make the final decision;
 - (v) Refer the petition to another body, lead cabinet member or officer for consideration;
 - (vi) Agree such other action as it considers appropriate.

10.2 A maximum of 30 minutes (including the presentations referred to in (a) to (c) above) shall normally be allowed at the meeting to consider the petition. The Chair may use ~~his or her~~their discretion to extend the timescale if necessary.

10.3 The Chair shall have discretion to manage the number of petitions dealt with at each meeting.

11. **How will my Petition be dealt with at a Cabinet, Committee or Sub-Committee meeting?**

11.1 Where a petition contains 50 or more signatures, it shall be referred to the next convenient meeting of the Cabinet, Committee or Sub Committee which has the power to take a decision on the matter in question. If it relates to an item on the agenda, it shall normally be dealt with at the start of that item. Otherwise it shall be taken at the beginning of the meeting.

11.1.2 The following process shall be followed:

- (a) Petition organiser (or ~~his/her~~their representative) to present the petition for up to 3 minutes. If any clarification of what the petitioner has said is required, the Chair shall have the discretion to allow councillors to ask questions.
- (b) Relevant lead cabinet member (if appropriate) invited to speak.
- (c) Any local councillor present invited to speak for up to 3 minutes (if petition relates to ~~his/her~~their Ward).
- (d) Cabinet, Committee or Sub Committee to consider the petition and determine what course of action to take.

12. Will I be informed of the outcome of consideration of my Petition?

12.1 Yes, we will write to the petition organiser within ten working days of the meeting to confirm the outcome. Where appropriate, the decision will be published on the Council's website.

13. What do I do if I am not happy with the way my Petition was dealt with?

13.1 If you are unhappy with the way that your petition has been handled, you can submit a complaint to the Council via the Corporate Complaints Scheme [\[insert link\]](#)

14. How else may I have my say?

14.1 South Cambridgeshire District Council welcomes feedback as this helps us to review and develop the services we provide. There are a number of other ways that you can have your say including:

- (a) Ask a question at a Council, Cabinet or Committee meeting [\[insert link\]](#)
- (b) Write to the relevant senior officer or lead cabinet member
- (c) Contact your local councillor
- (d) Suggest an item for consideration at our Scrutiny and Overview Committee
- (e) Respond to our consultations

[14.2](#) Visit the Council's website at www.scambs.gov.uk for more information.

15. Personal Data

15.1 Information on how the Council collects, uses and retains personal data is detailed in the South Cambridgeshire District Council Customer Privacy Notice [\[insert link\]](#)

Version 1

Petition to South Cambridgeshire District Council – signature sheet

We the undersigned petition South Cambridgeshire District Council to:

Each person signing this petition should provide their name, signature and a home, work, study, property or business address that is within the boundaries of South Cambridgeshire District Council. Any signatures that do not include this information will not be counted.

Name (please print)	Address including postcode (this must be an address in South Cambridgeshire)	Signature	Live/work/study / own property or business (please indicate)

Appendix E

Part 4: Rules of Procedure

A. Council Standing Orders

Contents

1. Annual meeting of the Council
2. Ordinary meetings
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4. Appointment of substitute members of committees and sub-committees
5. Times and places of meetings
6. Notice of and summons to meetings
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23. Recording of meetings
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1. Annual Meeting of the Council

1.1 Timing and business

- (a) In a year when there is an ordinary election of councillors, the annual meeting shall take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting shall take place between March and May inclusive.
- (b) The annual meeting shall:
 - (i) elect a person to preside if the Chair of Council is not present;
 - (ii) elect the Chair of Council (in accordance with Standing Order 1.2 below);
 - (iii) appoint the Vice-Chair of Council;
 - (iv) approve the minutes of the last meeting;
 - (v) in a year when there is any election of councillors, receive the Returning Officer's Return of councillors elected.
 - (vi) receive any announcements from the Chair, Leader of Council and / or Head of Paid Service;
 - (vii) in a year when there is an ordinary election of councillors, or if the office is vacant, elect the Leader;
 - (viii) receive a statement from the Leader concerning appointments to the Cabinet, including the statutory Deputy Leader;
 - (ix) appoint statutory committees and such other committees as the Council considers appropriate in accordance with Standing Order 1.3 below;
 - (x) designate one of the Council's scrutiny and overview committees as its crime and disorder committee in accordance with sections 19 and 20 of the Police and Justice Act 2006;
 - (xi) 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 3 of this Constitution);
 - (xii) receive reports and recommendations from the Cabinet and the Council's committees and receive questions and answers on any of those reports;
 - (xiii) receive the Leader of the Major Opposition Group's written annual statement, if ~~he or she~~they wishes to give one; and;
 - (xiv) consider any other business set out in the notice convening the meeting.

1.2 Election of Chair

- (a) The Chair of the Council shall be elected from among the councillors as the first business transacted at the annual meeting.
- (b) Where the Chair of Council is retiring, ~~s/he~~they should, if present, preside over the election of their successor.
- (c) Where the retiring Chair is not present, the Chief Executive (or an officer nominated by ~~him or her~~them) shall preside.
- (d) Where it is expected that the retiring Chair is to stand for re-election to that office, the Chief Executive (or an officer nominated by ~~him or~~

herthem) shall preside, and the Chair should leave the room for the duration of the election.

1.3 Selection of Councillors on Committees and Outside Bodies

- (a) At the annual meeting, the council meeting shall:
- (i) decide which committees to establish for the municipal year;
 - (ii) decide the size and terms of reference for those committees;
 - (iii) decide the number and allocation of seats and substitutes to political groups in accordance with the requirements of the Local Authorities (Committees and Political Groups) Regulations 1990;
 - (iv) receive nominations of councillors to serve on each committee, joint committee and outside body;
 - (v) appoint to committees and joint committees, except where appointment to those bodies is exercisable only by the Cabinet;
 - (vi) appoint up to five substitute members per committee from each political group in a hierarchical list to all committees and sub-committees;
 - (vii) elect the Chairs and Vice-Chairs of the committees;
 - (viii) appoint the Council's spokesperson on any joint committee, where required by that committee's terms of reference; and
 - (ix) appoint members and, where permitted, substitutes to outside bodies, except where appointment of those bodies has been delegated by the Council or is exercisable only by the Cabinet.
- (b) The Chair of the Council shall preside over the election of Chairs of committees.
- (c) Where an election is contested, nominees for Chair shall leave the room prior to voting.

2. Ordinary Meetings

2.1 Agenda for Ordinary Meetings

Ordinary meetings of the Council shall take place in accordance with a programme agreed by Council. Ordinary meetings shall:

- (a) elect a person to preside if the Chair and Vice-Chair are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from members;
- (d) receive any announcements from the Chair, Leader, Cabinet members or the Head of Paid Service;
- (e) deal with questions and statements from the public in accordance with the Council's Public Speaking Scheme;
- (e)(f) receive petitions presented by District councillors

- ~~(f)~~(g) receive-debate any petitions received under the Council's Petitions Scheme, which have the requisite number of signatures;
- ~~(g)~~(h) deal with any business from the last Council meeting;
- ~~(h)~~(i) receive reports and recommendations from the Cabinet and the Council's committees and receive questions and answers on any of those reports;
- ~~(i)~~(j) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- ~~(j)~~(k) note changes in membership of committees and fill vacancies on outside bodies, except where appointment to outside bodies has been delegated by the Council or is exercisable only by the Cabinet;
- ~~(k)~~(l) consider any other business specified in the summons to the meeting;
- ~~(l)~~(m) receive questions from, and provide answers to, members in accordance with Standing Order 12; and
- ~~(m)~~(n) consider motions in accordance with Standing Order 13;

3. Extraordinary Meetings

3.1 Calling extraordinary meetings

- (a) The following persons may request the proper officer (see note 1 below) to call Council meetings in addition to ordinary meetings:
 - (i) the Council by simple majority;
 - (ii) the Chair of the Council;
 - (iii) the Monitoring Officer; and
 - (iv) any five members of the Council if they have signed a requisition presented to the Chair of the Council and ~~s/he~~they ~~have~~has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

(Note 1: In all the Part 4 Rules relating to Committee, Cabinet and Council administration, reference to the 'proper officer' shall mean the Chief Executive or such suitably experienced senior officer as the Chief Executive shall appoint.)

- (b) The request shall state the subject for which the meeting is called.

3.2 Business

An extraordinary meeting shall not consider previous minutes, reports from committees or any other matter than the subject for which that meeting is called.

4. Appointment of Substitute Members of Committees, Sub-Committees and Outside or Joint Bodies

4.1 Allocation

- (a) Substitutes shall be allowed on committees and sub-committees, and Council may allocate seats for substitute members on outside or joint bodies, where those bodies allow. The substitute must be a member of the same political group as the member for whom they are substituting, unless the Council, with no one voting against, agrees otherwise. Substitute members shall be appointed in a hierarchical list by Council at its Annual Meeting.
- (b) Cabinet members shall be allowed to substitute on all committees, other than any scrutiny and overview committee and the Audit and Corporate Governance Committee.

4.2 Powers and duties

Substitute members shall have the powers and duties of any ordinary member of the committee or sub-committee, outside or joint body (where those bodies allow) but shall not be able to exercise any special powers or duties exercisable by the person for whom they are substituting. These powers and duties shall only be available to the substitute members from the start until the close of the meeting at which they are substituting (including any adjournment thereof).

4.3 Substitution

Substitute members may attend meetings in that capacity only:

- (a) to take the place of the ordinary member for whom they are the substitute;
- (b) where the ordinary member will be absent for the whole of the meeting, and;
- (c) after notifying Democratic Services before the start of the meeting of the intended substitution.

4.4 Substitution at meetings of Planning Committee and Licensing Committee

Members acting as substitutes at meetings of the Planning Committee and Licensing Committee when determining applications shall be subject to the same requirement to have undertaken suitable training as ordinary members of those committees.

4.5 Variation of Membership

The appropriate Group Leader must notify the proper officer, in writing, of any changes in membership or substitute membership of any committee, sub-committee, other forum or outside body allocated to their group and such changes will be for reporting reported to the next meeting of the Council for information. Such notification must be provided to the proper officer or their nominee prior to the commencement of the body in question to enable it to have effect for that meeting.

5. Times and Places of Meetings

The times and places of meetings shall be determined by the proper officer and notified in the summons.

6. Notice of and Summons to Meetings

The proper officer shall give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive shall send a summons by e-mail and / or post to each member of the Council, or leave it at their usual residence. The summons shall give the date, time and place of each meeting and specify the business to be transacted, and shall be accompanied by such reports as are available.

7. Chair of Meeting

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

8. Quorum

8.1 The quorum of a meeting shall be one quarter of the whole number of members of the Council or the relevant body of the Council, or three, whichever is the greater, unless this Constitution otherwise provides. During any meeting, if the Chair counts the number of members present and declares there is not a quorum present, then the meeting shall adjourn immediately. Remaining business shall be considered at a time and date fixed by the Chair. If ~~s/he~~they ~~does~~ not fix a date, the remaining business shall be considered at the next ordinary meeting.

8.2 If there is no quorum at the published start time for the meeting, a period of ten minutes shall be allowed, or longer, at the Chair's discretion. If there remains

no quorum at the expiry of this period, the meeting shall be declared null and void.

9. Duration of Meetings

Unless three-quarters of members present vote for the meeting to continue, any meeting that has lasted for four hours, excluding adjournments, shall adjourn immediately. Remaining business shall be considered at a time and date fixed by the Chair. If ~~s/hethey~~ does not fix a date, the remaining business shall be considered at the next ordinary meeting.

10. Public Speaking

~~10.1 General~~

~~Any person who lives, works, studies, owns or occupies property in the District, may, at the discretion of the Chair, ask questions or make statements at ordinary meetings of the Council in accordance with the provisions of the Council's Public Speaking Scheme which is available on the Council's website [\[include link\]](#).~~

~~10.2~~ 10.1 Public Speaking Scheme

The Council's Public Speaking Scheme shall be agreed by the Civic Affairs Committee and reviewed by the committee from time to time. Public speaking shall be dealt with ~~at the meeting~~ in accordance with the provisions of the ~~Council's~~ Public Speaking Scheme which is available on the Council's website [include link](#).

~~10.3 Public Speaking at Planning Committee~~

~~Members of the public shall be entitled to address the Planning Committee in accordance with a scheme agreed by the committee and reviewed from time to time. The scheme is available on the Council's website [\[include link\]](#).~~

11. Petitions

11.1 The Council's Petitions Scheme shall be agreed by the Civic Affairs Committee and reviewed by the committee from time to time.

11.2 ~~Any petition which is submitted to Council under its Petitions Scheme and which has a sufficient number of signatures to require a Council debate (see note 2 below) shall be referred for debate at the next available Council meeting (excluding the Annual and Extraordinary meetings) subject to receiving the requisite notice as referred to in the scheme.~~ Petitions shall be

dealt with ~~at the meeting~~ in accordance with the provisions of the Council's Petitions Scheme which is available on the Council's website [\[include link\]](#).

~~(Note 2: petition must contain at least 100 signatories or 50% of the electorate of a particular parish to which the petition may relate, whichever is the lower.)~~

~~Other petitions shall be dealt with by Cabinet or relevant committee, in accordance with the Council's Petitions Scheme [\[include link\]](#).~~

11.3 Members of the Council may present petitions at any ordinary Council meeting at the relevant point on the agenda. A member presenting a petition shall not make any speech or comment on it except to announce its title, subject and purpose. The Monitoring Officer shall arrange for such petitions to be dealt with in accordance with the Council's Petitions Scheme.

12. Questions by Members

12.1 On reports of the Cabinet or committees

A member of the Council may ask the Leader or the Chair 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 is under consideration by the Council.

12.2 Questions on notice at full Council

Subject to Standing Order 12.4, a member of the Council may ask:

- (a) the Chair;
- (b) the Leader, who may respond on behalf of the Cabinet or may appoint a member of the Cabinet to respond; or
- (c) the Chair of any committee or sub-committee

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

12.3 Questions on notice at committees and sub-committees

Subject to Standing Order 12.4, a member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties, or which affect the district 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 Standing Order 12.2 or 12.3 if either:

- (a) they have given to the proper officer notice in writing of the question not later than seven working days before the date of the meeting; or
- (b) they have submitted their question to the proper officer prior to the commencement of the agenda item.

Questions submitted under 12.4(a) shall be taken first and shall be asked in the order in which notice of them was received, except that the Chair may group together similar questions.

Questions submitted under 12.4(b) shall be drawn at random by the Chair until there are no further questions or the time limit, referred to in Standing Order 12.5 below, expires.

Only one question may be asked per member, per meeting, but one supplementary question may also be asked at the meeting.

12.5 Time Limit for questions

A total of 30 minutes shall be allowed for questions.

12.6 Scope of questions

The Chair, having regard to the advice of 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 district;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at the meeting or a meeting of the Council in the past six months;
- (d) raises issues about the competence or performance of a councillor or officer;
- (e) requires the disclosure of confidential or exempt information; or
- (f) relates to a planning or licensing application which has yet to be determined.

The Chair shall have the discretion to limit the length of preamble or other background information supplied with the question.

12.7 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 response which shall normally be circulated within five working days to the questioner and included as an appendix to the minutes.

12.8 Supplementary question

A member asking a question under Standing Order 12.2 or 12.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. It may be rejected by the Chair on any of the grounds set out in Standing Order 12.6 above.

12.9 Questions not dealt with

Any question of which notice has been given under Standing Order 12.4(a) and which is not dealt with at the meeting owing to expiry of the 30 minute period shall, at the preference of the member raising the question, either be included on the agenda for the next meeting of the Council or receive a written response (which shall be circulated normally within five working days to the questioner and included as an appendix to the minutes).

13. Notice of Motions

13.1 Notice

- (a) Except for motions which can be moved without notice under Standing Order 14 and any motion to remove the Leader from office as Leader, written notice of every motion, signed by a councillor, must be delivered to the proper officer not later than ten working days before the date of the meeting. E-signatures shall be acceptable for the purposes of this rule. Save that the Chair shall have the discretion to admit a motion to the agenda by reason of special circumstances on the grounds of urgency, in accordance with the provisions of Part VA of the Local Government Act 1972, where they are satisfied that the matter will not admit of delay until the next meeting of Council.
- (b) In the case of any motion for the removal of the Leader from office as Leader, written notice signed by at least one quarter of the councillors must be delivered to the proper officer not later than ten working days before the date of the meeting. Motions under this provision may not be submitted electronically. Any such motion shall be carried by simple majority of the members present and voting at the meeting.
- (c) In the case of any motion for the removal of the Leader from office as Leader being passed, the Council shall elect a new Leader at the same meeting, or at a subsequent meeting.
- (d) A record of notices of motion shall be kept.
- (e) Only one Motion may be submitted per member per meeting.

13.2 Number of Motions

A maximum of five motions shall be accepted for debate at an ordinary meeting of the Council under this standing order. Motions will be accepted in the order in which notice of the full written motion is received.

13.3. Similar Motions

Where similar motions have been submitted, the Chair is authorised to ask the proposers to work together to agree a mutually agreeable form of words. Where that does not prove possible, the Chair shall decide which motion shall be accepted.

13.4 Motion set out in agenda

Motions for which notice has been given and accepted by the Chair shall be listed on the agenda in the order in which notice was received, unless the councillor giving notice states, in writing, that ~~he or she~~they proposes to move it to a later meeting or withdraw it. Subject to a written proposal by the councillor to move it at a later meeting, any motion not moved at the relevant meeting shall be deemed to be withdrawn.

13.5 Scope

Motions must be about matters for which the Council has a responsibility or which affect the district.

The Chair, having regard to the advice of the proper officer may reject a motion if it:

- (a) is not about a matter for which the local authority has a responsibility or which affects the district;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a motion which has been put at the meeting or a meeting of the Council in the past six months. (This does not apply to motions moved in pursuance of a recommendation of Cabinet, a Committee or a Chief Officer or motions which have been withdrawn from a previous meeting);
- (d) requires the disclosure of confidential or exempt information;
- (e) would, if carried, commit the Council to a course or courses of action contrary to agreed processes or outside its authority to act; or
- (f) relates to a planning or licensing application which has yet to be determined.

13.6 Automatic Reference to the Cabinet or a Committee

- (a) If a motion seeks to determine an executive function it shall, upon being duly moved, seconded and debated, stand referred to Cabinet to take the final decision in respect of the motion.

- (b) If the subject matter of a motion falls within the terms of reference of a committee, it shall, upon being moved, seconded and debated, stand referred to that committee.
- (c) Notwithstanding (a) and (b) above, Council may ~~resolve by resolution~~ agree to refer a motion to Cabinet or a committee or other body without prior debate at the meeting.
- (d) If the motion stands referred to Cabinet or a committee for decision, and the mover of the motion is not a member of the Cabinet or the committee, then ~~they~~he shall be entitled to attend and address the meeting at which the motion is discussed, but shall not vote.

13.7 Time limit

A maximum period of thirty minutes shall be allowed for each motion to be moved, seconded and debated, including dealing with any amendments. At the expiry of the thirty-minute period, debate shall cease immediately, the mover of the original motion shall have the right of reply before the motion or amendment is put to the vote. If the original ~~vote motion~~ has been amended, the mover of the amendment now forming the substantive motion shall have the right of reply before it is put to the vote.

14. Motions without Notice

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to the Cabinet or a committee. If passed, the matter shall stand immediately deferred and shall not be further considered at the meeting;
- (e) to defer consideration of an item of business;
- (f) to appoint a committee or member arising from an item on the summons for the meeting;
- (g) to receive reports or adoption of recommendations of the Cabinet, committees or officers and any resolutions following from them. Such recommendations shall be moved and seconded prior to any debate, in accordance with Standing Order 15.1 below;
- (h) to withdraw a motion;
- (i) to amend a motion;
- (j) Closure Motions in accordance with Standing Order 15.11;
- (k) that the meeting continue beyond 4 hours in duration;
- (l) to suspend a particular Council Standing Order;
- (m) to exclude the public and press in accordance with the Access to Information Rules;
- (n) to not hear further a member named under Standing Order 21.4 or to exclude them from the meeting under Standing Order 21.5; and

- (o) to give the consent of the Council where its consent is required by this Constitution.

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 Chair may require it to be written down and handed to him/herself before it is discussed.

15.3 Secunder's speech

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

15.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation, point of order or point of information. No proposer's speech may exceed five minutes, nor any other speech exceed three minutes, without the consent of the Chair.

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 s/het last spoke;
- (c) if their first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which s/het spoke was carried);
- (d) at the Chair's discretion, in the case of the Leader, Cabinet member or committee chair, to respond to a question directly addressed to them.
- (e) in exercise of a right of reply in accordance with Standing Order 15.9;
- (f) on a point of order;
- (g) at the Chair's discretion, to raise a point of information;
- (h) by way of personal explanation; or
- (i) to move a Motion under Standing Order 15.10 (Motions which may be moved during debate).

15.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and shall either be:
- (i) to leave out words;
 - (ii) to leave out words and insert or add others; or
 - (iii) to insert or add words.

as long as the effect is not to negate the motion.

- (b) The Chair may request the mover and seconder of the original motion to indicate whether they are prepared to accept the amendment through its incorporation into their motion. If they are willing to do so, the original motion shall stand altered accordingly, the amendment shall be deemed withdrawn and debate proceed on the original motion, as altered. If they are not willing to do so, consideration of the amendment shall proceed in accordance with the normal rules of debate.
- (c) 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. Exceptionally, the Chair may allow, after notice of a proposal, concurrent discussion of a subsequent amendment before both are disposed of in whatever order the Chair thinks fit, if it appears to the Chair that this course would facilitate the proper conduct of the Council's business.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) 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.
- (f) After an amendment has been carried, the Chair shall read out the amended motion before accepting any further amendments.
- (g) Amendments shall be written down and handed to the Chair before they are debated, unless the Chair is willing to accept any amendments made verbally.
- (h) The Chair shall have the discretion to refuse to accept amendments if they are solely based on typographical or grammatical points.
- (i) ~~Before being accepted for debate~~ Any proposed amendment at the Council's annual budget meeting, ~~any proposed amendment~~, which in the opinion of the Chief Finance Officer, is significant, shall be rejected by the Chair unless it has ~~have~~ been subject to prior consideration by the Scrutiny and Overview Committee or the Cabinet at the respective meetings of those bodies at which the annual budget report is presented.

15.7 Alteration of motion

- (a) A member may alter a motion of which ~~s/het~~they haves given notice with the consent of the meeting. The meeting's consent shall be signified without discussion.
- (b) A member may alter a motion which ~~s/het~~they haves moved without notice with the consent of both the meeting and the seconder. The meeting's consent shall be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

15.8 Withdrawal of motion

A member may withdraw a motion of which ~~s/het~~they haves given notice with the consent of the meeting or may withdraw a motion which ~~s/het~~they haves moved with the consent of both the meeting and, where it has been seconded, the seconder. The meeting's consent shall be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused. In accordance with Standing Order 13.4, any motion not moved at the relevant meeting shall be deemed to be withdrawn.

15.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on ~~his or her~~ their amendment.

15.10 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) Closure motions in accordance with Standing Order 15.11
- (d) that the meeting continue beyond four hours in duration;
- (e) to exclude the public and press in accordance with the Access to Information Rules;
- (f) to not hear further a member named under Standing Order 21.4 or to exclude them from the meeting under Standing Order 21.5; or
- (g) to refer something to the Cabinet or a committee in accordance with Standing Order 14(d) above.

15.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
- (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, ~~s/hethey~~ shall give the mover of the original motion a right of reply and then put the procedural motion to the vote. The Chair may reject the procedural motion if he/shethey thinks that the matter before the meeting has not been sufficiently discussed.
- ~~(c)~~ If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, ~~theys/he~~ shall put the procedural motion to the vote. If it is passed ~~theys/he~~ shall give the mover of the original motion a right of reply before putting the motion to the vote. The Chair may reject the procedural motion if he/shethey thinks that the matter before the meeting has been not been sufficiently discussed.
- ~~(c)~~(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, ~~they~~ ~~s/he~~ shall put the procedural motion to the vote without giving the mover of the original motion the right of reply.

15.12 Point of order

A member may raise a point of order at any time by standing and stating "Point of Order". The Chair shall hear it immediately. A point of order may only relate to an alleged breach of these Council Standing Orders or the law. The member must indicate the Standing Order or law and the way in which ~~s/hethey~~ considers it has been broken. The ruling of the Chair on the admissibility of a Point of Order shall be final.

15.13 Point of information

A member may ask to raise a point of information at any time by standing and stating, "Point of Information", but shall be permitted to speak only at the Chair's discretion. A point of information may only be made where a member is aware that the Council has incorrect information before it on a material point. The member who raises the point of information must be able to cite evidence to support their statement. The point of information may be raised whilst another member is speaking but only if that member is willing to give way. The ruling of the Chair on the admissibility of a point of information shall be final.

15.14 Personal explanation

A member may make a personal explanation at any time by standing and stating "Personal explanation". 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. The ruling of the Chair on the admissibility of a personal explanation shall be final.

15.15 Application of Rules of Debate

These Rules of Debate shall apply to the consideration of all Council business where debate is allowable under these Standing Orders or at the Chair's discretion.

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 shall not be moved unless the notice of motion is signed by at least twelve members.

16.2 Motion similar to one previously rejected

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

17. Voting

17.1 Majority

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

17.2 Chair's casting vote

If there are equal numbers of votes for and against, the Chair shall have a second or casting vote. There shall be no restriction on how the Chair chooses to exercise a casting vote. This Standing Order shall not apply to situations in which there is equality of voting between two candidates on an appointment. In such cases, the provisions of Standing Order 17.8 below shall apply.

17.3 Method of voting

Unless a recorded vote is demanded, except for full Council and Planning Committee where all votes shall be recorded in the manner described in Standing Order 17.5 (Recorded Vote), apart from those taken by affirmation, the Chair shall normally take the vote either by electronic means or by show of hands, at ~~his or her~~their discretion, or, if there is no dissent, by the affirmation of the meeting. Exceptionally, a paper ballot may be considered by the Chair to be appropriate. This procedure shall not apply to voting on appointments which shall be dealt with in accordance with Standing Order 17.8.

17.4 Announcement of Result

Whatever the method of voting, the Chair shall announce the result or the numerical result of the vote immediately the result is known.

17.5 Recorded vote

At all Council and Planning Committee meetings, the names for and against a motion or amendment or abstaining from voting shall be recorded and entered into the minutes. For all other meetings to which these Standing Orders apply, if one member demands it, a recorded vote shall take place in the same way. This procedure shall not apply to meetings of a Licensing sub-committee or to voting on appointments.

17.6 Recorded vote on budget decisions

In accordance with statutory requirements, if the Council is considering an item on the Council's budget or the setting of the Council Tax, the names for and against the motion or amendment, abstaining from voting or not voting shall be taken down in writing and entered into the minutes.

17.7 Right to require individual vote to be recorded

Except for Council and Planning Committee meetings, where all votes shall be recorded, where any member requests it immediately after the vote is taken, their vote shall be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

17.8 Voting on appointments

Where there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes shall be taken off the list and a new vote taken. The process shall continue until there is a majority of votes for one person. In the event of a tie, a second vote shall be taken. In the event of a continuing tie, the matter shall be decided by the toss of a coin.

18. Minutes

18.1 Signing the minutes

The Chair shall sign the minutes of the proceedings at the next suitable meeting. The Chair shall move that the minutes of the previous meeting be signed as a correct record. 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

There shall be no requirement to sign the minutes of a previous ordinary meeting at an extraordinary meeting of the Council convened under Standing Order 3 above. Any unsigned minutes of previous ordinary meetings and the minutes of the extraordinary meeting shall be signed at the next ordinary meeting.

18.3 Form of minutes

Minutes shall contain all motions and amendments in the exact form and order the Chair put them.

19. Record of Attendance

All members are required to sign the attendance sheet before the conclusion of the meeting to assist with the record of attendance.

20. Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Standing Order 22 (Disturbance by Public).

21. Members' Conduct

21.1 Indicating wish to speak

Where a member wishes to speak ~~s/het~~ they must indicate ~~their/his/her~~ wish to do so by raising ~~his/her~~ their hand. No member may speak (except when raising a point or order, point of information or a personal explanation) unless and until invited by the Chair.

21.2 Standing to speak

When a member speaks at full Council ~~s/het~~they must stand and address the meeting through the Chair. If more than one member stands, the Chair shall ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a ~~point of~~ personal explanation or a point of information.

21.3 Chair standing

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

21.4 Member not to be heard further

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

21.5 Member to leave the meeting

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

21.6 General disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as ~~s/he~~they thinks necessary. An adjournment in these circumstances shall not require a motion to be passed.

22. Disturbance by Public

22.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chair shall warn the person concerned. If ~~s/het~~they continues to interrupt, the Chair shall order ~~his/her~~their removal from the meeting room.

22.2 Clearance of part of meeting room

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

22.3 Banners, placards, etc

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chair may require any to be removed.

23. Recording of Meetings

23.1 The recording in any format of any meeting of the Council, the Cabinet, or any committee or sub-committee of the Council or the Cabinet, is permitted, except:

- (a) Where the Chair, or person presiding the meeting, rules that filming is being undertaken in such a way that is disruptive or distracting to the good order and conduct of the meeting.
- (b) Where the public have been excluded from the meeting in accordance with the Council's Access to Information Procedure Rules (Rule 10) during the consideration of exempt or confidential information (this also applies to any recordings made by members of the Council).

24. Cancellation of meetings

24.1 The Chief Executive is authorised to cancel a meeting before the agenda has been published, following consultation with the Chair.

24.2 Where, in exceptional circumstances, such as severe weather or other disruptive circumstances, it is necessary to cancel a meeting after the agenda has been published, the Chief Executive shall be authorised to do so, following consultation with the Chair. The notice advising of the cancellation shall specify the exceptional circumstances in which the decision was taken. Outstanding business shall be held over to the next scheduled meeting or considered at a reconvened meeting on a date to be arranged which satisfies the notice requirements set out in the Local Government Act 1972 and Access to Information Rule 4.

25. Suspension and Amendment of Council Standing Orders

25.1 Suspension

All or any of these Standing Orders, except Standing Orders 17.7 (Right to require individual vote to be recorded) and 18.2 (No requirement to sign minutes of previous meeting at extraordinary meeting), may be suspended by motion on notice or without notice if requested by at least two thirds of councillors present and voting. The mover of the motion shall specify which Standing Order(s) ~~s/he~~they wishes to suspend as well as the business to

which the suspension shall apply. Suspension may be for no longer than the duration of the meeting.

25.2 Amendment

Any motion without notice to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

26. Application to Cabinet, Committees and Sub-Committees

- 26.1 All of the Standing Orders apply to meetings of full Council.
- 26.2 None of the Standing Orders apply to meetings of the Cabinet except Standing Order 10 (Public Speaking), Standing Order 11 (Petitions), and Standing Order 24 (Cancellation of Meetings).
- 26.2 Only Standing Orders 4-9 and 12-25 (but not Standing Order 21.2, standing to speak) apply to meetings of all committees and sub-committees.
- 26.3 Standing Order 10(Public Speaking) shall apply to all Cabinet meetings open to the public and all committee and sub-committee meetings open to the public other than regulatory committees or sub-committees. A separate public speaking scheme shall operate for Planning Committee.
- 26.4 The Licensing Committee (2003 Act) has resolved to operate under the Local Government Act 1972 (as amended). Standing Orders 4-9 and 12-25 (but not Standing Order 21.1) consequently apply to meetings of the full committee, but not to meetings of its sub-committees.

27. Interpretation of Standing Orders (Article 16.2)

The ruling of the Chair of Council as to the application of these Standing Orders shall be final. Such interpretation shall have regard to the purposes of the Constitution set out in Article 1.

Appendix F1

Part 2: Articles

Article 1: The Constitution

1.1 The Constitution

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no one shall review or scrutinise a decision in which ~~s/he was~~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;
- (h) provide a means of improving the delivery of services to the community; and
- (i) set out the Codes and Protocols to ensure that the Council operates in accordance with the principles of public life (set out in Part 5).

1.2 Powers of the Council

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

1.3 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council shall always choose that option which it thinks is closest to the purposes stated above. The Council shall monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2: Members of the Council

2.1 Composition and Eligibility

- (a) **Composition.** The Council consists of 45 councillors. One or more councillors shall be elected by the voters of each Ward in accordance with a scheme approved by the Boundary Commission for England.
- (b) **Eligibility.** Only registered voters of the district or those living or working there shall be eligible to stand for the office of councillor.

2.2 Election and Terms of Councillors

The regular election of all councillors shall be held on the first Thursday in May every four years beginning in 2018. The terms of office of councillors shall be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election.

A councillor shall cease to be a councillor if:

- (a) They resign by giving written notice to the proper officer (such resignation to take effect upon the receipt of such notice by the proper officer); or
- (b) They fail to attend meetings of the Council for a period of six months, unless the failure was due to a reason approved by the authority; or
- (c) They cease to be qualified to be a member of the authority or become disqualified from being a member of the authority; or
- (d) They come to the end of the term of office for which they were elected and have not been re-elected.

2.3 Roles and Functions of All Councillors

- (a) **Key roles.** All councillors shall:
- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and encourage community participation and involvement in decision making;
 - (iii) deal with individual casework and act as advocates for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within the Ward and represent the Ward as a whole;
 - (v) participate in the governance and strategic management of the Council;
 - (vi) be available to represent the Council on other bodies; and
 - (vii) maintain the highest standards of conduct and ethics.
- (b) **Rights and duties**
- (i) Councillors shall have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
 - (ii) Councillors shall 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.
 - (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.4 Conduct

Councillors shall at all times observe the Members’ Code of Conduct and Protocol on Member/Officer Relations set out in Part 5 of this Constitution and shall have

regard to the Procedural Guidance for members of Planning and Licensing Committees contained in the Ethical Handbook.

2.5 Allowances

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

2.6 Recognition of political groups

Members shall be entitled to join political groups. In accordance with the Local Government (Committees and Political Groups) Regulations 1990, a political group shall be treated as constituted when there is delivered to the Chief Executive a notice in writing which:

- (a) is signed by two or more members of the Council who wish to be treated as a political group;
- (b) states that members of the Council who have signed wish to be treated as a political group;
- (c) states the name of the political group;
- (d) states the name of the member who shall be the Leader of the political group.

2.7 Definitions of Controlling and Opposition Groups

The political group or groups of the Council whose members have been appointed to the Cabinet by the Leader of the Council shall be identified as the Controlling Group or Groups. For the purposes of political control, the Cabinet shall collectively be identified as the Executive.

The political group with the largest number of seats on the Council and whose members have not been appointed to the Cabinet by the Leader of the Council shall be identified as the Major Opposition Group.

Other political groups with seats on the Council and whose members have not been appointed to the Cabinet by the Leader of the Council shall be identified as Minor Opposition Groups.

2.8 Leader of the Major Opposition Group's report to Council

The Leader of the Major Opposition Group may make a report to the Annual Meeting of Council.

Article 3: Citizens and the Council

3.1 Citizens' Rights

Citizens have the following rights.

(a) Voting and Petitions

- (i) Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for a different form of governance and to vote in any local referendum in respect of an increase in the local authority's precept.

(b) Information Citizens have the right to:

- (i) attend meetings of the Council, Cabinet and committees, except where confidential or exempt information is likely to be disclosed, and the meeting, or part of it, is therefore held in private;
- (ii) Find out from the on-line Notice of Key Decisions which key decisions are due to be taken by the Cabinet, or a Lead Cabinet member, and when;
- (iii) see reports and background papers, and any records of decisions made by the Council, Cabinet or committees, except where they contain confidential or exempt information; and
- (iv) inspect the Council's accounts and make their views known to the external auditor.

- (c) **Participation** Citizens have a right to submit petitions in accordance with the Council's petitions scheme and to ask questions or make statements in accordance with the Council's public speaking scheme.
- (d) **Complaints.** Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme;
 - (ii) the Ombudsman after using the Council's own complaints scheme;
 - (iii) the Monitoring Officer about a breach of the Members' Code of Conduct.

(Citizens' rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.)

3.2 Citizens' Conduct

Citizens are expected to treat councillors, officers and others providing services with respect. The Council will not tolerate abusive or threatening behaviour or damage to Council property. The Council asks that citizens remain polite and patient and use the complaints procedure if aggrieved.

Article 4: The Full Council

4.1 The Full Council

The Full Council is a quorate meeting of all-the 45 councillors representing Wards inat South Cambridgeshire District Council. It is chaired by the Chair of the Council and managed in accordance with the formal Standing Orders in Part 4 of this Constitution. The quorum required for a meeting of the Full Council is specified within the Council Standing Orders.

4.2 Functions of the Full Council

Form

Only the full Council shall exercise the following functions:

- (a) adopting and changing the Constitution, other than Tables 4 and 5 in Part 3;
- (b) approving or adopting the **policy framework**, the **budget** with the exception of the calculation and approval of the council tax base, which is delegated to the Chief Finance Officer, and any application to the Secretary of State in respect of any **Housing Land Transfer**;

Meanings

For the purposes of (b) above,

- (i) **Policy Framework.** The policy framework means the following plans and strategies:
 - i. Annual Pay Policy Statement;
 - ii. Corporate plan, setting out the Council's key objectives;
 - iii. Climate Change Action Plan (or equivalent strategic document);
 - iv. Plans and strategies which together comprise the South Cambridgeshire Local Plan (submission and adoption);
 - v. Approval of Development Plan Documents;
 - vi. The plans and strategies which comprise the Housing Investment Programme, including the Housing Revenue Account Strategy and Business Plan;
 - vii. Statement of Licensing Policy, Licensing Act 2003;
 - viii. Gambling Act 2005 Statement of Principles; and
 - ix. Risk Management Strategy.

- (ii) **Budget.** The budget means the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and council house rents and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
 - (iii) **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.
- (c) **a** Approving discretionary acquisitions and disposals not otherwise authorised under any delegation.
- (d) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to / or not wholly in accordance with the budget;
 - (e) appointing the Leader and, in certain circumstances, removing 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 bodies where the appointment has not been delegated by the Council;
 - (h) adopting an allowances scheme under Article 2.5 (Members' Allowances);
 - (i) appointing the electoral registration officer and the returning officer; changing the name of the District; petitioning for borough status and conferring honorary titles; functions relating to a change in governance arrangements and the passing of a resolution to change the electoral scheme (the electoral cycle);
 - (j) confirming the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (Section 151 Officer) and taking the final

decision to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer.

- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) electing the Chair and Vice-Chair of the Council;
- (m) adopting a Code of Conduct and agreeing any amendments to it.
- (n) exercising all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
- (o) exercising all other matters which, by law, shall be reserved to Council.

4.3 Council Meetings

There are three types of Council meeting:

- (a) The annual meeting;
- (b) Ordinary meetings;
- (c) Extraordinary meetings.

Council meetings shall be conducted in accordance with the Council Standing Orders in Part 4 of this Constitution.

4.4 Responsibility for Functions

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

Article 5: Chairing the Council

5.1 Election of the Chair and Vice-Chair

The Chair and the Vice-Chair shall hold office for one year and shall be elected by secret ballot at the annual meeting of the Council. Neither shall be eligible for re-election as Chair or Vice-Chair respectively for a third consecutive year (although the Vice-Chair may stand for election as Chair).

5.2 Role of the Chair

The Chair shall have the following responsibilities:

- (a) To be the Civic Leader of South Cambridgeshire District Council and to represent the Council at various functions of a civic, community and ceremonial nature;
- (b) To uphold and promote the purposes of the Constitution, and to interpret the Constitution where necessary;
- (c) To preside over meetings of the Council so that its business is carried out efficiently;
- (d) To ensure that the Council meeting is a forum for debate for matters of concern to the local community and where members who do not serve on the Cabinet may hold the Cabinet to account; and

(e) To promote public involvement in the Council's activities.

~~(e)~~(f) To be the conscience of the Council.

5.3 Role of the Vice-Chair

The Vice-Chair shall have the following responsibilities:

- (a) To deputise, as necessary, for the Chair of the Council;

- (b) To undertake specific tasks and responsibilities as requested by the Chair;
- (c) To share and support, in general, the full workload of the Chair; and
- (d) To work actively with the Chair to manage the work of the Council meeting.

Article 6: Scrutiny and Overview

6.1 Terms of Reference

The Council shall appoint one or more scrutiny and overview committees to discharge the functions conferred by section 9F of the Local Government Act 2000 and regulations under that Act.

6.2 General Role

The role of a scrutiny and overview committee is to:

- (a) Hold the Cabinet to account for its policies and actions.
- (b) Assist with policy development and scrutinise policy implementation.
- (c) Review and scrutinise existing policies and practices and make recommendations for improvement.
- (d) Review and scrutinise decisions made, or proposed to be made, by the Cabinet or another executive decision taker (see note 1 below).
- (e) Oversee and monitor the performance of services and the budget.
- (f) Consider any matter affecting South Cambridgeshire or its residents as it sees fit.
- (g) Make recommendations to Cabinet, any Joint Committee or Council in respect of any of its functions.
- (h) Review and scrutinise the performance of other bodies having public functions in the area

- (i) Call-in, for reconsideration, decisions made but not yet implemented by the Cabinet, or another executive decision taker.

(Note 1: “Another executive decision taker” includes any Cabinet member; Cabinet committee; area committee; joint committee or officer (key decision only in the case of an officer)).

6.3 Scope

In carrying out its role, a scrutiny and overview committee shall:

- (a) Agree, and keep under regular review, annual work programmes.
- (b) Establish task and finish groups, where appropriate, to take forward specific topics for investigation.
- (c) Conduct research, community and other consultation as appropriate in the analysis of policy issues and possible options;
- (d) Seek to ensure that the expertise of all non-executive members is fully utilised in the development of Council policy;
- (e) Liaise with the Cabinet to ensure that the advice of the committee is timely and useful.
- (f) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- (g) Question members of the Cabinet and senior management about their views on issues and proposals affecting the area.
- (h) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are best served;
- (i) Promote well-being through partnership working.
- (j) Appoint monitors to each lead cabinet member to act as a bridge to the Cabinet, promoting constructive dialogue and supporting effective scrutiny that adds value to the work of the Cabinet and lead cabinet members.

- (k) Make annual reports to Council on the activities of the committee, identifying where they have been able to influence decisions, safeguard the public interest and enhance Council performance.
- (l) Exercise overall responsibility for the finances made available to the committee.

6.4 Proceedings of Scrutiny and Overview Committees

Scrutiny and overview committees shall conduct their proceedings in accordance with the Scrutiny and Overview Procedure Rules set out in Part 4 of this Constitution.

Article 7: The Cabinet

7.1 Role

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

7.2 Form and Composition

- (a) The Cabinet shall consist of the Leader, together with at least 2, but not more than 9, other councillors appointed by the Leader. Cabinet members shall be appointed by the Leader as soon as practicable following ~~his / her~~their election and the Leader shall normally give notification of such appointments at the annual Council meeting. Subsequent changes to the membership of the Cabinet may be made by the Leader and shall take effect immediately upon the receipt of written notice of the appointment by the proper officer.
- (b) The Chair and Vice-Chair of Council may not be appointed to the Cabinet.

7.3 Leader and Deputy Leader

- (a) The Leader shall be a councillor elected to the position by the Council at its first annual meeting following the District Council's elections. Where the position is contested, the election shall take place by secret ballot.
- (b) The Leader shall hold office until:
 - (i) The first annual meeting after ~~his/her~~their normal day of retirement as a councillor; or
 - (ii) he / she resigns from the office; or
 - (iii) he / she is no longer a councillor; or
 - (iv) he / she is removed from office by resolution of the Council in accordance with the procedure set out in Standing Order 13.1(b) and (c); or
 - (v) he/she is disqualified from being a councillor.
- (c) The Leader remains a member of the Council during ~~his or her~~their term of office as Leader and any enactment that provides for ~~him or her~~them to retire earlier as a councillor does not apply.
- (d) The Leader shall appoint one member of the Cabinet to be the Deputy Leader to assume the full powers of the Leader in any circumstances in which the Leader is unable to act. The Deputy Leader shall also act as Leader if the post of Leader is vacant. The Deputy Leader shall hold office in accordance with the provisions of Article 7.4 below.

7.4 The Deputy Leader and other Cabinet Members

The Deputy Leader and other Cabinet members shall hold office until:

- (a) they resign from office; or
- (b) they are no longer councillors; or

- (c) they are removed from office by the Leader who shall give written notice of any removal to the proper officer. The removal shall take effect immediately upon receipt of the notice by the proper officer.

7.5 Vacancies

- (a) When a vacancy arises in the office of the Leader, the Council shall fill the vacancy at the next ordinary meeting of the Council, or at a subsequent meeting. The councillor appointed to fill the vacancy shall hold office for the remainder of the original term, subject the provisions of Article 7.3 (b) above.
- (b) When a vacancy arises in the office of Deputy Leader or a member of the Cabinet, the Leader shall appoint a councillor to fill the vacancy and shall inform the Council of the appointment at the next meeting. The councillor(s) appointed shall be subject to the terms of office in Article 7.4 above.

7.6 Proceedings of the Cabinet

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

7.7 Responsibility for Functions

- (a) The Leader shall maintain a list in Table 4 of Part 3 of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of which executive functions.
- (b) If, for any reason, the Leader is unable to act, or that office is vacant, the Deputy Leader shall act in ~~his/her~~their place. If for any reason both the Leader and Deputy Leader are unable to act, or those offices are vacant, the Cabinet shall act in place of the Leader or shall arrange for a member of the Cabinet to do so.

Article 8: Regulatory and Other Committees

8.1 Regulatory and Other Committees

The Council shall appoint such committees as it considers appropriate, details of which shall be set out in Table 3, Responsibility for Council Functions - Committees, in Part 3 of this Constitution, to discharge the functions described in column 2 of that table.

8.2 Composition

The number of councillors on each such committee is set out in Part 3, Table 3 of the Council's Constitution, together with any restriction on composition. ~~The Chair and Vice-Chair of the Council may be members in their own right and not ex officio.~~

8.3 Mandatory requirement to undertake appropriate training

No member shall be eligible to sit on a regulatory committee unless and until ~~s/he~~they ~~has~~haves undertaken suitable training upon appointment to such committee. No member shall be eligible to remain on a regulatory committee unless and until ~~s/he~~they ~~has~~haves undertaken suitable refresher training, as and when identified by the relevant ~~Director~~Chief Officer/Head of Service. The Democratic Services section shall maintain a record of attendance at training events as evidence that each member's training requirement has been met.

Article 9: Ethical Standards functions of the Civic Affairs Committee

9.1 Composition

- (a) **Membership.** The Council shall appoint a Civic Affairs Committee with the composition set out in Part 3 of this Constitution to discharge the functions described in Article 9.3 below.

- (b) The Civic Affairs Committee shall make an annual report to Full Council on its business.
- (c) **Independent Person(s).**
 - (i) The Council shall appoint one or more Independent Person as required under Section 28(7) of the Localism Act 2011;
 - (ii) The Independent Person may attend meetings of the Civic Affairs Committee when ethical standards issues are on the agenda, and of its sub-committees or panels established to consider ethical standards matters, but shall not be entitled to vote at meetings;
 - (iii) An Independent Person shall retire after two years but shall be eligible for re-appointment for a further term or terms.
- (d) **Quorum and Substitutes.** The quorum for any meeting of the Civic Affairs Committee or any sub-committee of the Civic Affairs Committee shall be three members.

9.2 Sub-Committees of the Civic Affairs Committee

The Civic Affairs Committee may appoint sub-committees including for the purpose of:

- (a) considering an Investigating Officer's final report; and/or
- (b) considering determination hearings (the "Hearings Panel") in accordance with the hearings procedure set out in the Ethical Handbook.

9.3 Role and Function

The Civic Affairs Committee shall have the following role and functions:

- (a) Promoting and maintaining high standards of conduct by councillors and co-opted members;
- (b) Assisting the 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) Holding hearings to determine complaints in which an investigation report has held that the Code of Conduct has been breached (in accordance with the hearings procedure set out in the Ethical Handbook) and, where appropriate, imposing a sanction on a councillor;
- (g) Maintaining an overview of dispensations granted to councillors and co-opted members from requirements relating to interests set out in Members' Code of Conduct;
- (h) Receiving reports from time to time from the Monitoring Officer concerning the operation of Members' Code of Conduct and in respect of ~~his / her~~their statutory functions under the Local Government and Housing Act 1989; and
- (i) Advising the Council upon and monitoring the contents of and requirements for all codes, protocols and other procedures relating to standards of conduct throughout the Council, including the Protocol on Member/Officer Relations and the Officer Code of Conduct.

The roles and functions of the Civic Affairs Committee relating to Electoral Arrangements and the review of the Council's Constitution are set out in Part 3, Table 3 of this Constitution.

Article 10: Area Committees

10.1 Area Committees

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

Article 11: Joint Arrangements

11.1 Promoting Well-Being through Partnership

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

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

11.2 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and / or their executives, either to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the Authority as a whole.
- (d) The Cabinet may only appoint members to a joint committee from outside the Cabinet where the joint committee has functions for a part only of the district, smaller than two-fifths of the district by area or population. In such cases the Cabinet may appoint any councillor who is a member for a Ward which is wholly or partly contained in the relevant area. In this case political balance requirements do not apply.

Details of joint committees and the functions exercised by them may be found in the Council's scheme of delegations in Part 3, Table 6, of this Constitution.

11.3 Access to Information

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

11.4 Delegation to and from other Local Authorities

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

11.5 Contracting Out

The Council (for non-executive functions) or the Cabinet (for executive functions) may contract out to another body or organisation their respective 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 (see note 2 below), 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.

(Note 2: These are Ministerial Orders allowing local authorities to contract out specific functions. Those made so far deal with tax billing, collection and

enforcement, investment functions, allocation of housing and homelessness and certain County Council functions).

Article 12: Officers

12.1 Management Structure

- (a) **General.** The Council may engage such officers as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council shall engage persons for the following posts, who shall be designated Chief Officers:

Post	Functions and areas of responsibility
<p>Chief Executive (Head of Paid Service)</p>	<p>Statutory functions of the Head of Paid Service as set out in 12.2 below.</p> <p>Overall corporate management and strategic responsibility (including overall management responsibility for all officers)</p> <p>Provision of professional advice to all parties in the decision-making process.</p> <p>Together with the Monitoring Officer, responsibility for reviewing the Constitution.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p>

Post	Functions and areas of responsibility
	Representing the Council on partnership and external bodies (as required by statute or the Council).
<p>Executive Director (Corporate Services) and Directors Chief Operating Officer</p>	<p><u>Providing strategic direction and leadership across all services, including those in shared operating models,</u></p> <p><u>Leading business transformation and organisational change,</u></p> <p><u>Leading, developing, mentoring and coaching Heads of Service.</u></p> <p><u>Deputising for the Chief Executive as required.</u></p> <p><u>Providing effective strategic direction and leadership to create an environment of innovation, empowerment and accountability, increasing capacity, delivery and financial sustainability</u></p> <p>Subject to organisational review.</p>
Monitoring Officer	Statutory functions of the Monitoring Officer as set out in 12.3 below.

Post	Functions and areas of responsibility
Chief Finance Officer	Statutory responsibilities of the Chief Finance Officer as set out in Article 12.4 below.
<p><u>Joint Director of Planning and Economic Development</u></p>	<p><u>Providing vision, direction and strategic leadership for planning and economic growth across Greater Cambridge and, with partners at a local, sub-regional and national level.</u></p> <p><u>Leading the development of sustainable new communities and places, to ensure high quality design and the best possible quality of life for local residents and communities.</u></p> <p><u>Working with members and officers of both South Cambridgeshire and Cambridge City Councils, reflecting the separate identity and sovereignty of the two areas, to ensure effective and efficient planning and economic growth services.</u></p> <p><u>Exploring and, maximising opportunities for joint working and, shared services with potential partners at all levels</u></p>

- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council designates the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
<u>Deputy</u> Head of Legal Practice	Monitoring Officer
Head of Finance	Chief Finance Officer

Such posts shall have the functions described in Article 12.2-12.4 below.

- (d) **Structure.** The Head of Paid Service shall determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of senior officers. This shall be maintained on the Council’s website.

12.2 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service shall report to full Council, where ~~he or she~~they considers appropriate, on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restriction on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.3 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer shall maintain an up-to-date version of the Constitution and shall ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer shall report to the Council, or to the Cabinet in relation to an executive function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report shall have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Civic Affairs Committee.** The Monitoring Officer shall contribute to the promotion and maintenance of high standards of conduct through provision of support to the Civic Affairs Committee.
- (d) **Conducting investigations.** The Monitoring Officer, or a representative appointed by ~~him~~/herthem, shall conduct investigations into complaints that the Code of Conduct has been breached and make reports or recommendations in respect of them to the Civic Affairs Committee.
- (e) **Proper officer for access to information.** The Monitoring Officer shall 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.
- (f) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer shall advise whether decisions of the Cabinet or other executive decision taker are in accordance with the budget and policy framework.
- (g) **Providing advice.** The Monitoring Officer shall 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.
- (h) **Restrictions on posts.** The Monitoring Officer shall not be the Chief Finance Officer or the Head of Paid Service.
- (i) **To appoint a deputy** (where required) who shall undertake the Monitoring Officer's duties where the Monitoring Officer is unable to act owing to absence or illness. [s5, Local Government & Housing Act 1989].

12.4 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer shall report to the Council or to the Cabinet in relation to an executive function, and to the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully [s.114 Local Government Finance Act, 1988]. Such a report shall have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (b) **Administration of financial affairs.** The Chief Finance Officer shall have responsibility for the administration of the financial affairs of the Council [s.151 Local Government Act, 1972] and there is delegated to the Chief Finance Officer responsibility for the execution and administration of treasury management decisions. He / she shall act in accordance with the Council's policy statements and treasury management practices and the Chartered Institute of Public Finance and Accountancy's Standard of Professional Practice on Treasury Management
- (c) **Contributing to corporate management.** The Chief Finance Officer shall contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer shall 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 shall support and advise councillors and officers in their respective roles.
- (e) **Giving financial information.** The Chief Finance Officer shall provide financial information to the media, members of the public and the community.
- (f) **To appoint a deputy** who shall undertake the Chief Finance Officer's duties where the Chief Finance Officer is unable to act owing to absence or illness. [s114, Local Government Finance Act 1988].

12.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

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

12.6 Conduct

Officers shall comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

12.7 Employment

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

12.8 General Delegated Powers and Proper Officer Responsibilities

General delegated powers and proper officer responsibilities are set out in the Scheme of Delegation in Part 3, Table 7, of this Constitution.

Article 13: Decision-making

13.1 Responsibility for Decision-making

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

13.2 Principles of Decision-making

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

- (a) proportionality, i.e., the action to be taken shall be proportionate to the desired outcome;
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) presumption in favour of openness, helpfulness and consistency;
- (e) clarity of aims and desired outcomes; and
- (f) consideration of available options and giving reasons for decisions.

13.3 Types of Decision

- (a) **Decisions reserved to full Council.** Decisions relating to the functions listed in Article 4.2 shall be made by the full Council and not delegated.
- (b) A decision taker may only make a key decision in accordance with the requirements of the Cabinet and Access to Information Procedure Rules set out in Part 4 of this Constitution. The meaning of key decision is as follows:

A **key decision** is a decision taken by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, an officer or under joint arrangements which:

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

For the purposes of (i) above, a decision to:

- a. incur expenditure or savings in excess of £200,000; or
- b. acquire or dispose of land or property with a value in excess of £1,000,000

shall be treated as significant for these purposes. However, a decision to invite a tender or award a contract shall not be treated as a key decision where the purpose of the contract is to fulfil the intention of any policy or scheme included in the policy framework or budget or involves a continuation of an existing policy or service standard.

13.4 Decision-making by the Full Council

Subject to Article 13.9, the Council meeting shall follow the Council Standing Orders set out in Part 4 of this Constitution when considering any matter.

13.5 Decision-making by the Cabinet

Subject to Article 13.9, the Cabinet or other Executive decision takers shall follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.6 Decision-making by the Scrutiny and Overview Committee

Any scrutiny and overview committee shall follow the Scrutiny and Overview Procedure Rules set out in Part 4 of this Constitution when considering any matter.

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

Subject to Article 13.9, other Council committees and sub-committees (with the exception of the Licensing Committee (2003 Act)) shall follow those parts of the Council Standing Orders set out in Part 4 of this Constitution as apply to them.

13.8 Decision-making by The Licensing Committee (2003 Act)

The Licensing Committee (2003) Act₁ has resolved to operate under the provisions of the Local Government Act 1972 (as amended) and meetings of the committee shall follow the relevant parts of the Council Standing Orders set out in Part 4 of this

Constitution. The committee's sub-committees shall follow the procedure set out in Part 5 of this Constitution

13.9 Decision-making by Council Bodies acting as Tribunals

The Council, a committee of the Council, a councillor or an officer acting as a panel or 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 shall follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

13.10 Appeals

Where any appeal arises from a decision delegated to any officer, member of the Cabinet, committee of the Cabinet or any sub-committee, neither that officer, member, committee or sub-committee nor any member of that committee or sub-committee nor any person previously having had any part in the relevant decision, shall be involved in the appeal.

Article 14: Finance, Contracts and Legal Matters

14.1 Financial Management

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

14.2 Contracts

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

14.3 Legal Proceedings

The Head of Legal Practice or ~~his/her~~their nominated representative is authorised to institute, defend, withdraw, compromise or take any other action in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Practice considers that such action is necessary to protect the Council's interests.

14.4 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it shall be signed by the Chief Executive, ~~Executive Director~~Chief Operating Officer or Head of Legal Practice or other person authorised by either of them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding Level 2 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. All written contracts shall either be signed by one officer delegated to do so or made under the Common Seal of the Council.

14.5 Common Seal of the Council

The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Legal Practice.

The Seal shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of the Cabinet, committee or sub-committee to which the Council has delegated its powers or by a decision of an officer acting under delegated powers.

The Common Seal will be affixed to those documents which, in the opinion of the Head of Legal Practice, should be sealed. The affixing of the Common Seal will be attested by the Chief Executive or the Head of Legal Practice or their nominees.

Article 15: Review and Revision of the Constitution

15.1 Duty to Monitor and Review the Constitution

The Chief Executive and the Monitoring Officer shall monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.2 Changes to the Constitution

Changes to the Constitution shall only be approved by the full Council, after consideration of the proposal by the Chief Executive, subject to the exceptions identified in Article 4.2(a) and to the following provision:

The Chief Executive is authorised, in consultation with the Chair and Leader of the Council and Monitoring Officer, to agree and incorporate into the Constitution:

- (a) Factual changes, for example to reflect changes in job titles or the management structure;
- (b) Changes which are required by new legislation which the Council has no choice but to make; and
- ~~(c) Changes required to be made to so as to put into effect any decision of the Leader in relation to the delegation of an executive function.~~

Article 16: Suspension, Interpretation and Publication of the Constitution

16.1 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.

- (b) **Procedure to suspend.** A motion to suspend any rules may be moved with or without notice. The extent and duration of suspension shall be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1 but shall not extend beyond the meeting.
- (c) **Rules capable of suspension.** The rules which may be suspended are specified in Council Standing Order 25.

16.2 Interpretation

The ruling of the Chair of Council as to the construction or application of this Constitution, or as to any proceedings of the Council, shall be final. Such interpretation shall have regard to the purposes of this Constitution contained in Article 1.

16.3 Publication

- (a) The Monitoring Officer shall provide every member of the Council, upon the delivery of the individual's declaration of acceptance of office on the Member first being elected to the Council, with the details of where to view a copy of the Constitution on the Council's website.
- (b) The Chief Executive shall ensure that a copy of the Constitution is available for inspection on the Council's website, at Council offices and other appropriate locations and may be purchased by members of the local media and the public on payment of a reasonable fee.

Appendix F2

Part 3: Responsibility for Functions

Responsibility for Local Choice Functions (Table 1)

The table below sets out responsibility for the functions where there is a choice whether these are functions of Council or Cabinet in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

Function	Responsibility	Delegation of Functions
Any function under a local Act	Council	None
The determination of appeals in respect of disciplinary action or grievance	Council	Employment and Staffing Committee or panel thereof where not delegated to officers elsewhere in this Constitution
<p>Functions relating to contaminated land:</p> <p>Approval of Contaminated Land Strategy</p> <p>All other functions</p>	Cabinet	<p>Lead cabinet member responsible for Environmental Services</p> <p>Director of Health and Environmental Services <u>Head of Shared Waste and Environment</u></p>
<p>Functions relating to the control of pollution or the management of air quality:</p> <p>Approval of Air Quality Strategy and declaration of Air Quality Management Areas</p> <p>All other functions</p>	Cabinet	<p>Lead cabinet member responsible for Environmental Services</p> <p>Director of Health and Environmental Services <u>Head of Shared Waste and Environment</u></p>
Service of an abatement notice in respect of a statutory nuisance	Cabinet	Director of Health and Environmental Services <u>Head of Shared Waste and Environment</u>

Part 3 – Table 1: Responsibility for Local Choice Functions

Function	Responsibility	Delegation of Functions
Passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Cabinet	Director of Health and Environmental Services <u>Head of Shared Waste and Environment</u>
Inspection of the Authority's area to detect statutory nuisances	Cabinet	Director of Health and Environmental Services <u>Head of Shared Waste and Environment</u>
Investigation of complaints as to the existence of statutory nuisances	Cabinet	Director of Health and Environmental Services <u>Head of Shared Waste and Environment</u>
Obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Cabinet	Joint Director of Planning and Economic Development
Obtaining of information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 as to interests in land	Cabinet	All Directors <u>All Heads of Service</u>
Appointments to Outside Bodies and revocation of such appointments (except where specifically reserved to Council)	Cabinet	Leader of the Council

Responsibility for Council Functions (Table 2)

Council Membership	Functions	Delegation of Functions
All 45 members of the District Council	The functions which are reserved to the Council are set out in Article 4.2 of the Constitution.	None, save as otherwise specified in Article 4.2.

Responsibility for Council Functions (Committees) (Table 3)

The Council has established the following committees with the respective composition of members to carry out the functions set out in the second column of the Table 3 below, subject to the delegation of functions prescribed in the third column thereof. All functions may be further delegated downwards to committees, sub-committees, panels or officers, subject to law and the Scheme of Delegation.

Civic Affairs Committee

Membership	Functions	Delegation of functions
<p>9 councillors (including the Chair of Council, as an ex officio member).</p> <p>Appointments to be subject to the requirements of political proportionality.</p> <p>-</p>	<p>Review of the Council's Constitution:</p> <p>1. To bring forward proposals which, in the opinion of the Chief Executive and Monitoring Officer, entail substantive changes to the Constitution, for consideration by the Council, <u>with the exception of those exclusions excluding those matters which are specifically included within the remit of other bodies on the Council referred to in Article 4.2 (a).</u></p> <p>Electoral Arrangements:</p> <p>2. Determination as follows:</p> <p>2.1 review district or parish electoral arrangements including boundaries and report recommendations to Council;</p>	<p>-</p> <p>-</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
-	<p>2.2 give parish meetings powers of parish council;</p> <p>2.3 increase / reduce number of parish councillors;</p> <p>2.4 change parish electoral arrangements where agreed including parish warding</p> <p>2.5 appoint temporary parish councillors, s. 91 LGA, 1972</p> <p>3. Recommend to Council:</p> <p>3.1 district and district ward boundary changes arising from review;</p> <p>3.2 parish warding and boundary changes where not agreed;</p> <p>3.3 Periodic Electoral Review; and</p> <p>3.4 new parish establishment.</p> <p>Ethical Standards:</p> <p>4. As set out in Article 9.3</p>	<p>Functions relating to standards of conduct of members under any relevant provision of, or regulations made under the Localism Act 2011, are delegated to a sub-committee which shall</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
		<p>comprise 3 members of the Civic Affairs Committee, plus the Independent Person.</p> <p>The Monitoring Officer, in consultation with the Chair of the Civic Affairs Committee, is authorised to appoint to the sub-committee as and when it is required to be convened.</p>

Audit and Corporate Governance Committee

Membership	Functions	Delegation of functions
<p>7 councillors, who are not members of the Cabinet.</p> <p>Appointments to be subject to the requirements of political balance.</p> <p>The Chair of the Scrutiny and Overview Committee shall not be eligible to chair the Committee although s/hethey may be a member of it.</p>	<p>Statement of Purpose</p> <ol style="list-style-type: none"> 1. The Audit and Corporate Governance Committee is a key component of the Council's corporate governance framework. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. 2. The purpose of the committee is to provide independent assurance of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk 	<p>-</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>management and control frameworks; and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.</p> <p>Governance, Risk and Control</p> <ol style="list-style-type: none"> 3. To review the Council's corporate governance arrangements against the good governance framework, ethical frameworks, and to consider the Local Code of Governance. 4. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control. 5. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements. 6. To consider the Council's framework of assurance and ensure that it adequately 	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>addresses the risks and priorities of the Council.</p> <p>7. To monitor the effective development and operation of risk management in the Council, and to monitor progress in addressing risk-related issues reported to the committee.</p> <p>8. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.</p> <p>9. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption, and to monitor the counter-fraud strategy, actions and resources.</p> <p>10. To review the governance and assurance arrangements for significant partnerships or collaborations.</p> <p>11. To maintain an overview of the main instruments of financial control, such as Standing Orders in relation to Contracts, Financial Regulations; and, where appropriate, make recommendations to the Council for improvement.</p> <p>12. To receive quarterly updates on the Council's use of Regulation of Investigatory Powers Act 2000 (RIPA)</p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>powers and to review the policy on an annual basis.</p> <p>Internal audit</p> <p>13. To approve the Internal Audit Charter and provide free and unfettered access to the Audit Committee Chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee.</p> <p>14. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.</p> <p>15. To approve the Risk-Based Internal Audit Plan, including internal audit's resource requirements, and the approach to using other sources of assurance.</p> <p>16. To consider reports from the Head of Internal Audit during the year, including updates on the work of internal audit, key findings, issues of concern and actions.</p> <p>17. To consider the Head of Internal Audit's annual report, including:</p> <p>17.1 the results of the Quality Assurance and Improvement Programme, plus</p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>conformance with the Public Sector Internal Audit Standards and the Local Government Application Note; and</p> <p>17.2 the opinion on the overall adequacy and effectiveness of the Council’s framework of governance, risk management and control, together with the summary of the work supporting the opinion</p> <p>External Audit</p> <p>18. To ensure the independence of external audit through consideration of the external auditor’s annual assessment of its independence; and review of any issues raised by Public Sector Audit Appointments, or the authority’s auditor panel, as appropriate.</p> <p>19. To consider the external auditor’s annual letter, relevant reports and the report to those charged with governance.</p> <p>20. To consider specific reports as agreed with the external auditor.</p> <p>21. To monitor management actions, in response to external audit.</p> <p>22. To comment on the scope and depth of external audit work</p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>and to ensure it gives value for money.</p> <p>23. To commission work from internal and external audit.</p> <p>24. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.</p> <p>Financial Reporting</p> <p>25. To review the annual Statement of Accounts, prior to approval in accordance with the Accounts and Audit Regulations, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.</p> <p>26. To notify Council with regard to conclusion and submission of the Statement of Accounts and provide feedback for any potential opportunities for improvements to be proposed.</p> <p>27. To consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts.</p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>Accountability Arrangements</p> <p>28. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.</p> <p>29. To publish an annual report on the work of the committee, and report on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.</p>	

Employment and Staffing Committee

Membership	Functions	Delegation of functions
<p>7 councillors, including at least one from the Cabinet who shall normally be the lead cabinet member with responsibility for staffing matters.</p> <p>Appointments to be subject to the</p>	<p>1. To consider appeals and grievances by employees of the Council where the Council's disciplinary and grievance appeals provide for a right of appeal to members.</p>	<p>Employee Appeals Panel.</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
<p>requirements of political proportionality.</p>		
<p>When overseeing the recruitment to the roles of Head of Paid Service, Chief Finance Officer and Monitoring Officer the Committee shall normally include the Leader and the Leader of the Major Opposition Group.</p> <p>The Committee shall not be chaired by a Cabinet member.</p>	<p>2. To make arrangements for the appointment of the Head of Paid Service <u>and Chief Officers, Chief Finance Officer, Monitoring Officer and Directors.</u></p> <p>3.2. This Committee's responsibilities shall include determining:</p> <p>2.1 the Job Description and Person Specification of the above posts.</p> <p>2.2 -whether the post should be advertised externally and, if so, how it should be advertised and who should run the external recruitment process.</p> <p>2.3 interim arrangements for a vacant Head of Paid Service post, if necessary.</p> <p>These steps should be taken before a Senior Officers Appointments Panel is appointed to manage the selection process.</p>	<p>The Head of Paid Service, after consultation with the Leader, relevant lead cabinet member and Chair of the Employment and Staffing Committee, is authorised to make interim arrangements for a vacant <u>Chief Officer post. Director, Chief Finance Officer or Monitoring Officer post.</u></p> <p>Designation of a person as the Council's Head of Paid Service, Monitoring Officer and Chief Finance Officer remains the responsibility of full Council.</p>
<p>-</p>	<p>4.3. To be responsible for the selection and appointment of the Head of Paid Service <u>and, Executive Director, Monitoring</u></p>	<p>Senior Officers Appointments Panel</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>Officer, Chief Finance Officer and Directors Chief Officers in accordance with the Officer Employment Procedure Rules.</p>	<p><u>The Committee may consider delegating to a joint panel if convened for the purpose of appointing the Joint Director of Planning and Economic Development.</u></p>
<p>-</p> <p>-</p> <p>-</p>	<p>5.4. To suspend the Head of Paid Service, Executive Director, Monitoring Officer, Chief Finance Officer and / or Directors Chief Officers.</p> <p><u>5. To take disciplinary action (short of dismissal) in respect of the Head of Paid Service, the Chief Finance Officer, and/or the Monitoring Officer.</u></p> <p><u>6. To take disciplinary action or (including dismissal), in respect of the Chief Operating Officer and Joint Director of Planning and Economic Development. s.</u></p> <p>7. Where it is proposed to dismiss the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer, to perform the Cabinet notification procedure and, if appropriate, to refer the matter for consideration by the Independent Panel *.</p>	<p>The Head of HR <u>and Corporate Services</u>, or equivalent, after consultation with the Chair of the Committee.</p> <p>Investigating and Disciplinary Panel</p> <p><u>Investigating and Disciplinary Panel</u></p> <p>The Head of Paid Service is authorised to perform the Cabinet notification procedure (The Monitoring Officer is so authorised in a case involving the proposed dismissal of the Head of Paid Service).</p> <p>*Responsibility for making recommendations to full Council relating to the dismissal of the Head of Paid Service, the Chief Finance Officer or Monitoring Officer is vested in the Independent Panel in accordance with</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
		Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001.
-	<p>8. To keep under review local terms and conditions of employment for employees.</p> <p>9. To promote and pursue a policy of equal opportunities in employment and review key information before it is published i.e. Gender Pay Reporting.</p> <p>10. To consider matters relating to superannuation, pensions and gratuities</p> <p>11. To keep under review:</p> <p>10.1 the requirements for, and the availability of skills and capacity necessary for the delivery of the Council's objectives;</p> <p>10.2 the promotion of good employee relations in the Council; and</p> <p>10.3 the promotion of equal opportunities for all employees of the Council, and in the Council's recruitment and selection procedures, and to monitor the effectiveness of such measures.</p>	-

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>12. To keep under review the People and Organisational Development Strategy.</p> <p>13. To review and recommend the Annual Pay Policy Statement prior to submission to Council.</p> <p>14. To undertake reviews and conduct such research on employment and staffing related matters as may be commissioned by the Cabinet from time to time and to make recommendation to Cabinet as appropriate.</p> <p>15. To identify and recommend Cabinet on any employment and staffing related matters which it is considered should be subject to review and recommendation by the committee.</p>	

Panels of the Employment and Staffing Committee

Senior Officers Appointments Panel

Membership	Functions	Delegation of functions
<p>Panel appointed by the Monitoring Officer* on an ad hoc basis comprising 3 councillors (for Director appointments) and at least 5 councillors (for Head of Paid Service, Chief Finance Officer and Monitoring Officer</p>	<p>To manage the appointment of the Head of Paid Service, Chief Finance Officer, Monitoring Officer and Directors <u>Chief Officers</u></p> <p>Specifically, to:</p>	-

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
<p>appointments) chosen by the Chair of the Employment and Staffing Committee (or Vice-Chair in <u>his/her/their</u> absence) from a pool of all members and substitutes of the Employment and Staffing Committee) and including at least one member of the Cabinet.</p> <p><u>(* Chief Executive shall act in place of the Monitoring Officer in the case of an appointment to the post of Monitoring Officer)</u></p> <p>For the appointment of:</p> <p>1. Head of Paid Service, Chief Finance Officer and Monitoring Officer:</p> <p>membership shall normally include the Leader and lead cabinet member for staffing.</p> <p>2. <u>Chief Operating Officer/Joint Director of Planning and Economic Development</u> Directors:</p> <p>membership shall normally include the lead cabinet member for staffing or a relevant lead cabinet member.</p> <p>So far as circumstances allow, the composition of</p>	<p>1. shortlist, interview and:</p> <p>1.1 recommend to Council appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer and</p> <p>1.2 appoint <u>the Chief Operating Officer and Joint Director of Planning and Economic Developments</u></p> <p>in accordance with the Officer Employment Procedure Rules.</p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
the panel shall comply with the principles of proportionality and Council policy and good practice on equalities.		

Investigating and Disciplinary Panel

Membership	Functions	Delegation of functions
<p>Panel appointed by the Monitoring Officer on an ad hoc basis comprising at least 3 councillors chosen by the Chair of Employment and Staffing Committee (or Vice-Chair in <u>his/her/their</u> absence) from a pool of all members and substitutes of the Employment and Staffing Committee and at least one cabinet member (normally including the lead cabinet member with responsibility for staffing).</p> <p>So far as reasonably practicable, the composition of the</p>	<p><u>In accordance with the Officer Employment Procedure Rules:</u></p> <p>To deal with disciplinary matters, <u>short of dismissal</u>, relating to the Head of Paid Service, Chief Finance Officer <u>and</u>, Monitoring Officer.</p> <p><u>To deal with disciplinary matters, including dismissal, relating to the Chief Operating Officer -and Joint Director of Planning and Economic Development -in accordance with the Officer Employment Procedure Rules.</u></p> <p>Specifically:</p> <ol style="list-style-type: none"> 1. To investigate whether there are sufficient grounds for taking disciplinary action. 2. To hold a hearing to consider and make findings 	-

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
Panel shall comply with the principles of proportionality and Council policy and good practice on equalities.	<p>as to allegations against the employee.</p> <p>3. To report the outcome of any investigation and hearing to the Employment and Staffing Committee</p>	

Independent Panel

Membership	Functions	Delegation of functions
At least two independent persons appointed by the Council under Section 28(7) of the Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.	<p>To consider any proposal by the Employment and Staffing Committee to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer.</p> <p>To offer advice, views or recommendations to the Council on matters relating to the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer as applicable.</p>	-

Employee Appeals Panel

Membership	Functions	Delegation of functions
<p>Panel appointed by the Monitoring Officer on an ad hoc basis comprising at least 3 councillors chosen by the Chair of Employment and Staffing Committee (or Vice-Chair in his/her<u>their</u> absence) from a pool of all members and substitutes of the Employment and Staffing Committee and including at least one member of the Cabinet. <u>Any member of the Council who has received the appropriate training shall be eligible for appointment to the panel provided that they have had no prior involvement in the case to be heard.</u></p> <p>As far as circumstances allow, the composition of the panel shall comply with the principles of proportionality and Council policy and good practice on equalities.</p>	<p>To consider and determine appeals by employees where the Council’s disciplinary and grievance appeals procedures provide for a right of appeal to members.</p>	<p>-</p>

Licensing Committee

Membership	Functions	Delegation of functions
<p>14 councillors, which may include the lead cabinet member with responsibility for Licensing, who have received suitable training as required by Article 8 3.</p> <p>Appointments to be subject to the requirements of political proportionality.</p> <p>-</p> <p>-</p>	<p>1. All licensing applications not determined by the Licensing Officer under delegated powers, under any provisions which are the statutory function of the Council, not otherwise the functions of the Planning Committee.</p> <p>2. All appeals from the determination of the Licensing Officer where in-house procedures allow appeals.</p> <p>3. All private hire driver licence applications following a</p>	<p>The Licensing Officer has general delegated powers subject to the Scheme of Delegation.</p> <p>The Licensing Appeals Sub-Committee, comprising at least 3, but not more than 5, councillors from the Licensing Committee who have undertaken the necessary training. The Democratic Services Officer, after consultation with the Chair of the Licensing Committee, or in his/hertheir absence the Vice-Chair, shall:</p> <ol style="list-style-type: none"> 1. select members to sit on the Sub-Committee when it is required to meet. 2. select the Chair of the Sub-Committee when it is required to meet. <p>A Licensing Review Panel, comprising not more than 5 councillors from the Licensing Committee, who have</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	referral by the Licensing Officer or authorised officer.	undertaken the necessary training. The Democratic Services Officer, after consultation with the Chair of the Licensing Committee, or in his/her <u>their</u> absence, the Vice-Chair is authorised to make appointments to the Panel when it is required to meet.
-	4. Determination of Consent, Licence and Prohibited Streets and all other functions set out in the Local Government (Miscellaneous Provisions) Act, 1982.	The Licensing Officer after consulting the Chair of the committee and the local member(s)

Licensing Committee (2003 Act)

Membership	Functions	Delegation of functions
10-15 councillors, who have received suitable training as required by Article 8.3, who shall be the same as the membership of the Licensing Committee	1. All licensing applications under the Licensing Act 2003 not determined by the Licensing Officer under delegated powers.	As set out in Annex 1 below (Delegation of Functions)
-	2. All licensing applications under the Gambling Act 2005 not determined by the Licensing Officer under delegated powers	As set out in Annex 2 below (Delegation of Functions)

Annex 1 - Table of Delegations in respect of the Licensing Act 2003 Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence	-	If a police representation is made	If no representation is made
Application for personal licence with unspent convictions relevant to the act	-	All Cases	-
Application for premises licence / club premises certificate	If relevant representation relates to Cumulative impact	If a relevant representation is made	If no representation is made
Application for provisional statement	If relevant representation relates to Cumulative impact	If a relevant representation is made	If no representation is made
Application to Vary premises licence / club premises certificate	If relevant representation relates to Cumulative impact	If a relevant representation is made	If no representation is made
Application to vary designated premises supervisor	-	If a police representation is made	All other cases
Request to be removed as designated premises supervisor	-	-	All cases

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Application for transfer of premises licence	-	If a police representation is made	All other cases
Application for interim authority	-	If a police representation is made	All other cases
Application to review premises licence / club premises certificate	-	If a relevant representation is made <u>All cases</u>	All other cases
Decision on whether a representation is irrelevant, frivolous, vexatious etc	-	-	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	-	All cases	-
Determination of an objection to a temporary event notice	-	All cases	-
Determination of application to vary premises licence at community premises to include alternative licence condition	-	If a police representation is made	All other cases
Decision whether to consult other responsible authorities	-	-	All cases

Part 3 – Table 3: Responsibility for Council Functions (Committees)

on minor variation application			
Determination of minor variation application	-	-	All cases

Annex 2 - Table of Delegations in respect of the Gambling Act 2005 Functions

Matter to be dealt with	Full Council	Full Committee	Sub Committee	Officers
Final approval of the Licensing Authority Statement of policy	All cases	-	-	-
Policy not to permit casinos	All cases	-	-	-
Fee setting (when appropriate)	-	All cases	-	-
Application for premises licences	-	-	Where representations received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a variation to a licence	-	-	Where representations received and not withdrawn	Where no representations received / representations have been withdrawn
Application for transfer of a licence	-	-	Where representations have been received from the	Where no representations received from the Commission or

Part 3 – Table 3: Responsibility for Council Functions (Committees)

			Commission or responsible authority	responsible authority
Application for a provisional statement	-	-	Where representations 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 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
<u>Cancellation Consideration</u> of temporary use notice	-	-	All cases	-
Decision to give a counter notice to a	-	-	All cases	-

Part 3 – Table 3: Responsibility for Council Functions (Committees)

temporary use notice				
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Planning Committee

Membership	Functions	Delegation of functions
<p>11 councillors, which may include the lead cabinet member with responsibility for development control, who have received suitable training as required by Article 8.3.</p> <p>Appointments to be subject to the requirements of political proportionality.</p>	<ol style="list-style-type: none"> 1. Functions relating to town and country planning and development control as specified in Schedule 1 Part A to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, including determining applications and exercise of all enforcement activities in respect of those functions, with the exception of applications to be determined by the Joint Development Control Committee – Cambridge Fringes established by the Council in accordance with Section 101 of the Local Government Act 1972. 2. Functions in relation to Public Paths, Protection of Important Hedgerows and Tree Preservation and safety. 3. Administration and enforcement of Building Regulations regimes for existing or proposed buildings. <p>[Note: NOT determination of POLICY or designation of</p>	<p>As set out in Part 3 Table 5 (as may be amended by the committee from time to time).</p>

Membership	Functions	Delegation of functions
	conservation areas or Building Regulation policy].	

Advisory Committees

Grants Advisory Committee

Membership	Functions	Delegation of functions
<p>5 councillors.</p> <p>Appointments to be subject to the requirements of political proportionality.</p>	<p>1. To consider and make recommendations to the lead cabinet member responsible for grants, or Cabinet as appropriate, including, but not limited to:</p> <p>1.1. Review of the Council’s grants schemes to ensure they reflect Council priorities.</p> <p>1.2. Design of any new or revised grants schemes, including consideration of criteria and guidance applicable in respect of each scheme.</p> <p>1.3. Consideration of applications made under the Council’s grants schemes.</p>	<p>Acts as an Advisory Committee with no delegated decision making.</p> <p>Decisions shall be taken by the lead cabinet member responsible for grants or Cabinet, as appropriate, after consultation with the Advisory Committee.</p>

Climate Change and Environment Advisory Committee

Membership	Functions	Delegation of functions
<p>7 councillors.</p> <p>Appointments to be subject to the requirements of political proportionality.</p>	<p>1. To advise the lead cabinet member responsible for climate change and environmental sustainability and for matters more specifically related to services or corporate direction, the relevant service Cabinet member or Cabinet, as appropriate, on matters relating to climate change and environmental sustainability including, but not limited to:</p> <p>1.1. Understanding how climate change could affect the District Council's services and developing and recommending appropriate mitigating actions.</p> <p>1.2. Reviewing the internal operations of the Council with a view to promoting sustainability, adopting best practice and strengthening the Council's environmental performance.</p> <p>1.3. Providing community leadership on climate change and sustainability, facilitating and engaging public sector partners, businesses, community groups and the public.</p> <p>1.4. Influencing and interpreting county, regional and national</p>	<p>Acts as an Advisory Committee with no delegated decision making.</p> <p>Decisions shall be taken by the lead cabinet member responsible for climate change and environmental sustainability or Cabinet, as appropriate, after consultation with the Advisory Committee.</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>policy for the benefit of South Cambridgeshire.</p> <p>1.5. Making recommendations on bids for funding relating to climate change.</p>	

Responsibility for Executive Functions (Table 4)

1. Arrangements for carrying out Executive functions

All functions which are not reserved to the Council:

- 1.1 in the Articles; or
- 1.2 by law, or
- 1.3 as set out in the preceding sections (Tables 1 – 3); or
- 1.4 as specifically reserved to it at any time

are the responsibility of the Executive.

The Leader of the Council shall make arrangements for the discharge of Executive functions as set out in Rule 1 of the Cabinet Procedure Rules.

Details of these arrangements shall be set out in **Table 4**

2. Arrangements for the Leader to change the allocation of functions and responsibilities set out in Table 4

The Leader may refine the allocation of functions and responsibilities set out in Table 4 as ~~s/hethey~~ wishes. To effect changes, the Leader shall provide details of the changes ~~s/hethey~~ wishes to make in writing to the Chief Executive, such changes to have effect immediately upon subsequent notification to all members.

The Council may agree amendments to its definitions of the budget and policy framework, which have the effect of limiting or extending the extent of executive functions delegated to the Leader, consequently Table 4 may be altered accordingly.

3. Delegation to Chief Officers

Matters which the Leader has not specifically reserved for exercise by another decision taker shall be delegated to Chief Officers as operational management. The Scheme of Delegation at Part 3, Table 7 of this Constitution sets out the extent of Chief Officers' delegated authority, which the Leader may limit or withdraw as ~~s/he~~ ~~they~~ sees fit.

Table 4: Executive Functions

Given below are executive functions reserved for decision by the Leader of the Council, whole Cabinet, individual lead cabinet members or local Ward members.

Notes:

1. In all cases decisions shall be referred to Council if there are, or are likely to be, financial implications which cannot be met from within the financial discretion allowed to the Leader of the Council. Council has delegated authority to the Leader of the Council to approve, after opportunities for virement have been exhausted, in-year supplementary revenue and capital estimates up to Level 3 (£50,000 per item), subject to this expenditure being within approved policy.
2. Specific executive functions not referred to in the table are delegated to Chief Officers and Heads of Service as operational management. In exercising delegated powers, Chief Officers and Heads of Service shall have regard to the provisions of the Scheme of Delegation set out at Part 3, Table 7, of this Constitution.

General Matters

The following delegations would apply to all areas of Cabinet responsibility. Where matters are delegated to lead cabinet members, the delegation would be to the lead cabinet members for the relevant service area.

General

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
1.	The exercise of functions, ordinarily within lead cabinet members' delegated powers, in respect of matters which the lead cabinet member has referred upwards in accordance with the Scheme of Delegation at Part 3, Table 7, of this Constitution.	The exercise of functions, ordinarily within chief officers' delegated powers, in respect of matters which the chief officer has referred upwards in accordance with the Scheme of Delegation at Part 3, Table 7, of this Constitution.	-

Staffing Matters

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
2.	To recommend to Council approval or rejection of pay awards or allowance adjustments beyond provision made in the budget and outside the financial discretion allowed in delegation (7) below.	To approve or reject pay awards or allowance adjustments within budget provision. The Chief Executive may approve the implementation of national allowance adjustments provided they are within budget.	-
3.	To approve new policies relating to employment; health and safety; and recruitment and retention of staff which have significant financial implications or are not in accordance with national agreements.	-	-
4.	To determine proposals to carry out substantial changes to the organisational structure.	-	-

Financial Matters

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
5.	To approve capital and revenue estimates (for recommendation to Council).	To approve capital and revenue estimates for Staffing and Central Overhead accounts as the basis for the preparation of service budgets.	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
6.	-	To approve the Council's response to the annual provisional financial settlement issued by Government.	-
7.	To approve, after opportunities for virement have been exhausted, in-year supplementary revenue and capital estimates up to Level 3 (£50,000 per item), subject to this expenditure being within approved policy, and to make recommendations to Council where the revenue or capital requirement exceeds this amount.	-	-
8.	-	Relevant lead cabinet members to approve virement across 2 or more areas of Cabinet responsibility (with the Chief Finance Officer). See Rule 5 , Budget and Policy Framework Procedure Rules.	To approve virement where the affected lead cabinet members have not agreed.

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
9.	-	To approve project appraisals (i.e. approval of a report on the proposals) for non-housing new general fund revenue schemes greater than £50,000 or capital schemes greater than £200,000 included in the budget or capital estimates.	-
10.	To approve new policies for fees and charges, and revisions to existing policies, where income, or variation of income is estimated to be over £50,000 per annum.	To approve new policies for fees and charges, and revisions to existing policies, where income, or net variation of income is estimated to be up to £50,000 per annum. To approve all changes to fees and charges within policy (except charges for one-off publications and events – delegated to officers).	-
11.	-	To accept tenders above 10% and up to 15% greater than the budget provision for the proposal in question, provided that the cost can be met from resources within the departmental budget. [All Chief Officers/ <u>Heads of Service</u> are authorised to accept tenders up to 10% above estimate (provided that the cost can be met	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
		from within the same budget).]	
12.	To receive year-end integrated business monitoring reports combining financial and performance information.	To receive in-year integrated business monitoring reports combining financial and performance information.	-
13.	-	To approve carry forward of uncommitted balances on reserve account for grants.	-
14.	-	To consider and make recommendations to Council in respect of the annual Treasury Management Performance report.	-

Grants

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
15.	To approve policies and criteria for the approval of grant schemes under which awards above Level 1 (£5,000) may be made.	To approve policies and criteria for the approval of grant schemes under which no award exceeds level one (£5,000) (See note 1 below). To determine applications made under the Council's grants schemes (see note 1 below).	-

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
16.	To approve statutory or non-statutory grants, guarantees or loans above Level 4.	<p>To approve non-statutory grants or guarantees or loans where the value exceeds Level 2 up to and including Level 4 (in consultation with <u>Lead Cabinet Member for Finance</u> Portfolio Holder).</p> <p>To approve statutory grants where the value exceeds Level 3 up to and including Level 4 (in consultation with the <u>Lead Cabinet Member for Finance</u> Portfolio Holder).</p>	-

Notes:

1. Decisions of the lead cabinet member responsible for grants or the Cabinet, as appropriate, shall be taken after consultation with the Grants Advisory Committee.
2. ~~Chief Officers~~ The Head of Housing ~~has~~ have delegated powers to approve non-statutory / discretionary grants up to and including Level 2 and statutory grants (such as disabled facility grants) up to and including Level 3 subject to such awards being consistent with policy (e.g.: the Cambridgeshire Housing Adaptations and Repairs Policy – April 2019)

Policy and Performance

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
17.	Review of the Council's corporate objectives, making recommendations to Council where appropriate.	-	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
18.	To consider, for recommendation to Council, policies, strategies or plans which would have the effect of amending or adding to the Council's finance and policy framework.	To consider and make a recommendation to Council in respect of the adoption and amendment of the Investment Strategy.	-
19.	To approve policies, strategies or plans which would not impact upon the Council's finance and policy framework but would nevertheless have implications across more than one Cabinet area of responsibility and a substantial impact within an operational service, directly affecting the service received by the public.	<p>To approve operational guidelines which relate only to the service within the lead cabinet members' responsibilities.</p> <p>To approve policies, strategies or plans which would not impact upon the Council's finance and policy framework but would nevertheless have implications across more than one Cabinet area of responsibility and a substantial impact within a back office service.</p>	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
20.	-	<p>To release a draft policy, strategy or plan for consultation or refer the matter to the Leader if likely to be sensitive or controversial or affect other Cabinet areas of responsibility.</p> <p>(Note – this delegation does not apply to Development Plan Documents brought forward as part of the Council’s Local Development Framework – see delegation 75 below.)</p>	To release a draft policy, strategy or plan for consultation, if referred to the Leader by a lead cabinet member.
21.	-	To approve annual service plans for services.	-
22.	-	To monitor the implementation of service plans and to decide whether to refer matters of concern to the Leader.	To consider concerns referred by a lead cabinet member in relation to the achievement of service plans.

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
23.	To approve responses to consultation papers from the Government or other statutory agencies, containing proposals which would conflict with, or substantially add to or amend the Council's policy and budget framework. (excluding the response to the annual provisional financial settlement – see delegation 6 above).	To approve responses to consultation papers from the Government or other statutory agencies, other than those containing proposals which would conflict with or substantially add to or amend the Council's policy and budget framework.	-

Service Levels / Efficiency

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
24.	To approve, reject or amend substantial changes (planned or unplanned) to services (or new services).	To approve, reject or amend significant variations to existing levels of service.	-
25.	To consider the external auditors' annual Management Letter.	To receive external audit reports and decide whether to refer to the Leader any matters of concern.	To receive external audit reports referred by lead cabinet members.
26.	-	To receive update reports relating to ongoing efficiencies work.	-

Personal Applications

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
27.	-	Payment of ex-gratia payments or compensation above Level 2, in relation to matters which are executive matters.	-

Notes:

3. ~~Council on 18 October 2007 delegated authority to Chief~~ Chief Officers are authorised to approve any requests for financial assistance, grants or services from the Council falling outside the normal rules or policies. Examples would include (but not exclusively):
 - 3.1 Rate relief
 - 3.2 Rents or charges
 - 3.3 Ex-gratia payments or compensation up to and including Level 2.

Contracts

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
28.	In the case of new contracts for the provision of services, works or goods, to approve the principle of contracting out and the key elements of the service specification. (To Council if there are or are likely to be implications for the policy / budget framework – in particular if the contract binds the Council to future additional financial commitments).	-	-
29.	-	To terminate a contract before expiry of the term (relevant lead cabinet member in consultation with the Lead Cabinet Member for Finance).	-

Notes:

4. ~~Council on 18 October 2007 delegated authority to~~ Chief Officers have delegated authority for all other matters relating to contracts, after consulting the Lead Cabinet Member for Finance and any other relevant lead cabinet member(s). This shall include consortium framework contract considerations, tender listing, acceptance, adjustments of any kind, extensions and emergency or urgent provision.

Conferences / Appointments

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
30.	-	-	To appoint member representatives on outside bodies where delegated to the Executive.
31.	-	-	To approve submission of motions to the LGA or other conferences on behalf of the Council.
32.	-	-	To appoint Member Champions.

Partnerships

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
33.	To approve policies, objectives, targets, or substantial commitments entered into with partner organisations (to Council if the policy framework would be affected or if the commitment would bind the Council in future years).	To approve commitments entered into with partner organisations, which are within existing budgets and policies and would not involve other areas of Cabinet responsibility.	-

Economic Development

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
34.	-	-	To receive and consider reports and recommendations in respect of economic development initiatives.

Land and Property

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
35.	<p>Disposal of Council interest in land or property where the value exceeds Level 4 or where other conditions in item 5 of paragraph 4.6 of the Scheme of Delegation are not met.</p> <p>Does not apply to disposals under right to buy legislation or the Council's equity share scheme which are delegated to officers.</p> <p>Additional delegations relating to disposal of housing land and property are set out in the HRA Asset Sustainability Policy (Disposals and Acquisitions).</p>	<p>Disposal of Council interest in land or property where the value exceeds Level 2 up to and including Level 4 or where other conditions in item 5 of paragraph 4.6 of the Scheme of Delegation are not met.</p>	-

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
36.	-	Acquisition of leases or other ongoing commitment where the value exceeds Level 2 (to Council if budget provision not available).	-

Appointment of Proper Officers

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
37.	-	Appointment of Proper Officers not employed by the Council.	-

Executive Matters Reserved to the Cabinet and Lead Cabinet Members by Cabinet area of Responsibility

Given below are matters within individual Cabinet areas of responsibility to be reserved to the Cabinet and lead cabinet members as indicated.

Customer Services and Business Improvement

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
38.	-	To approve street names, where there is an objection from the local member(s) or any statutory consultees.	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
39.	-	To review areas of special control of advertisements.	-
40.	-	To approve arrangements for member training and support (including IT support), together with approval of attendance of members at conferences or external training events where funded from the Democratic Representation budget.	-

Environmental Services and Licensing

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
41.	-	-	To approve the Council's contribution and commitments under the Joint Municipal Waste Strategy (making recommendations to Council where the budget and policy framework would be affected).
42.	-	To approve the Air Quality Strategy and declaration of Air Quality Management Areas.	-
43.	-	To approve the Council's Contaminated Land Strategy.	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
44.	-	To approve the Land Drainage Maintenance Plan.	-
45.	-	To approve operating practices and representation on the Swavesey Byways Advisory Committee.	-
46.	-	To approve Licensing Committee policies and procedures, subject to consultation with the Licensing Committee, with the exception of the Licensing Act 2003 policy and the Gambling Act 2005 policy, which need the approval of Full Council.	-
47.	-	-	To approve the Council's emergency planning arrangements, subject to the Council's policy and budget framework.
48.	-	To approve the Council's flood defence statement.	-

Finance

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
49.	To approve relevant strategies, plans and policies, including: Financial Strategy, budget, Council Tax levels, Investment Strategy, and Corporate Plan for recommendation to Council where in the budget / policy framework.	To approve the Capital Strategy and Asset Management Plan.	-
50.	-	Agreement and ownership of the strategic risks facing the Council.	-
51.	-	To approve policies and criteria for rate relief.	-
52.	-	To determine applications for discretionary rate relief outside the approved policy and criteria.	-
53.	-	To approve discretionary rate relief appeals.	-
54.	-	-	-
55.	-	To write off debts above Level 2.	-

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
56.	To give approvals to matters which do not comply with Financial and Contract Regulations.	-	-

Notes:

5. The Chief Finance Officer ~~shall be~~ is authorised to write off any individual debt up to and including Level 2, provided that he/she is satisfied that all action for recovery of the debt appropriate to the amount has been taken (see Financial Regulations 13.8).
6. ~~Council on 18 October 2007 delegated authority to t~~The Chief Finance Officer is authorised to determine applications for discretionary rate relief within the approved policy and criteria, and to determine discretionary housing payments.
7. The Chief Finance Officer is authorised to review and determine the boundaries of rural settlements for the administration of Rural Rate Relief in accordance with Section 42B of the Local Government and Rating Act 1997.

Housing

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
57.	To make recommendations to Council on the HRA, rents and charges.	-	-
58.	To approve changes to Housing Allocations policy.	-	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
59.	-	To approve changes to and variations of Conditions of Tenancy.	-
60.	-	To approve programmes of parking, lighting and estate roads improvement schemes, subject to consultation with local members.	-
61.	-	To approve decisions by the Director-Head of Housing to approve change of use subject to any planning requirements.	-
62.	-	To approve decisions of the Director of Housing <u>Head of Housing</u> to make land / property available for redevelopment by the Council.	-
63.	To approve land / property being made available at less than market value for affordable housing schemes where the annual limit of £1 million shall be exceeded.	To approve decisions by the Director of Housing <u>Head of Housing</u> to make land / property available at less than market value for affordable housing schemes, subject to an annual limit of £1 million and compliance with current planning policies and General Consent under Section 28 of the Local Government Act 1988.	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
64.	To approve individual properties for sale on the open market where the annual limit of £2m is exceeded.	To approve decisions by the <u>Director of Housing</u> Head of Housing to agree individual properties for sale on the open market, subject to an annual limit of £2m.	-
65.	To approve the sale of land where the annual limit of £2m is exceeded.	To approve decisions of the <u>Director of Housing</u> Head of Housing to agree the sale of land subject to an annual limit of £2m and subject to planning approval and provision of quarterly performance monitoring data to Cabinet	-
66.	To approve the purchase of land where the value exceeds £2m.	To approve decisions of the <u>Director of Housing</u> Head of Housing (with the agreement of the Section 151 Officer) to approve purchase of land within budget, subject to planning approval and up to a limit of £2m.	-
67.	To approve the purchase of individual properties where the value exceeds £2m.	To approve decisions of the <u>Director of Housing</u> Head of Housing to approve the purchase of individual properties within the set budget, subject to contract and up to a limit of £2m.	-
68.	To approve the purchase of “off the shelf”	To approve decisions of the <u>Director of Housing</u> Head of Housing	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
	properties where the value exceeds £2m.	to purchase “off the shelf” properties within the set budget (with the agreement of the Section 151 Officer, for package deals that exceed £1m), subject to contract and up to a limit of £2m.	
69.	To agree to enter into contract and progress to completion new build schemes to provide affordable council homes where the value of the scheme exceeds £2m.	To approve decisions of the Director of Housing <u>Head of Housing</u> to enter into contract and progress to completion new build schemes to provide affordable council homes within the set budget (with the agreement of the Section 151 Officer) up to a limit of £2m. Substituted sites within overall budget parameters are permitted and form part of this delegation.	-
70.	To approve the sale of properties to South Cambs Ltd where the value exceeds £2m.	To approve decisions of the Director of Housing <u>Head of Housing</u> , with the consent of the Section 151 Officer, (approval of Lead Cabinet members for both Housing and Finance required) for the sale of properties to South Cambs Ltd up to a limit of £2m and subject to Secretary of State consent in accordance with Section 32 of the Housing Act 1985 (General Housing Consents 2013).	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
71.	To approve any proposals which would have the effect of adding to or reducing the housing stock (other than through Right to Buy legislation; or the Council's equity share scheme; or where delegated under the HRA Asset Sustainability Policy and subject to the Council's policy and budget framework).	-	-
72.	-	To allocate the s106 money received by SCDC in lieu of an affordable housing contribution on site.	-
73.	To determine proposals for substantial changes in the Council's service provision relating to traveller sites managed on behalf of the County Council (subject to any necessary planning consents from the Planning Committee).	-	-
74.	-	To approve or refuse requests to waive the local land charge in respect of disabled facilities grants.	-

Notes:

8. ~~Council on 18 October 2007 delegated authority to Chief Officers~~The Head of Housing is authorised to approve allowances or expenses to Council tenants.
9. The HRA Asset Sustainability Policy (Disposals and Acquisitions) approved in September 2013, as amended, sets out delegations to the ~~Director of Housing~~Head of Housing to take decisions on various matters relating to disposals and acquisitions, subject to the consultations / notifications and conditions specified in those delegations (including obtaining the approval of lead cabinet members as set out in delegations 61 – 70 above and consultations / notifications with local members and Parish Councils as specified in Section 6 of that Policy).

Planning

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
75.	To approve draft Development Plan Documents for statutory consultation and recommend to Council approval of Development Plan Documents for submission to the Secretary of State.	To determine all relevant stages of the plan-making process up to the approval of draft Development Plan Documents for statutory consultation.	-
76.	-	To approve draft and final Supplementary Planning Guidance.	-
77.	-	To consider and approve the Local Development Framework Annual Monitoring Report for submission to central government.	-
78.	-	To approve dual use agreements.	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
79.	-	To respond as consultee to traffic-related issues from Cambridgeshire County Council.	-
80.	-	To approve the programme of Conservation Area Appraisals.	-
81.	-	To designate Conservation Areas, agree amendments to their boundaries and agree supplementary planning guidance (e.g., Village Appraisal) where one parish only affected.	-
82.	-	To make decisions on neighbourhood area designations where substantive objections are received.	-
83.	-	To determine the way forward where the examiner raises any significant concerns relating to a neighbourhood plan and is not recommending that it should proceed to referendum.	-

Responsibility for Council Functions (Table 5)

Powers and Functions Delegated by the Planning Committee

South Cambridgeshire District Council operates an adopted scheme of delegation which sets out the range of decisions that designated officers may make on behalf of the Council. Decisions on the majority of planning proposals and associated applications are delegated to designated officers without the need for them to be decided by members at Planning Committee

Delegated decisions are carefully considered by the case officer who outlines their recommendations, and reasons behind the recommendations, in a balanced delegated report, which is checked by a designated officer before a decision is agreed and issued.

By operating a scheme of delegation, decisions are made in good time, in line with statutory target dates, and the Planning Committees can concentrate on the most contentious and significant proposals.

Applications for consent or permission under the Town and Country Planning Acts and Listed Building and Conservation Area Acts shall be dealt with under delegated powers unless:

1. A local member or Parish Council writes, or emails, a request for a particular application to be considered by Planning Committee, sound planning reasons are given for why this is considered necessary and the request is accepted by the Joint Director of Planning and Economic Development, after-in consultation with the Chair of Planning Committee (or Vice-Chair in their absence). In the event that the view of the Chair of the Planning Committee (or Vice-Chair in his/her their absence) does not accord with the view of the Joint Director of Planning and Economic Development, the application will be determined by the Planning Committee.
2. The request by Parish Councils should be made within 21 days of the date of registration and by local members not later than 28 days of the date of registration of the application, or within 14 days of receipt of any subsequent significant amendment to a current proposal. If the Joint Director, after-in consultation with the Chair declines a request, a written explanation shall be given to the Parish Council and copied to the local member.
3. An application is made by an elected member or an officer of the Council, or a close friend, relative or partner of either of such persons.
4. If approved, the application would represent a significant departure from the approved policies of the Council (officer delegation is still permitted if the application is to be refused). Significant departures shall include, but are not limited to, development which requires referral to the Secretary of State;

Part 3 – Table 5: ~~Powers and Functions delegated by~~ Planning Committee Delegated Powers

5. Any 'Major' or 'Minor' application relating to the Council's own land or development where representations have been received against the proposal;
6. The application is for the demolition of a listed building or a Building of Local Interest or
7. The application is one that in the opinion of officers, in consultation with the Chair and Vice-Chair, should be determined by Committee because of special planning policy considerations, the complexity of the application, the application is significant and / or strategic importance to an area beyond both specific site and parish.

Note:

For the purposes of considering requests under clause 1 above, the Director, in consultation with the Chair of the Planning Committee, shall have regard to the following criteria:

1. Relevant material planning considerations raising significant planning concerns
2. Significant implications for adopted policy;
3. The nature, scale and complexity of the proposed development.
4. The planning history of the site.

~~Building Control Manager~~ Strategic Lead (3C Building Standards) – Delegated Powers

The ~~Building Control Manager~~Strategic Lead (3C Building Standard) is authorised to:

1. Pass or reject Building Plans deposited for Building Regulation consent, or pass them subject to certain conditions, as may be specified being met (Section 16 Building Act 1984) and, where appropriate, state the grounds for rejection of Building Plans include those linked powers in the Building Act of Section 18 (Building over Sewers etc.), Section 21 (Provision of Drainage), & Section 25 (Provision of Water Supply).
2. Relax or dispense with a requirement of the Building Regulations upon receipt of an application. In considering the request, consultation shall be made, where appropriate, with the Fire Authority, and adjoining owners of the premises. (Section 8 Building Act 1984)
3. Serve all relevant notices under Section 36 and Section 37 of the Building Act 1984 (Removal or alteration of Offending Work) in respect of work contravening the Building Regulations and relevant Sections of the Building Act 1984.
4. Serve all relevant notices under Section 71 of the Building Act 1984 (Entrances, exits etc. to be required in certain cases) to ensure public safety in certain buildings. Before the serving of such notices, consultation shall be made with the Fire Authority.
5. Serve all relevant notices under Section 72 of the Building Act 1984 (Means of Escape in case of Fire) to ensure the health and safety of occupants in certain buildings. Before the serving of such notices, consultation shall be made with the Fire Authority.
6. Apply to a magistrates' court, where necessary, for an order under Section 77 of the Building Act (Dangerous Building) to ensure the execution of any such work to obviate or remove the danger or restrict the use of a building.
7. Serve notice under Section 78 of the Building Act (Dangerous Building – emergency measures) on the owner and occupier of a building which is in such a dangerous condition that immediate action is necessary to obviate that danger.
 - 7.1 The ~~Building Control Manager~~Strategic Lead (3C Building Standards) and Building Control Surveyors of any designation are considered Authorised Officers in respect of the definition in the Building Act 1984.
 - 7.2 The powers set out above are also delegated to the Joint Director of Planning and Economic Development.

8. Serve all relevant notices under Section 80 and Section 81 of the Building Act 1984 (Demolition) in respect of any demolition works under the relevant Sections of the Building Act 1984.

Consultancy Team Leader – Delegated Powers

1. The Consultancy Team Leader is authorised to exercise the following powers under the Listed Buildings Act 1990 (“the 1990 Act”), in accordance with the provisions of the development plan and the Council's planning and conservation policies:
 - 1.1 the determination, with or without conditions, of applications for:
 - (a) Listed Building Consent and any amendments
 - (b) Conservation Area Consent and any amendments;
 - (c) approval of any schemes, matters or details reserved in relation to (a) or (b) above for the further approval of the Council;

except where any of the following apply:

 - (i) material or contrary representations have been received through consultation procedures and cannot be substantially satisfied by the proposed decision of the Consultancy Team Leader;
 - (ii) in the case of reserved matters or details, approval has been specifically retained by the Planning Committee.
 - 1.2 the serving of Listed Building Repairs Notices and Building Preservation Notices in cases of emergency; in accordance with the provisions of the 1990 Act; and the determination of applications for consent for tree works in accordance with the Town and Country Planning Act 1990.
 - 1.3 the instigation of legal proceedings, after consultation with the Chair of the Planning Committee and Head of Legal Practice, in relation to any matter contained in the 1990 Act or any statutory modification or re-enactment thereof.
2. The Consultancy Team Leader is authorised to serve remedial notices relating to high hedges under Part 8 of the Anti-Social Behaviour Act 2003.
3. The Joint Director of Planning and Economic Development, Assistant Director (Strategy and Economy) and Built and Natural Environment Manager have the same delegated powers as set out above

Trees Officer – Delegated Powers

1. **The Trees Officer (or the Trees Assistant in ~~his/her~~ their absence) in consultation with the Chair of the Planning Committee and the local member(s), may:**
 - 1.1 determine applications for consent for tree works in conservation areas;
 - 1.2 issue and serve any Breach of Condition notices (or withdraw any that have been served) relating to the submission or implementation of any landscaping scheme required by any condition of any planning permission; and
 - 1.3 issue and serve, in an emergency, any Tree Preservation Order.
2. The Joint Director of Planning and Economic Development, Assistant Director (Strategy and Economy) and Built and Natural Environment Manager have the same delegated powers as set out above.

Additional Delegated Powers

1. **The Head of Legal Practice and Joint Director of Planning and Economic Development are individually authorised to investigate breaches of planning control and to issue and serve all appropriate Enforcement Notices and (including Stop Notices) under Parts VII and VIII of the Town and Country Planning Act 1990 (as amended) and Parts I and II of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended in connection with breaches of planning control.**
2. **The Head of Legal Practice and Joint Director of Planning and Economic Development are individually authorised, in cases of emergency, and after consulting the Chair of the Planning Committee and informing the local member(s) where practicable to do so, to institute proceedings for an injunction in respect of a threatened, suspected or actual breach of planning control. Normally the power is reserved to the committee.**

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Appendix F3

Responsibility for Functions (Table 7)

Scheme of Delegation

1. Introduction

- 1.1 The authority for delegating functions to the Cabinet, Committees and Officers is contained in Section 101 of the Local Government Act 1972 and Section 14 of the Local Government Act 2000. The authority for delegation of functions by the Licensing Committee is contained in Sub Section 10 (1) of the Licensing Act 2003. Certain other delegations are implicit in Standing Orders, Procedure Rules, Financial Regulations and the Contract Regulations.
- 1.2 Delegations may also be given by individual resolutions, on the authority of the Leader of the Council, or as part of the approval of any policy, procedure or Protocol by the Cabinet or Council.
- 1.3 Subject to the following paragraphs, where any function, power or responsibility is delegated to any officer or body, that officer or body shall, unless otherwise stated in Part 3 of this Constitution, have full power to act in all respects in the name of the Council and may exercise in the name of the Council any discretion countenanced by statute, regulation or in common law in relation to the discharge of that function, power or responsibility and all matters ancillary or incidental thereto.
- 1.4 In this scheme of delegation, reference to:
 - (a) a “Chief Officers” shall mean the Chief Executive (Head of Paid Service), Chief Finance Officer, Monitoring Officer, ~~Executive Director~~ Chief Operating Officer and Joint Director of Planning and Economic Developments.
 - (a)(b) Head of Service, for the purposes of this scheme, means the Heads of Finance, HR and Corporate Services, Housing, Shared Waste and Environment and Transformation.
 - (b)(c) the ‘proper officer’ shall mean the Chief Executive or such suitably experienced senior officer as the Chief Executive shall appoint.

2. General Principles

2.1 In the scheme of delegation, the following general principles apply:

- (a) In exercising a delegated decision, decision takers shall have regard to all other parts of the Constitution, including the Financial Regulations and Contract Regulations.
- ~~(a)~~(b) Wherever appropriate, the views of local members shall be sought and their views taken into account. Where local member(s) do not support a proposed decision by an officer the matter ~~shall~~ be referred to the lead cabinet member. Where a proposed decision of a lead cabinet member is not supported by any local member, the matter ~~shall~~ be referred to a meeting of the Cabinet, where the local member(s) shall have the right to speak. Decision-takers ~~shall~~ share with local members, at as early a stage as possible, what the proposed decision is likely to be so that local members may take a view on the matter quickly. The requirement for a reference to the Cabinet shall not apply in respect of a decision which has already been made and implemented or if five days have elapsed since notification of the decision.
- ~~(b)~~(c) A lead cabinet member ~~shall~~ not make a decision on a matter which relates to their ward or to an individual, household or organisation within ~~his / her~~their ward. In such cases (or where for some other reason it would not be appropriate for a lead cabinet member to make a decision on a matter) or in the absence of the lead cabinet member, the decision ~~should~~shall be dealt with by the person or body by whom the delegation was made, as set out in the Cabinet Procedure Rules.
- ~~(e)~~(d) In exercising delegated powers, lead cabinet members and officers are ~~ex~~pected to refer “upwards” any issues they consider sensitive or controversial.
- ~~(d)~~(e) Part 3 of this Constitution sets out the responsibility for Council functions and the responsibility for Executive functions. Table 4 of Part 3 shows which functions are presently delegated to the Cabinet as a whole and which are delegated to lead cabinet members. The following overall criteria shall apply to all functions specifically delegated to lead cabinet members:
- (i) Where the function involves more than one area of cabinet responsibility, all relevant lead cabinet members shall come together for a decision, and in default of agreement, the matter shall be referred to the Cabinet for decision
 - (ii) If the lead cabinet member(s) think(s) the matter in question is of such a significance that the Cabinet should decide the matter, it ~~should~~shall be referred to the Cabinet accordingly

- (iii) If the lead cabinet member is in any doubt as to whether any matter properly falls within ~~his, her~~their or another lead cabinet member's functional responsibility or whether the matter is of such significance that the Cabinet should determine the matter, the Leader shall rule accordingly (after consulting any persons the Leader may wish to consult) and such ruling shall be conclusive.

3. Restrictions on all Delegations

3.1 This scheme does not delegate to officers:

- (a) Any matter reserved to full Council in accordance with Article 4;
- (b) Any matter expressly reserved to Cabinet or a lead cabinet member in accordance with Table 4 of Part 3 of the Constitution;
- (c) Any matter reserved to regulatory and other committees and sub committees in accordance with Part 3, Table 3;
- (d) Any power which has been withdrawn from delegation;
- (e) Any matter that by law may not be delegated to an officer;
- (f) Any power to set fees or charges;
- (g) Any matter reserved to a specific statutory officer by law or under the provisions of this Constitution.

3.2 Except as may be provided in this Constitution or authorised by full Council, no officer, lead cabinet member, member, committee, sub-committee or the Cabinet shall exercise any power, function or responsibility in a way which is not in accordance with, or is contrary to, the budget or policy framework of the Council or is contrary to any policy of the Council bearing upon the matter in question.

4. Delegations to Officers

Delegation of Functions

4.1. Authority to exercise the powers and carry out all of the functions of the Council shall be delegated to Chief Officers and Heads of Service, subject to the exceptions set out in paragraph 3 above.-

4.2. Chief Officers and Heads of Service shall have full power to do all such things and exercise all such discretions within their respective functions and areas of responsibility in relation to all operational matters. These powers, although described in general terms, are intended to allow Chief Officers and Heads of Service freedom of operational management, in their respective service areas within policy and budget. The exercise of delegated powers is subject to the General Principles and Limitations set out in paragraphs 2 and 3 above.

Chief Executive's General Delegated Power

4.32. The Chief Executive shall have power to act in the name of any other Chief Officer or Head of Service to whom a power has been delegated in this scheme of delegation, in his or hertheir absence, except where such power is restricted by law to a Statutory Chief Officer (Chief Finance Officer or Monitoring Officer).

4.1.4.4. The Chief Executive (or any other Chief Officer or Head of Service in his or hertheir absence) may exercise any power or function, which is in law capable of delegation, in any emergency threatening life, limb or substantial damage to property within the District. The Chief Executive shall consult with the Leader of the Council (unless the Leader cannot be contacted after all reasonable efforts have been made) in which case the Deputy Leader shall be consulted. The exercise of such power or function shall be confined to the minimum necessary to deal with the emergency and shall be reported to the next meeting of the Cabinet or the Council, whichever shall be the first.

4.2.4.5. The Chief Executive (or any other Chief Officer in his or hertheir absence) may, after consultation with the Leader (or in their absence the Deputy Leader), act in a case of urgency in respect of any matter affecting the Council, subject to a report on the circumstances being made to the next Council or Cabinet meeting as appropriate.

Ancillary Powers of all Chief Officers/Heads of Service

4.3.4.6. Paragraphs 4.1 and 4.2 provides that all operational functions within their respective areas of responsibility, are delegated to Chief Officers/Heads of Service. However, for the avoidance of doubt, Chief Officers/Heads of Service shall have full delegated powers in the areas set out below:

Power	Delegated to:
<p>1. To undertake day-to-day management of the premises and services for which they are responsible.</p>	<p>All Chief Officers/<u>Heads of Service</u></p>
<p>2. To undertake day-to-day management and control of the staff reporting to them including:</p> <p>2.1. making arrangements for recruitment and selection of staff and taking disciplinary action (including dismissal) in accordance with the Council's disciplinary procedures. (Officers <u>at Head of Service level and</u> below Director level only. Recruitment and dismissal of Chief Officers shall be undertaken in compliance with the Officer Employment Procedure Rules).</p> <p>2.2. appointing staff on a temporary basis within approved budgets and in accordance with Financial Regulations. (Officers <u>at Head of Service level and</u> below Director level only) (Arrangements for appointing interim Statutory and non-Statutory Chief Officers are set out in the Employment and Staffing Committee terms of reference at Part 3, Table 3).</p> <p>2.3. authorising or refusing applications for regrading of relevant staff.</p> <p>2.4. authorising any desired changes in workforce establishment</p>	<p>All Chief Officers/<u>Heads of Service</u></p>
<p>3. To approve all new posts within approved budget</p>	<p>Head of Paid Service</p>
<p>4. To approve disposals and acquisitions of land and property in accordance with the provisions of the HRA Asset Sustainability Policy (Disposals and Acquisitions)</p> <p>[Note:</p>	<p>All Chief Officers/<u>Heads of Service</u></p>

<p>4.1 Subject to the consultations/notifications and conditions set out in the delegations approved within that policy.</p> <p>4.2 The Leader varied the delegations in the above policy in November 2018. Paragraphs 66, 67 and 70 of Table 4, Part 3 (Responsibility for Executive Functions) refers]</p>	
<p>5. To approve the acquisition and disposal of any interest in property by the Council (not covered by the HRA Asset Sustainability Policy referred to in 4 above or by the Council’s Investment Strategy) where the value does not exceed Level 2 (provided the terms have been approved by the District Valuer, or the Council’s valuer, and the Chief Finance Officer and the acquisition or disposal is a necessary part of a policy, scheme or plan approved by the Cabinet, or where required, the Council).</p>	<p>All Chief Officers/<u>Heads of Service</u></p>
<p>6. To dispose, for the best terms available, of vehicles, stores and equipment which, following consultation with the Chief Finance Officer, they consider to be surplus to requirements</p>	<p>All Chief Officers/<u>Heads of Service</u></p>
<p>7. To approve, subject to the conditions below:</p> <p>7.1 Non-statutory grants up to and including level 2; and</p> <p>7.2 Statutory grants, such as disabled facility grants, up to and including level 3.</p> <p>[Conditions:</p> <p>Such awards to be consistent with policy (i.e.: the Cambridgeshire Housing Adaptations and Repairs Policy (April 2019)].</p>	<p>All Chief Officers/<u>Heads of Service</u></p>

<p>8. To approve any requests for financial assistance, grants or services from the Council falling outside the normal rules or policies. Examples would include (but not exclusively):</p> <p>8.1 Rate relief;</p> <p>8.2 Rents or charges;</p> <p>8.3 Ex-gratia payments or compensation up to and including Level 2.)</p>	<p>All Chief Officers/<u>Heads of Service</u></p>
<p>9. <u>To Acceptance of</u> tenders and other procurement decisions in compliance with the Council’s Contract Regulations. (see paragraphs 28 and 29 of Table 4 of Part 3 (Responsibility for Executive Functions) as to matters reserved to Cabinet or Lead cabinet member)</p>	<p>All Chief Officers/<u>Heads of Service</u></p>
<p>10. To write off any individual debt up to and including Level 2, subject to being satisfied that all action for recovery of the debt appropriate to the amount has been taken (see Financial Regulation 13.8)</p>	<p>Chief Finance Officer</p>
<p>11. To determine applications for discretionary rate relief within the approved policy and criteria and to determine discretionary housing payments.</p>	<p>Chief Finance Officer</p>
<p>12. <u>To Approval of</u> the Council Tax base in accordance with Section 67 of the Local Government Finance Act 1992, as amended by Section 84 of the Local Government Finance Act 2003.</p>	<p>Chief Finance Officer</p>
<p>13. To review and determine the boundaries of rural settlements for the administration of Rural Rate Relief in accordance with Section 42B of the Local Government and Rating Act 1997.</p>	<p>Chief Finance Officer</p>
<p>14. To approve allowances or expenses to Council tenants.</p>	<p>All Chief Officers/<u>Heads of Service</u></p>

<p>15. In accordance with the provisions of the Council's Investment Strategy:-</p> <p>15.1. To progress investment opportunities, including due diligence checks; and</p> <p>15.2. To submit non-binding offers in line with market practice.</p>	<p><u>Chief Finance Officer Commercial Development and Investment.</u></p> <p><u>Chief Finance Officer</u></p>
<p>16. To make appointments, removals or replacements of members to any committee, sub-committee or other forum (including substitutes) and to outside bodies, in accordance with the wishes of the Leader of the political group to which the seat has been allocated.</p>	<p>Head of Paid Service/Monitoring Officer</p>

5. Sub-Delegation of Powers

- 5.1 Unless limited by any provision in this Constitution, Chief Officers/Heads of Service shall have authority to delegate their powers, functions and responsibilities, wholly or in part, to another Chief Officer/Head of Service or to any other suitably experienced and qualified officer. These officers shall themselves have discretion to delegate powers to be exercised by suitably qualified and experienced officers within their areas of responsibility, subject to any limitations on further delegation which may be imposed. In all cases:
- (a) General and specific delegations, and any limitations upon them, shall be set out in writing and kept up to date.
 - (b) Chief Officers/Heads of Service shall remain accountable for the actions of subordinate officers and may continue to exercise or share those powers.
 - (c) Any body or member of the Cabinet, with delegated powers may delegate any such power or responsibility to the relevant Chief Officer/Head of Service but shall remain accountable and may continue to exercise or share those powers, functions or responsibilities.
 - (d) The exercise of any delegated power, function or responsibility may be restricted by the delegating person or body. Restrictions may be financial,

numerical, subject to local member(s)', Leader's and / or committee chair's consultation or approval, subject to time limit, or in any other way.

6. Recording and Reporting of Delegation of Powers

- 6.1 All persons and bodies with delegated powers shall record and report substantive decisions made under those powers in accordance with the requirements of the Access to Information Procedure Rules. Any key decision taken by a lead cabinet member or officer shall be recorded and published in accordance with the requirements of the Access to Information Procedure Rules.
- 6.2 The Leader may refine the allocation of functions and responsibilities set out in Table 4 in Part 3 of this Constitution as ~~s/het~~they wishes. To effect changes, the Leader shall provide details of the changes ~~s/het~~they wishes to make in writing to the Chief Executive, such changes to have effect immediately upon subsequent written notification to all members.
- 6.3 Changes to the Scheme of Delegation to Officers shall be authorised by the Chief Executive.

7. Validity of Decisions Taken Under Delegated Powers

- 7.1 It shall be presumed that any recorded delegated power remains extant (within any limits set thereon if appropriate) unless the Leader of the Council, Council or Chief Executive, as the case may be, determines or changes that delegation and either the proper officer certifies that fact or there is an approved minute of any such determination or change.
- 7.2 In the event that a post ceases to exist or where the name of a post changes or where responsibilities are transferred to another post holder, temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- 7.3 The exercise or purported exercise of any recorded delegated power shall be valid for all purposes, notwithstanding that there may have been any inadvertent defect in formality in the giving of notice of any meeting to any councillor, inadvertent failure to consult any person or observe any protocol or code contained in this Constitution or any other administrative error. This shall not apply to any purported exercise of any power by a non-quorate body.

8. Proper Officer Responsibilities

- 8.1 Unless otherwise provided by law or in this Constitution, each Chief Officer/Head of Service, within ~~his or her~~their respective functions and areas of responsibility ~~set out in Article 12.1~~, shall also be the respective 'proper officer' in all cases where statute or regulation requires or provides for the Council to appoint a 'proper officer' but any Chief Officer/Head of Service may delegate any such responsibility to a suitably experienced senior officer.
- 8.2 All proper officer appointments not already set out in this Constitution, other than general appointments under paragraph 8.1 above, whether of, or under delegation by, any Chief Officer, shall be recorded by the Chief Executive and that record shall be kept up to date and available for inspection in the same manner as the scheme of delegations of powers.

Appendix F4

H. Officer Employment Procedure Rules

Contents

1. Recruitment and Appointment
2. Recruitment of ~~Head of Paid Service, Chief Finance Officer and Monitoring Officer and Directors~~Head of Paid Service and Chief Officers
3. Appointments
4. Dismissals
5. Disciplinary Action
6. Supplementary

1. Recruitment and Appointment

1.1 Declarations

- (a) The Council shall draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are closely connected to any existing councillor or officer of the Council; or to any partner of those persons.
- (b) No candidate so closely connected to a councillor or an officer shall be appointed without the authority of the relevant chief officer or an officer nominated by them.

1.2 Seeking support for appointment.

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

2. Recruitment of Head of Paid Service, ~~Chief Finance Officer and Monitoring Officer and Directors~~Chief Officers

2.1 Where the Council proposes to appoint a Head of Paid Service, ~~Executive Director, Monitoring Officer or Chief Finance Officer or a Chief Officer~~ and (where equal opportunities policies allow) it is not proposed that the appointment be made exclusively from among their existing officers, the Council shall:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;

- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. Appointments

3.1 Head of Paid Service, Chief Finance Officer and Monitoring Officer

The full Council shall approve the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer following the recommendation of such appointments by the Employment and Staffing Committee or a panel of the committee. That committee or panel shall include at least one member of the Cabinet.

3.2 Chief Operating Officer Directors

The Employment and Staffing Committee, or a panel of that committee, shall appoint the Chief Operating Officer Directors. That committee or panel shall include at least one member of the Cabinet.

3.3 Joint Director of Planning and Economic Development

The Employment and Staffing Committee, or a panel of that committee, or a joint panel appointed specifically for the purpose, shall appoint the Joint Director of Planning and Economic Development. That committee or panel shall include at least one member of the Cabinet.

3.3 Other Employees

Appointment of officers at Head of Service level or below ~~-(other than assistants to political groups) Director~~ is the responsibility of the Head of Paid Service, or their nominee, and shall not be made by councillors.

3.4 Assistants to Political Groups

In the event of an appointment of an assistant to a political group, such appointment shall be made in accordance with the wishes of that political group.

3.5 Cabinet Notification

An offer of appointment as Head of Paid Service or Chief Officer, Chief Finance Officer, Monitoring Officer, a statutory chief officer, a non-statutory

~~chief officer or a deputy chief officer (as defined by s. 2 of the Local Government and Housing Act 1989)~~ shall not be made until:

- (a) The Council or committee or panel, or other appointer, as appropriate, has supplied the Head of Paid Service (or the Monitoring Officer in the case of the appointment of the Head of Paid Service) with details of the proposed appointment;
- (b) The Head of Paid Service has supplied members of the Cabinet with details of the proposed appointment and allowed a period for objection to the offer by the Leader of the Council on behalf of the Cabinet; and
- (c) The Leader has informed the Head of Paid Service that there is no objection to the offer, such an objection has not been received within the requisite period or the Council or committee panel or other appointer are satisfied that any objection is not material or well-founded.

4. Dismissals

4.1 Head of Paid Service, Chief Finance Officer, Monitoring Officer

- (a) The Head of Paid Service, Chief Finance Officer or Monitoring Officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
- (b) The Council shall invite relevant independent persons to be considered for appointment to an independent panel ["the Independent Panel"], with a view to appointing at least two such persons to the Independent Panel.
- (c) The Council may appoint more than two relevant independent persons if it wishes.
- (d) In paragraph 4.1(c) "*Relevant independent person*" means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
- (e) Subject to paragraph 4.1(c), the authority shall appoint to the Independent Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 4.1(b) in the following priority order:
 - (i) a relevant independent person who has been appointed by the authority and who is a local government elector;

- (ii) any other relevant independent person who has been appointed by the authority;
 - (iii) a relevant independent person who has been appointed by another authority or authorities.
- (f) The authority shall appoint any Independent Panel at least 20 working days before the relevant meeting.
- (g) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority shall take into account, in particular:
- (i) any advice, views or recommendations of the Independent Panel;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations from the relevant officer.
- (h) Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Independent Panel shall not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

4.2 Directors ~~Chief Operating Officer and Joint Director of Planning and Economic Development~~

The Employment and Staffing Committee, or a panel ~~thereof~~ appointed for that purpose, may approve the dismissal of ~~a Director~~ the Chief Operating Officer or the Joint Director of Planning and Economic Development. That committee or panel shall include at least one member of the Cabinet.

4.3 Cabinet notification

- (a) A notice of dismissal of the Head of Paid Service, Chief Finance Officer, Monitoring Officer, Chief Operating Officer, Joint Director of Planning and Economic Development or Head of Service a statutory chief officer, a non-statutory chief officer or a deputy chief officer shall not be given until:
- (i) The Council or committee or panel, or other dismissor as appropriate, has supplied the Head of Paid Service (or Monitoring Officer in the case of the proposed dismissal of the Head of Paid Service) with the details of the proposed dismissal;
 - (ii) The Head of Paid Service has supplied members of the Cabinet with details of the proposed dismissal and allowed a period for objection

to the dismissal by the Leader of the Council on behalf of the Cabinet; and

- (iii) The Leader has informed the Head of Paid Service that there is no objection to the dismissal, such an objection has not been received within the requisite period or the Council or committee or panel or other dismisser are satisfied that any objection is not material or well-founded.

4.4 Other Employees

Officers at Head of Service level and below Director. ~~Appointment~~ Dismissal of officers at Head of Service or below Director (other than assistants to political groups) is the responsibility of the Head of Paid Service or an officer nominated by them, and may not be made by councillors.

4.5 Interpretation

In Rule 4 above:

- (a) **“the 2011 Act”** means the Localism Act 2011(b);
- (b) **“chief finance officer”, “disciplinary action”, “head of the authority's paid service” and “monitoring officer”, “statutory chief officer”, “non-statutory chief officer” and “deputy chief officer”** have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) **“independent person”** means a person appointed under section 28(7) of the 2011 Act;
- (d) **“local government elector”** means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
- (e) **“the Panel”** means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) **“relevant meeting”** means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) **“relevant officer”** means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

5 Disciplinary Action

5.1 Investigation and determination:

The Employment and Staffing Committee has responsibility for disciplinary action (subject to the following provisions of this paragraph)

5.2 Head of Paid Service, Chief Finance Officer and Monitoring Officer

Suspension: The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension shall be on full pay and shall normally last no longer than two months. The continuance of a suspension shall be reviewed after it has been in place for two months

5.3 Chief Operating Officer and Joint Directors of Planning and Economic Development

Disciplinary action against the Chief Operating Officer and Joint Directors of Planning and Economic Development shall be dealt with under the Council's disciplinary policy and procedures and their terms and conditions of service. The Employment and Staffing Committee shall have powers of disciplinary action [including dismissal].

5.4 Other Employees

Responsibility for investigating and taking disciplinary action against officers at Head of Service level or below ~~Director level~~ lies with the Head of Paid Service, or an officer nominated by them. Councillors shall only be involved in cases where an officer submits an appeal against dismissal and, in those circumstances, they may sit on the Employee Appeals panel to hear appeals by those officers (where such a right is exercisable) against their dismissal.

6 Supplementary

In the event of the above rules applying to a case involving an appointment or dismissal in relation to the Head of Paid Service, the references relating to the action to be taken in these Rules by the Head of Paid Service shall be undertaken by the Monitoring Officer.

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Appendix G

Report of the Constitution Review Task and Finish Group

1. Recommendations

The Constitution Review Task and Finish Group recommend that the Civic Affairs Committee:

1. Approves the revised draft Constitution of South Cambridgeshire District Council; the Ethical Handbook; the Public Speaking Scheme and Petitions Scheme, circulated separately as Appendices H, J, K1 and K2 respectively, and recommends them to full Council for adoption.
2. Asks the Audit and Corporate Governance Committee to:
 - (a) review the Financial Regulations; and
 - (b) review the Anti-Theft, Anti-Fraud and Anti-Corruption Policy; and
 - (c) consider how the Anti-Theft, Anti-Fraud and Anti-Corruption Policy and the Whistleblowing Policy should be published and promoted throughout the Authority.
3. Asks the Chief Finance Officer to undertake a review of the financial “Levels” referred to throughout the Constitution, including in the Contract Regulations.

2. Introduction

2.1 The Civic Affairs Committee, at its meeting held on 26 June 2018, established a task and finish group to undertake a comprehensive review of the Council’s Constitution, to include its codes and protocols, and to submit recommendations back to the Committee for onward recommendation to Council.

2.2 The task and finish group comprises Councillor Dr. Claire Daunton (Chair), Councillor Mark Howell and Councillor Dr. Aidan Van de Weyer.

2.3 The terms of reference of the group are set out below:

To review the Constitution for South Cambridgeshire District Council for recommendation to the Civic Affairs and full Council, having regard to:-

- (a) Statutory requirements;
- (b) The effectiveness and any particular strengths of the existing Constitution;
- (c) Innovations or best practice which can be identified from benchmarking with Constitutions of similar size authorities; and
- (d) The following key principles:-

- i. Simple to understand and operate, using plain English, wherever possible;
- ii. Streamlining the document and stripping out any extraneous sections which do not need to be included within the formal Constitution document;
- iii. Open and transparent, with clarity as to who is responsible for decisions; and
- iv. Decisions are taken quickly and responsively with appropriate use of delegation opportunities, bureaucracy is minimised and unnecessary duplication is removed to enable business to be dealt with efficiently.

2.4 The task and finish group met on fourteen occasions. At its first meeting it agreed that the Council's Constitution should continue to be based on the Government's modular constitution for English local authorities. All Members of the Council were invited to submit comments for consideration by the task and finish group. Comments were received from four Members and these were considered at the second meeting of the group. Additionally, comments were sought from officers and these were taken into account in the course of the review.

2.5 Members of the task and finish group agreed a work programme for the review which involved considering separate sections of the Constitution at each of its meetings. Where appropriate, examples of best practice in other authorities were presented to the task and finish group for comparison purposes (eg: definitions of key decisions and examples of the policies contained in the budget and policy framework). Each section was considered in detail and officers requested to investigate further or report back with revisions where required.

2.6 The task and finish group was assisted in its task by a number of Members who were invited to attend its meetings when a section of the Constitution relevant to their areas of responsibility was under discussion, including the Leader of the Council; Chairman of the Council; Lead Cabinet Member for Customer Services and Business Improvement; Chairman and Vice-Chairman of Scrutiny and Overview Committee; Chairman of Audit and Corporate Governance Committee, Chairman of Employment and Staffing Committee and Chairman of Planning Committee. A member of the public also provided feedback on the Code of Conduct Complaints Procedure.

3. Revised Constitution

3.1. The revised Constitution is set out at Appendix H for the consideration of the Civic Affairs Committee.

3.2. The Constitution Review Task and Finish Group particularly draws the Committee's attention to the following key points:-

(a) Glossary

A new glossary of common terms used in the Constitution has been added at the beginning of the document.

(b) Budget and Policy Framework (Article 4)

The task and finish group has not proposed any significant amendment to the plans and strategies specified in the Council's policy framework (ie: those policies requiring full Council approval), although the revised Constitution does provide for removal of the Member Development Strategy (which now forms part of the Council's overall organisational development strategy) from the list of policies in the policy framework.

(c) Key Decisions (Article 13.03)

Having considered best practice in other authorities, the task and finish group concluded that it would be appropriate to include a financial threshold in order better to define those decisions which should constitute "key decisions". The task and finish group concluded that a decision to incur expenditure or savings in excess of £200,000 or to acquire or dispose of land or property with a value in excess of £1,000,000 should constitute a key decision. However revised Article 13.3 also provides that a decision to invite a tender or award a contract shall not be treated as a key decision where the purpose of the contract is to fulfil the intention of any policy or scheme included in the policy framework or budget or involves a continuation of any existing policy or service standard. (Members are reminded that there is also a second category of key decision (a decision which is likely to be significant in terms of its effects on communities living or working in an area of the District comprising two or more Wards)).

(d) Responsibility for Functions (Part 3)

- (i) **Local Choice Functions:** A new table (Table 1) has been included in Part 3 setting out which part of the Authority (Council or Cabinet) is responsible for Local Choice functions. This is not explicit in the current Constitution. The modular constitution includes such a table.
- (ii) **Audit and Corporate Governance Committee:** The Audit and Corporate Governance Committee has reviewed its terms of reference and the updated version is now included in Table 3 (Part 3).
- (iii) **Employment and Staffing Committee:** The terms of reference for the Employment and Staffing Committee have been reviewed to provide greater clarity about where responsibility for appointment and dismissal of chief officers lies. Account has been taken of Model Disciplinary Procedure and Guidance produced by the Joint Negotiating Committee for Chief Executives and the mandatory requirements relating to the appointment and dismissal of the Council's statutory officers (Head of Paid Service, Monitoring Officer and Chief Finance Officer). The opportunity has also been taken to clarify the position with appointment of interims at director level and above.
- (iv) **Licensing Committee:** A new table of delegations had been added to the Licensing Committee 2003 terms of reference in respect of the Gambling Act 2005 functions. The new table reflects the statutory guidance.

- (v) **Scheme of Delegation to Officers:** The Scheme of Delegation to Officers has been updated. The current scheme is set out in Part 4 of the Constitution (Rules of Procedure). However, the task and finish group has agreed that it is more logical for the Scheme of Delegation to Officers to be included in Part 3 (Responsibility for Functions) (Table 7). This proposal is consistent with both best practice and the modular constitution. A new delegation is proposed for the Chief Executive to act in a case of urgency (presently there is only a delegation to act in the case of an emergency).

(e) Council Procedure Rules

The main changes to the Council Procedure Rules include:

- (i) **Public Speaking and Petitions:** it is proposed that the detailed rules are not now included in the Constitution itself but should be published on the Council's website. The task and finish group has reviewed both the public speaking and petitions schemes:
- i. the public speaking scheme now provides for notice of a request to speak to be given at least **three** clear days before a meeting, rather than **seven** at present. The current arrangements mean that notice must be given before the agenda is published, which means that the public are not aware of the business on an agenda. The revised scheme also states that any person who lives, works, studies or owns or occupies property in the District may, at the discretion of the Chair, speak at meetings. Following further review since the last Civic Affairs Committee meeting, the scheme now also gives the Chair discretion to allow other people to speak where satisfied that they have a legitimate interest in the Council's business.
 - ii. the petitions scheme also now provides that petitions may be submitted by anyone who lives, works, studies or owns or occupies property in the District. The current public speaking and petitions rules do not currently specify the need for a local connection, but the task and finish group were of the view that the new schemes should include such a provision. However, as with the public speaking scheme, the Chair would have discretion exceptionally to vary this provision where satisfied, having regard to the content of the petition, that other signatories have a legitimate interest in the business of the Council. The task and finish group recognise that third party petitions sites are often now used to generate petitions and have taken the opportunity to include within the petitions scheme specific provision relating to such petitions.
 - iii. The revised public speaking and petitions schemes have been circulated as Appendices K1 and K2 respectively.

(ii) Notices of Motion:

- i. The task and finish group was mindful of the challenges faced in managing consideration of a large number of motions at any one Council meeting. For example, at the July Council meeting 10 motions were received and, given that the Constitution provides up to 30 minutes for each motion to be debated, this could have required up to 5 hours, had all motions been dealt with at the meeting. The task and finish group concluded that up to **5** motions should be permitted per meeting, to be accepted in the order of receipt (subject to validity). Members felt however that there might be merit in keeping this new provision under review to assess how it works in practice.
- ii. The task and finish group also noted that the current timescale for submission of motions (7 working days before the day of the meeting) leaves little time for the Chairman of the Council and officers to liaise with proposers of motions before the Council agenda is published. The task and finish group is therefore proposing that the notice period should be increased to **10** working days before the date of the meeting.
- iii. The task and finish group noted that the Council is not permitted to approve a motion which seeks to discharge a function which is the responsibility of the Cabinet and that any such motions need to be referred to Cabinet for determination. Members debated the merits of automatically referring such motions to Cabinet without allowing any discussion at Council but concluded that Standing Orders should be framed so as to enable discussion normally to take place at Council meetings and that the outcomes of the debate should inform Cabinet's future consideration, but not bind Cabinet's decision.

(iii) Amendments to Motions: Standing Order 15.6(i) has been amended to make clear that any substantial budget amendment needs to be discussed at the relevant Scrutiny and Overview or Cabinet meeting at which the budget report is considered, in order to be accepted for debate at the Council's budget meeting.

(iv) Voting: Standing Order 17 (Voting) has been amended to reflect that recorded voting will take place at Planning Committee meetings, as well as Council. The task and finish group considered the motion submitted by Councillor Mark Howell to Council on 18 July 2019 proposing that voting should be recorded at all committee meetings. Following review of the implications of such a proposal, the task and finish group was not minded to recommend the recording of votes at all committees but, recognising the difficulty that smaller political groups may experience in calling for a recorded vote under the current rules, the task and finish group agreed that Standing Orders should provide for a recorded vote to take place at committees (other than Licensing Sub Committees) where 1 member of the committee calls for it.

(f) Access to Information Procedure Rules

These rules have been updated to reflect the revised position concerning decision making by individual members of the Cabinet and changes in legislation around such decision making.

(g) Cabinet Procedure Rules

These rules include provision for an individual lead cabinet member to make a decision in a public meeting where he or she considers it expedient to do so.

(h) Financial Regulations

It has not been possible to update the Financial Regulations as part of the task and finish group's review. Accordingly, the regulations have just been updated to replace references to portfolio holders with references to lead cabinet members. The task and finish group recommends that Civic Affairs Committee asks the Audit and Corporate Governance Committee to undertake a review of the Financial Regulations to ensure that they are up to date and reflect current practice.

(i) Contract Regulations

The Procurement Officer has undertaken a comprehensive review of the Contract Regulations to reflect current legislation and practice. However, no changes to the levels specified in the regulations have been made and it is recommended that a future review of the levels should be undertaken to enable the Council to ensure that officers make the appropriate decisions when authorising and procuring on behalf of the Authority. The future review should ensure that the Council maintains its commitment to Small and Medium Size Enterprises (SMEs); good expenditure and budgetary control, whilst delegating effectively and reducing unnecessary bureaucracy.

The regulations have also been reviewed and new provisions added to reflect the Council's environmental aspirations and its commitment to create a cleaner, greener and zero-carbon future for South Cambridgeshire and to set out its expectations of suppliers.

(j) Officer Employment Procedure Rules

These rules have been updated to reflect best practice and guidance and to align with the provisions of the Employment and Staffing Committee terms of reference as referred to in (d) (iii) above.

(k) Legal Proceedings Rules and Procedure for the Annual Establishment of, and Appointments to Council and Outside Bodies.

In line with its objective to streamline the Constitution and remove extraneous sections, the task and finish group concluded that the above sections should be deleted, noting that these sections do not form part of the modular constitution nor any other constitution reviewed.

(l) Codes and Protocols

- (i) The task and finish group agreed that Part 5 of the Constitution be streamlined so that it comprises only the following codes and protocols:-
- (a) Code of Conduct for Members;
 - (b) Code of Conduct for Officers; and
 - (c) Protocol on Member/Officer Relations
- (ii) It further concluded that the codes and protocols below should form part of a new **Ethical Handbook** (circulated at Appendix C) which is separate from the Constitution:-
- (a) Gifts, Hospitality and Sponsorship Policy for Members;
 - (b) Gifts, Hospitality and Sponsorship Policy for Officers;
 - (c) Procedural Guidance for Members and Officers in Planning and Licensing;
 - (d) Code of Conduct Complaints Procedure;
 - (e) Civic Affairs Committee – Procedure and Sanctions for Local Hearings; and
 - (f) Licensing Act 2003 Committee – Appeals Hearing Procedure
- (iii) The task and finish group felt that the following codes and protocols should be deleted from the Constitution:
- (a) Principles of Proportionality;
 - (b) Chairman’s Casting Vote (already covered in procedure rules);
 - (c) Majority;
 - (d) Reference to “Chairman”(to be added to glossary);
 - (e) The Seven Principles of Public Life (already covered in the Code of Conduct);
 - (f) Anti-Theft, Fraud and Corruption Policy (see (vi) below);
 - (g) Member Role Descriptions (to be included in Members’ induction manual);
 - (h) Procedural Guidance – Public Addressing Scrutiny and Overview Committee (superseded by new public speaking scheme)
 - (i) Procedural Guidance – Petitions (superseded by new petitions scheme).
- (iv) The task and finish group considered the current provisions in the Protocol on Member/Officer Relations insofar as they relate to Members’ enquiries. Following comments at Civic Affairs Committee on 3 December 2019 the task and finish group also consulted further with the Chief Executive who had not been in post when the protocol had originally been reviewed. On the basis of the advice of the Chief Executive,

paragraph 7.3 of the protocol has now been revised to provide that officers shall aim to respond to Members within 48 hours of receiving an enquiry.

- (v) Feedback was received from a member of the public in relation to the Code of Conducts Complaints Procedure which informed the updating of that procedure.
- (vi) The task and finish group did not review the Anti-Theft, Fraud and Corruption Policy and recommends that the Civic Affairs Committee asks the Audit and Corporate Governance Committee to review this policy.

(m) References to Chairman

The task and finish group was reminded of the equality duty requiring the Council to tackle stereotypes and to consider whether the use of certain language reinforced inappropriate “norms”. In that context, the task and finish group considered whether the Constitution should continue to refer to “Chairman” or whether “Chair” provided a more inclusive and appropriate term, taking account of the Council’s equality duties. The task and finish group acknowledged the sensitivities and individual preferences likely to be associated with the terminology to be used in the Constitution but, on balance, concluded that the term “Chair” should be adopted for use in the revised Constitution. However, the task and finish group felt that an individual should be allowed to use a different form of address for any meeting at which he or she presided, where he or she so wished. The revised Constitution at Appendix A has been drafted on that basis and the Glossary refers to the opportunity for an individual to request to use a different form of address at a meeting at which he or she presides.

The task and finish group has also asked that the terms “he” and “she” or “him” and “her” should be replaced by the more gender neutral “they” and “them” as appropriate.

(n) Delegations to Officers in consultation with non-executive Chairmen

The opportunity has been taken to clarify that, where appropriate, decisions are delegated to officers, in consultation with the relevant non-executive chairman, rather than by the non-executive chairman in order to reflect the statutory position. Decisions may however be delegated to individual executive members.

(o) Senior Management Review

The Constitution has been updated to reflect the new organisational structure (with the exception of the Financial Regulations which, as indicated in paragraph (h) above, have yet to be reviewed).

Appendix H



**South
Cambridgeshire
District Council**



Constitution of South Cambridgeshire District Council

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Glossary of Common Terms Used in the Constitution

Term	Definition
Access to Information Rules	Provisions that apply to all principal councils that provide the public and press with access to meetings and connected papers of the Council, its committees and sub committees, unless confidential or exempt information is likely to be disclosed.
Articles	The basic rules within the Constitution which govern the operation of the Council's business.
Background papers	Papers containing facts or matters on which the proper officer thinks the report or an important part of it is based, or which in his or her opinion are relied on to a material extent in preparing the report.
Budget and Policy Framework	The plans and strategies and budget which shall be adopted by the full Council and within which Cabinet shall operate.
Budget	The allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and council house rents and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
Cabinet	The Leader elected by the Council and up to 9 councillors chosen by the Leader to form a Cabinet with legal powers and responsibilities for discharging executive functions, including the day to day management of the Council's business in line with the policy framework and budget approved by the Council.
Call-in	A mechanism which allows an overview and scrutiny committee to examine and challenge a Cabinet decision (or decision of another executive decision taker) before it is implemented.

	<p>Call in may be requested by the chair of the relevant scrutiny and overview committee, the committee itself or any five councillors where they consider a decision is:</p> <ol style="list-style-type: none"> 1. contrary to the policy framework or contrary to, or not wholly in accordance with, the budget (a “Departure Decision”); or 2. not in accordance with the principles set out in Article 13 (Decision Making) (“Outside Article 13 Decision”).
Chair	<p>The person appointed to preside at meetings of any constituted body.</p> <p>The Constitution refers throughout to “The Chair”, whether of the Council or any committee or sub-committee or, by analogy, any working party or group. Any Chair may, however, wish to be referred to as “Chairman” or “Chairwoman” or some other related term, at any meeting at which he or she presides and all members or other persons speaking at the meeting shall respect that wish. Notwithstanding this, unless Council determines otherwise, minutes of all meetings and all references in one meeting to the Chair shall continue to use the word “Chair”.</p> <p>The same principle shall apply to the Vice-Chair.</p>
Chief Executive	<p>The officer with overall corporate management and operational responsibility (including overall management responsibility for all officers). This officer is also the Head of Paid Service.</p>
Chief Finance Officer	<p>The officer appointed by the Council under Section 151 of the Local Government Act 1972, to exercise the proper administration of the Council’s financial affairs, with specific responsibilities under the Local Government Act 1972. Also known as the “Section 151 Officer”. This is a statutory officer role.</p>
Chief Officers	<p>The Chief Executive, Chief Finance Officer, Monitoring Officer and Joint Director of Planning and Economic Development, as defined in Article 12 of the Constitution.</p>

Chief Operating Officer	The officer appointed by the Council to carry out the responsibilities listed in Article 12.
Clear Working Days	All agendas and papers for decision shall be available five clear working days before the decision is taken (special rules may apply to urgent late items). A clear working day excludes Saturday, Sunday or Bank and public holidays and does not include the day the papers are sent out or the date of the meeting.
Code of Conduct	<p>All councillors are required to abide by a Code of Conduct adopted by the Council which sets out the standards of conduct expected by them. The Code of Conduct applies to all councillors and co-opted members of the Council. The Code of Conduct for Councillors can be found in Part 5 A of the Constitution.</p> <p>All officers of the Council are also obliged to comply with a Code of Conduct setting out the standards of conduct expected of them. This can be found in Part 5 B of the Constitution.</p>
Committee	Committees are appointed to carry out functions delegated to them by the Council or Cabinet.
Confidential information	<p>Confidential information means:</p> <ol style="list-style-type: none"> 1. information provided to the Council by a Government department on terms which forbid the disclosure of the information to the public; and 2. information which is prohibited from being disclosed by any enactment or by a court order.
Contracts Finder	A national government portal for advertising public contracts.
Co-optee/Co-opted	Non-councillor appointed to serve on a committee or sub-committee in a participatory capacity, usually with no voting rights.
Councillor	An elected member of the Council

Council	The South Cambridgeshire District Council which comprises 45 elected members.
Decision	When a matter is ultimately taken by the appropriate decision maker. A recommendation is not a decision.
Delegation	The Leader of the Council, or the Council, may delegate the exercise of their statutory functions to committees or officers, whilst also retaining the power to carry out the function themselves. Officers who have been given delegated powers may also authorise other officers to carry out all, or part of, their delegated authority on their behalf.
Departure Decision	Grounds for calling in a decision of the Cabinet or other executive decision taker where that decision is believed to be contrary to the policy framework or contrary to, or not wholly in accordance with, the budget.
Deputy Leader (Statutory)	The member of the Cabinet appointed by the Leader to be his or her deputy. This is a statutory appointment under the Local Government Act 2000. If for any reason the Leader is unable to act, or if the office of Leader is vacant, the Deputy Leader shall act in the Leader's place.
Ethical Handbook	A document which contains ethical protocols (including policies for gifts and hospitality); procedural guidance for councillors on planning and licensing; the code of conduct complaints procedure; procedures for hearings under the code of conduct and procedures for licensing appeals hearings. The Ethical Handbook does not form part of the Constitution but supplements some of the documents that are (such as the Code of Conduct).
Exempt information	Information falling into one of 7 categories listed in the Access to Information Procedure Rules (Part 4 of Constitution) which usually may not be publicly disclosed.
Executive	The Leader and Cabinet; responsible for carrying out most of the Council's functions. Known as the "Cabinet" in South Cambridgeshire District Council and shall comprise the Leader and up to 9 councillors elected by the Leader.

Executive functions	Functions which may be discharged by the Leader or delegated by the Leader to the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, an officer or another local authority. Executive functions may not be undertaken by the Council.
Forward Plan	See “Notice of Forthcoming Key Decisions”.
Full Council	Full Council is made up of all 45 councillors in South Cambridgeshire. Meetings of the Full Council are held in public and are chaired by the Chair of the Council.
Group Leader	The leader of a political group as defined in “The Local Government (Committees and Political Groups) Regulations 1990”.
Head of Paid Service	The most senior officer of the Council, with overall responsibility for the management and operation of the Council. The Chief Executive is the “Head of Paid Service” at South Cambridgeshire District Council. This is a statutory officer role.
Head of Service	Senior officers who report to the Chief Executive and Chief Operating Officer and are responsible for the effective management, delivery and performance of the services and functions within their specific corporate areas of responsibility.
Housing Land Transfer	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.
Independent Persons	The Council is required, under the provisions of the Localism Act 2011, to appoint at least one Independent Person to assist the Authority in promoting and maintaining high standards of conduct amongst its councillors.
Key Decision	A decision by the Cabinet, or an individual Cabinet Member or officer, which is likely either to incur significant* expenditure or make significant savings,

	<p>or to have a significant impact on those living or working in 2 or more wards.</p> <p>*A decision to:</p> <ol style="list-style-type: none"> 1. incur expenditure or savings in excess of £200,000; or 2. acquire or dispose of land or property with a value in excess of £1,000,000 <p>shall be treated as significant. However a decision to invite a tender or award a contract shall not be treated as a key decision where the purpose of the contract is to fulfil the intention of any policy or scheme included in the policy framework or budget or involves a continuation of an existing policy or service standard.</p>								
Lead Cabinet Member	The Cabinet Member appointed by the Leader to have responsibility for ensuring the effective management and delivery of a particular area of the Council's work (sometimes referred to as a "portfolio").								
Leader of the Council	The person elected by the Council to be its Leader with powers outlined in the Local Government Act 2000 (as amended). Appoints the Deputy Leader and Cabinet and chairs the Cabinet.								
Level	<p>A monetary amount or value, adjusted from time to time by the Chief Finance Officer in line with inflation rates in accordance with Contract Regulation 21.1. Different levels may be designated with separate corresponding values. The following shall be the designated values until further notice of adjusted values is given to Council.</p> <table style="margin-left: 20px;"> <tr> <td>Level 1</td> <td>£5,000</td> </tr> <tr> <td>Level 2</td> <td>£25,000</td> </tr> <tr> <td>Level 3</td> <td>£50,000</td> </tr> <tr> <td>Level 4</td> <td>£120,000</td> </tr> </table>	Level 1	£5,000	Level 2	£25,000	Level 3	£50,000	Level 4	£120,000
Level 1	£5,000								
Level 2	£25,000								
Level 3	£50,000								
Level 4	£120,000								
Local Choice Functions	The Council has a choice whether some of the functions, known as "Local Choice functions", shall be the responsibility of the Council or should be the responsibility of Cabinet. These are set out in Table 1 of Part 3 of the Constitution.								

Member	In relation to the Council, an elected councillor, in relation to any other body, a person appointed as a member of that body, whether or not entitled to vote.
Monitoring Officer	The officer appointed by the Council in accordance with Section 5 of the Local Government and Housing Act 1989 to promote and maintain high standards of fairness and decision making. The Monitoring Officer is currently the Deputy Head of Legal Practice, 3C Legal.
Motion	A motion is a proposal put forward for debate or decision. A motion shall be moved and seconded before it may be debated. It shall be expressed as a motion in positive terms to adopt a certain course of action or to do some act or to declare a particular attitude. There are two types of motion, formal motion on notice and procedural without notice.
Officers	Council officers are paid, non-elected employees of the local authority. Officers implement policy decisions made by councillors.
Notice of Forthcoming Key Decisions	A plan setting out key decisions (as defined in Article 13) which are expected to be taken by the Cabinet over the coming months. The plan is published on the Council's website and is available at least 28 days before a decision is made. Also referred to as the "Forward Plan".
Operational Decision	Those decisions which relate to the day to day operation of the organisation, which are consistent with the strategic direction set by the Council and Cabinet and are in accordance with, and not contrary to, the Budget and Policy Framework.
Outside Article 13 Decision	Grounds for calling in a decision of the Cabinet or other executive decision taker where that decision is believed not to be in accordance with the principles set out in Article 13 (Decision Making).
Outside Body	Statutory bodies, charities and voluntary organisations, partnership bodies, local government associations, companies and other external organisations to which the Council appoints representatives.

Overview and Scrutiny Committees	Committees established to assist in the development of policy and to hold the Cabinet and other executive decision takers to account by questioning, challenging and monitoring its performance.
Petitions Scheme	The Scheme which explains how members of the public may submit a petition to the Council and how petitions shall be treated by the Council.
Political Proportionality	A legal principle which requires that committees of the Council (but not Cabinet) shall include elected councillors in proportion to the size of their political groups on the Council as a whole.
Policy Framework	The plans and strategies set out in Article 4 which shall be adopted by the full Council and within which the Cabinet shall operate.
Political groups	Any two or more councillors notifying the Proper Officer in the appropriate form is considered a political group for the purpose of seat allocation.
Proper Officer	The Chief Executive or such other suitably experienced senior officer as the Chief Executive shall appoint to be responsible for specific responsibilities in law.
Public Participation Scheme	The Scheme setting out how members of the public may speak at meetings of the Council and its committees. Separate schemes operate for speaking at meetings of the Council's Planning Committee and Licensing Sub Committees.
Quorum	The minimum number of people who shall be present before a meeting may take place.
Regulatory Committee	A committee undertaking functions of the Council (such as licensing or planning).
Scheme of Delegation	The documents in part 3 of the Constitution which set out which members of the Cabinet or which officers are responsible for particular functions of the Council.

Scrutiny Monitor	Member of a scrutiny and overview committee appointed by the committee to scrutinise and review the work of a particular lead Cabinet member.
Senior Leadership Team (SLT)	The senior officer team responsible for the operational management of the Authority and comprising the Chief Executive, Chief Operating Officer, Joint Director of Planning and Economic Development, Chief Finance Officer, Monitoring Officer and Heads of Service
Substantive Motion	An original motion that has been amended and is put forward for decision.
Substitute	A person who is appointed to attend a committee meeting in place of a member of their political group where that person is unable to attend themselves.
Summons	The term used to describe the agenda for the full Council meeting.
Vice-Chair	<p>The person appointed to preside, in the absence of the Chair, at meetings. In the case of the Vice-Chair of Council, the post holder shall also deputise for the Chair of the Council at civic and ceremonial events, from time to time, as required.</p> <p>See definition for “Chair” above as to the right of the individual holding the office to request to be called by some other title.</p>
Virement	Moving budget funds from one area of expenditure to another within a financial year.
Whip	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.

Part 1: Summary and Explanation

1. What is the Constitution?

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

2. How the Council operates

- 2.1. The Council consists of 45 councillors elected every four years. Councillors are democratically accountable to residents of their Wards. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 2.2. Councillors must agree to follow a code of conduct to ensure high standards in the way they undertake their duties.
- 2.3. All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's policy framework and set the budget each year. The Council elects the Leader of the Council and the Chair and Vice-Chair of the Council by secret ballot.
- 2.4. The remaining members of the Executive or 'Cabinet' are appointed by the Leader, who must also appoint a Cabinet member to be the Deputy Leader.
- 2.5. Cabinet members hold office until they resign, are no longer councillors or are removed by the Leader. The Council may remove the Leader under certain circumstances.(Article 7.3 refers)
- 2.6. The Council also appoints committees, some of which carry out regulatory functions which by law may not be the responsibility of the Cabinet, for example planning and licensing.

3. How Decisions Are Made

- 3.1. The Cabinet is responsible for most day-to-day decisions. The Cabinet is made up of the Leader and up to nine other councillors. When major decisions, known as **key decisions**, are to be

discussed or made these are published in the Cabinet's Notice of Key Decisions in so far as they can be anticipated. If these key decisions are to be discussed with council officers at a meeting of the Cabinet, this will generally be open for the public to attend, except where personal or confidential matters are being discussed. The Cabinet shall make decisions which are in line with the Council's overall policy framework and budget. If it wishes to make a decision which is outside the budget or policy framework, this shall be referred to the Council as a whole to decide.

4. Scrutiny and Overview

- 4.1. The Council shall appoint at least one scrutiny and overview committee which may pre-scrutinise and review the decisions of the Cabinet. Scrutiny and overview committees may make reports and recommendations to the Cabinet and to the Council on policies, budget and service delivery. They may involve non-councillors from other public bodies, voluntary and community groups in their work and undertake enquiries into matters of local concern. Scrutiny and overview committees also monitor the decisions of the Cabinet and may call-in a decision which has been made, but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. Scrutiny and overview committees may also be consulted by the Cabinet or the Council on forthcoming decisions.

5. The Council's Officers

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

6. Citizens' Rights

- 6.1. Citizens have a number of rights in their dealings with the Council. These are set out in in Article 3.

Part 2: Articles

Article 1: The Constitution

1.1 The Constitution

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no one shall 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;
- (h) provide a means of improving the delivery of services to the community; and
- (i) set out the Codes and Protocols to ensure that the Council operates in accordance with the principles of public life (set out in Part 5).

1.2 Powers of the Council

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

1.3 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council shall always choose that option which it thinks is closest to the purposes stated above. The Council shall monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2: Members of the Council

2.1 Composition and Eligibility

- (a) **Composition.** The Council consists of 45 councillors. One or more councillors shall be elected by the voters of each Ward in accordance with a scheme approved by the Boundary Commission for England.
- (b) **Eligibility.** Only registered voters of the district or those living or working there shall be eligible to stand for the office of councillor.

2.2 Election and Terms of Councillors

The regular election of all councillors shall be held on the first Thursday in May every four years beginning in 2018. The terms of office of councillors shall be four years, starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election.

A councillor shall cease to be a councillor if:

- (a) they resign by giving written notice to the proper officer (such resignation to take effect upon the receipt of such notice by the proper officer); or
- (b) they fail to attend meetings of the Council for a period of six months, unless the failure was due to a reason approved by the authority; or
- (c) they cease to be qualified to be a member of the authority or become disqualified from being a member of the authority; or
- (d) they come to the end of the term of office for which they were elected and have not been re-elected.

2.3 Roles and Functions of All Councillors

- (a) **Key roles.** All councillors shall:
- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and encourage community participation and involvement in decision making;
 - (iii) deal with individual casework and act as advocates for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within the Ward and represent the Ward as a whole;
 - (v) participate in the governance and strategic management of the Council;
 - (vi) be available to represent the Council on other bodies; and
 - (vii) maintain the highest standards of conduct and ethics.
- (b) **Rights and duties**
- (i) Councillors shall have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
 - (ii) Councillors shall 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.
 - (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.4 Conduct

Councillors shall at all times observe the Members’ Code of Conduct and Protocol on Member/Officer Relations set out in Part 5 of this Constitution and shall have

regard to the Procedural Guidance for members of Planning and Licensing Committees contained in the Ethical Handbook.

2.5 Allowances

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

2.6 Recognition of political groups

Members shall be entitled to join political groups. In accordance with the Local Government (Committees and Political Groups) Regulations 1990, a political group shall be treated as constituted when there is delivered to the Proper Officer a notice in writing which:

- (a) is signed by two or more members of the Council who wish to be treated as a political group;
- (b) states that members of the Council who have signed wish to be treated as a political group;
- (c) states the name of the political group;
- (d) states the name of the member who shall be the Leader of the political group.

2.7 Definitions of Controlling and Opposition Groups

The political group or groups of the Council whose members have been appointed to the Cabinet by the Leader of the Council shall be identified as the Controlling Group or Groups. For the purposes of political control, the Cabinet shall collectively be identified as the Executive.

The political group with the largest number of seats on the Council and whose members have not been appointed to the Cabinet by the Leader of the Council shall be identified as the Major Opposition Group.

Other political groups with seats on the Council and whose members have not been appointed to the Cabinet by the Leader of the Council shall be identified as Minor Opposition Groups.

2.8 Leader of the Major Opposition Group's report to Council

The Leader of the Major Opposition Group may make a report to the Annual Meeting of Council.

Article 3: Citizens and the Council

3.1 Citizens' Rights

Citizens have the following rights.

(a) Voting and Petitions

- (i) Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for a different form of governance and to vote in any local referendum in respect of an increase in the local authority's precept.

(b) Information Citizens have the right to:

- (i) attend meetings of the Council, Cabinet and committees, except where confidential or exempt information is likely to be disclosed, and the meeting, or part of it, is therefore held in private;
- (ii) find out from the on-line Notice of Key Decisions which key decisions are due to be taken by the Cabinet, or a Lead Cabinet member, and when;
- (iii) see reports and background papers, and any records of decisions made by the Council, Cabinet or committees, except where they contain confidential or exempt information; and
- (iv) inspect the Council's accounts and make their views known to the external auditor.

- (c) **Participation** Citizens have a right to submit petitions in accordance with the Council's petitions scheme and to ask questions or make statements in accordance with the Council's public speaking scheme.
- (d) **Complaints.** Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme;
 - (ii) the Ombudsman after using the Council's own complaints scheme:
 - (iii) the Monitoring Officer about a breach of the Members' Code of Conduct.

(Citizens' rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.)

3.2 Citizens' Conduct

Citizens are expected to treat councillors, officers and others providing services with respect. The Council will not tolerate abusive or threatening behaviour or damage to Council property. The Council asks that citizens remain polite and patient and use the complaints procedure if aggrieved.

Article 4: The Full Council

4.1 The Full Council

The Full Council is a quorate meeting of the 45 councillors representing Wards in South Cambridgeshire District Council. It is chaired by the Chair of the Council and managed in accordance with the formal Standing Orders in Part 4 of this Constitution. The quorum required for a meeting of the Full Council is specified within the Council Standing Orders.

4.2 Functions of the Full Council

Only the Full Council shall exercise the following functions:

- (a) adopting and changing the Constitution, other than Tables 4 and 5 in Part 3;
- (b) approving or adopting the **policy framework**, the **budget** with the exception of the calculation and approval of the council tax base, which is delegated to the Chief Finance Officer, and any application to the Secretary of State in respect of any **Housing Land Transfer**;

Meanings

For the purposes of (b) above,

- (i) **Policy Framework.** The policy framework means the following plans and strategies:
 - i. Annual Pay Policy Statement;
 - ii. Corporate plan, setting out the Council's key objectives;
 - iii. Climate Change Action Plan (or equivalent strategic document);
 - iv. Plans and strategies which together comprise the South Cambridgeshire Local Plan (submission and adoption);
 - v. Approval of Development Plan Documents;
 - vi. The plans and strategies which comprise the Housing Investment Programme, including the Housing Revenue Account Strategy and Business Plan;
 - vii. Statement of Licensing Policy, Licensing Act 2003;
 - viii. Gambling Act 2005 Statement of Principles; and
 - ix. Risk Management Strategy.
- (ii) **Budget.** The budget means the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and council house rents and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

- (iii) **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.
- (c) approving discretionary acquisitions and disposals not otherwise authorised under any delegation.
- (d) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to / or not wholly in accordance with the budget;
- (e) appointing the Leader and, in certain circumstances, removing 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 bodies where the appointment has not been delegated by the Council;
- (h) adopting an allowances scheme under Article 2.5 (Members' Allowances);
- (i) appointing the electoral registration officer and the returning officer; changing the name of the District; petitioning for borough status and conferring honorary titles; functions relating to a change in governance arrangements and the passing of a resolution to change the electoral scheme (the electoral cycle);
- (j) confirming the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (Section 151 Officer) and taking the final decision to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer.
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) electing the Chair and Vice-Chair of the Council;

- (m) adopting a Code of Conduct and agreeing any amendments to it.
- (n) exercising all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
- (o) exercising all other matters which, by law, shall be reserved to Council.

4.3 Council Meetings

There are three types of Council meeting:

- (a) The annual meeting;
- (b) Ordinary meetings;
- (c) Extraordinary meetings.

Council meetings shall be conducted in accordance with the Council Standing Orders in Part 4 of this Constitution.

4.4 Responsibility for Functions

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

Article 5: Chairing the Council

5.1 Election of the Chair and Vice-Chair

The Chair and the Vice-Chair shall hold office for one year and shall be elected by secret ballot at the annual meeting of the Council. Neither shall be eligible for re-election as Chair or Vice-Chair respectively for a third consecutive year (although the Vice-Chair may stand for election as Chair).

5.2 Role of the Chair

The Chair shall have the following responsibilities:

- (a) to be the Civic Leader of South Cambridgeshire District Council and to represent the Council at various functions of a civic, community and ceremonial nature;
- (b) to uphold and promote the purposes of the Constitution, and to interpret the Constitution where necessary;
- (c) to preside over meetings of the Council so that its business is carried out efficiently;
- (d) to ensure that the Council meeting is a forum for debate for matters of concern to the local community and where members who do not serve on the Cabinet may hold the Cabinet to account;
- (e) to promote public involvement in the Council's activities; and
- (f) to be the conscience of the Council.

5.3 Role of the Vice-Chair

The Vice-Chair shall have the following responsibilities:

- (a) to deputise, as necessary, for the Chair of the Council;
- (b) to undertake specific tasks and responsibilities as requested by the Chair;
- (c) to share and support, in general, the full workload of the Chair; and
- (d) to work actively with the Chair to manage the work of the Council meeting.

Article 6: Scrutiny and Overview

6.1 Terms of Reference

The Council shall appoint one or more scrutiny and overview committee to discharge the functions conferred by section 9F of the Local Government Act 2000 and regulations under that Act.

6.2 General Role

The role of a scrutiny and overview committee is to:

- (a) hold the Cabinet to account for its policies and actions.
- (b) assist with policy development and scrutinise policy implementation.
- (c) review and scrutinise existing policies and practices and make recommendations for improvement.
- (d) review and scrutinise decisions made, or proposed to be made, by the Cabinet or another executive decision taker (see note 1 below).
- (e) oversee and monitor the performance of services and the budget.
- (f) consider any matter affecting South Cambridgeshire or its residents as it sees fit.
- (g) make recommendations to Cabinet, any Joint Committee or Council in respect of any of its functions.
- (h) review and scrutinise the performance of other bodies having public functions in the area.
- (i) call-in, for reconsideration, decisions made, but not yet implemented, by the Cabinet, or another executive decision taker.

(Note 1: “Another executive decision taker” includes any Cabinet member; Cabinet committee; area committee; joint committee or officer (key decision only in the case of an officer)).

6.3 Scope

In carrying out its role, a scrutiny and overview committee shall:

- (a) agree, and keep under regular review, annual work programmes.
- (b) establish task and finish groups, where appropriate, to take forward specific topics for investigation.
- (c) conduct research, community and other consultation as appropriate in the analysis of policy issues and possible options.
- (d) seek to ensure that the expertise of all non-executive members is fully utilised in the development of Council policy.
- (e) liaise with the Cabinet to ensure that the advice of the committee is timely and useful.
- (f) consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- (g) question members of the Cabinet and senior management about their views on issues and proposals affecting the area.
- (h) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are best served.
- (i) promote well-being through partnership working.
- (j) appoint monitors to each lead cabinet member to act as a bridge to the Cabinet, promoting constructive dialogue and supporting effective scrutiny that adds value to the work of the Cabinet and lead cabinet members.

- (k) make annual reports to Council on the activities of the committee, identifying where they have been able to influence decisions, safeguard the public interest and enhance Council performance.
- (l) exercise overall responsibility for the finances made available to the committee.

6.4 Proceedings of Scrutiny and Overview Committees

Scrutiny and overview committees shall conduct their proceedings in accordance with the Scrutiny and Overview Procedure Rules set out in Part 4 of this Constitution.

Article 7: The Cabinet

7.1 Role

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

7.2 Form and Composition

- (a) The Cabinet shall consist of the Leader, together with at least 2, but not more than 9, other councillors appointed by the Leader. Cabinet members shall be appointed by the Leader as soon as practicable following their election and the Leader shall normally give notification of such appointments at the annual Council meeting. Subsequent changes to the membership of the Cabinet may be made by the Leader and shall take effect immediately upon the receipt of written notice of the appointment by the proper officer.
- (b) The Chair and Vice-Chair of Council may not be appointed to the Cabinet.

7.3 Leader and Deputy Leader

- (a) The Leader shall be a councillor elected to the position by the Council at its first annual meeting following the District Council's elections. Where the position is contested, the election shall take place by secret ballot.
- (b) The Leader shall hold office until:
 - (i) the first annual meeting after their normal day of retirement as a councillor; or
 - (ii) they resign from the office; or
 - (iii) they are no longer a councillor; or
 - (iv) they are removed from office by resolution of the Council in accordance with the procedure set out in Standing Order 13.1(b) and (c); or
 - (v) they are disqualified from being a councillor.
- (c) The Leader remains a member of the Council during their term of office as Leader and any enactment that provides for them to retire earlier as a councillor does not apply.
- (d) The Leader shall appoint one member of the Cabinet to be the Deputy Leader to assume the full powers of the Leader in any circumstances in which the Leader is unable to act. The Deputy Leader shall also act as Leader if the post of Leader is vacant. The Deputy Leader shall hold office in accordance with the provisions of Article 7.4 below.

7.4 The Deputy Leader and other Cabinet Members

The Deputy Leader and other Cabinet members shall hold office until:

- (a) they resign from office; or
- (b) they are no longer councillors; or

- (c) they are removed from office by the Leader, who shall give written notice of any removal to the proper officer. The removal shall take effect immediately upon receipt of the notice by the proper officer.

7.5 Vacancies

- (a) When a vacancy arises in the office of the Leader, the Council shall fill the vacancy at the next ordinary meeting of the Council, or at a subsequent meeting. The councillor appointed to fill the vacancy shall hold office for the remainder of the original term, subject the provisions of Article 7.3 (b) above.
- (b) When a vacancy arises in the office of Deputy Leader or a member of the Cabinet, the Leader shall appoint a councillor to fill the vacancy and shall inform the Council of the appointment at the next meeting. The councillor(s) appointed shall be subject to the terms of office in Article 7.4 above.

7.6 Proceedings of the Cabinet

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

7.7 Responsibility for Functions

- (a) The Leader shall maintain a list in Table 4 of Part 3 of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of which executive functions.
- (b) If, for any reason, the Leader is unable to act, or that office is vacant, the Deputy Leader shall act in their place. If for any reason both the Leader and Deputy Leader are unable to act, or those offices are vacant, the Cabinet shall act in place of the Leader or shall arrange for a member of the Cabinet to do so.

Article 8: Regulatory and Other Committees

8.1 Regulatory and Other Committees

The Council shall appoint such committees as it considers appropriate, details of which shall be set out in Table 3, Responsibility for Council Functions - Committees, in Part 3 of this Constitution, to discharge the functions described in column 2 of that table.

8.2 Composition

The number of councillors on each such committee is set out in Part 3, Table 3 of the Council's Constitution, together with any restriction on composition.

8.3 Mandatory requirement to undertake appropriate training

No member shall be eligible to sit on a regulatory committee unless and until they have undertaken suitable training upon appointment to such committee. No member shall be eligible to remain on a regulatory committee unless and until they have undertaken suitable refresher training, as and when identified by the relevant Chief Officer/Head of Service. The Democratic Services section shall maintain a record of attendance at training events as evidence that each member's training requirement has been met.

Article 9: Ethical Standards functions of the Civic Affairs Committee

9.1 Composition

- (a) **Membership.** The Council shall appoint a Civic Affairs Committee with the composition set out in Part 3 of this Constitution to discharge the functions described in Article 9.3 below.
- (b) The Civic Affairs Committee shall make an annual report to Full Council on its business.

- (c) **Independent Person(s).**
- (i) The Council shall appoint one or more Independent Person as required under Section 28(7) of the Localism Act 2011;
 - (ii) The Independent Person may attend meetings of the Civic Affairs Committee when ethical standards issues are on the agenda, and of its sub-committees or panels established to consider ethical standards matters, but shall not be entitled to vote at meetings;
 - (iii) An Independent Person shall retire after two years but shall be eligible for re-appointment for a further term or terms.
- (d) **Quorum and Substitutes.** The quorum for any meeting of the Civic Affairs Committee or any sub-committee of the Civic Affairs Committee shall be three members.

9.2 Sub-Committees of the Civic Affairs Committee

The Civic Affairs Committee may appoint sub-committees including for the purpose of:

- (a) considering an Investigating Officer's final report; and/or
- (b) considering determination hearings in accordance with the hearings procedure set out in the Ethical Handbook.

9.3 Role and Function

The Civic Affairs Committee shall have the following role and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members;
- (b) assisting the 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) holding hearings to determine complaints in which an investigation report has held that the Code of Conduct has been breached (in accordance with the hearings procedure set out in the Ethical Handbook) and, where appropriate, imposing a sanction on a councillor;
- (g) maintaining an overview of dispensations granted to councillors and co-opted members from requirements relating to interests set out in Members' Code of Conduct;
- (h) receiving reports from time to time from the Monitoring Officer concerning the operation of Members' Code of Conduct and in respect of their statutory functions under the Local Government and Housing Act 1989; and
- (i) advising the Council upon and monitoring the contents of and requirements for all codes, protocols and other procedures relating to standards of conduct throughout the Council, including the Protocol on Member/Officer Relations and the Officer Code of Conduct.

The roles and functions of the Civic Affairs Committee relating to Electoral Arrangements and the review of the Council's Constitution are set out in Part 3, Table 3 of this Constitution.

Article 10: Area Committees

10.1 Area Committees

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

Article 11: Joint Arrangements

11.1 Promoting Well-Being through Partnership

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

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

11.2 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and / or their executives, either to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the Authority as a whole.
- (d) The Cabinet may only appoint members to a joint committee from outside the Cabinet where the joint committee has functions for a part only of the district, smaller than two-fifths of the district by area or population. In such cases the Cabinet may appoint any councillor who is a member for a Ward which is wholly or partly contained in the relevant area. In this case political balance requirements do not apply.

Details of joint committees and the functions exercised by them may be found in the Council's scheme of delegations in Part 3, Table 6, of this Constitution.

11.3 Access to Information

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

11.4 Delegation to and from other Local Authorities

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

11.5 Contracting Out

The Council (for non-executive functions) or the Cabinet (for executive functions) may contract out to another body or organisation their respective 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 (see note 2 below), 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.

(Note 2: These are Ministerial Orders allowing local authorities to contract out specific functions. Those made so far deal with tax billing, collection and

enforcement, investment functions, allocation of housing and homelessness and certain County Council functions).

Article 12: Officers

12.1 Management Structure

- (a) **General.** The Council may engage such officers as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council shall engage persons for the following posts, who shall be designated Chief Officers:

Post	Functions and areas of responsibility
<p>Chief Executive (Head of Paid Service)</p>	<p>Statutory functions of the Head of Paid Service as set out in 12.2 below.</p> <p>Overall corporate management and strategic responsibility (including overall management responsibility for all officers)</p> <p>Provision of professional advice to all parties in the decision-making process.</p> <p>Together with the Monitoring Officer, responsibility for reviewing the Constitution.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p>

Post	Functions and areas of responsibility
	Representing the Council on partnership and external bodies (as required by statute or the Council).
Chief Operating Officer	<p>Providing strategic direction and leadership across all services, including those in shared operating models,</p> <p>Leading business transformation and organisational change,</p> <p>Leading, developing, mentoring and coaching Heads of Service.</p> <p>Deputising for the Chief Executive as required.</p>
Monitoring Officer	Statutory functions of the Monitoring Officer as set out in 12.3 below.
Chief Finance Officer	Statutory responsibilities of the Chief Finance Officer as set out in Article 12.4 below.

Post	Functions and areas of responsibility
<p>Joint Director of Planning and Economic Development</p>	<p>Providing vision, direction and strategic leadership for planning and economic growth across Greater Cambridge and, with partners at a local, sub-regional and national level.</p> <p>Leading the development of sustainable new communities and places, to ensure high quality design and the best possible quality of life for local residents and communities.</p> <p>Working with members and officers of both South Cambridgeshire and Cambridge City Councils, reflecting the separate identity and sovereignty of the two areas, to ensure effective and efficient planning and economic growth services.</p> <p>Exploring and, maximising opportunities for joint working and, shared services with potential partners at all levels</p>

- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council designates the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service

Deputy Head of Legal Practice	Monitoring Officer
Head of Finance	Chief Finance Officer

Such posts shall have the functions described in Article 12.2-12.4 below.

- (d) **Structure.** The Head of Paid Service shall determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of senior officers. This shall be maintained on the Council's website.

12.2 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service shall report to full Council, where they consider appropriate, on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restriction on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.3 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer shall maintain an up-to-date version of the Constitution and shall ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer shall report to the Council, or to the Cabinet in relation to an executive function, if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to

maladministration. Such a report shall have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (c) **Supporting the Civic Affairs Committee.** The Monitoring Officer shall contribute to the promotion and maintenance of high standards of conduct through provision of support to the Civic Affairs Committee.
- (d) **Conducting investigations.** The Monitoring Officer, or a representative appointed by them, shall conduct investigations into complaints that the Code of Conduct has been breached and make reports or recommendations in respect of them to the Civic Affairs Committee.
- (e) **Proper officer for access to information.** The Monitoring Officer shall 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.
- (f) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer shall advise whether decisions of the Cabinet or other executive decision taker are in accordance with the budget and policy framework.
- (g) **Providing advice.** The Monitoring Officer shall 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.
- (h) **Restrictions on posts.** The Monitoring Officer shall not be the Chief Finance Officer or the Head of Paid Service.
- (i) **To appoint a deputy** (where required) who shall undertake the Monitoring Officer's duties where the Monitoring Officer is unable to act owing to absence or illness. [s5, Local Government & Housing Act 1989].

12.4 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer shall report to the Council or to the Cabinet in relation to an executive function, and to the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully [s.114 Local

Government Finance Act, 1988]. Such a report shall have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (b) **Administration of financial affairs.** The Chief Finance Officer shall have responsibility for the administration of the financial affairs of the Council [s.151 Local Government Act, 1972] and there is delegated to the Chief Finance Officer responsibility for the execution and administration of treasury management decisions. They shall act in accordance with the Council's policy statements and treasury management practices and the Chartered Institute of Public Finance and Accountancy's Standard of Professional Practice on Treasury Management
- (c) **Contributing to corporate management.** The Chief Finance Officer shall contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer shall 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 shall support and advise councillors and officers in their respective roles.
- (e) **Giving financial information.** The Chief Finance Officer shall provide financial information to the media, members of the public and the community.
- (f) **To appoint a deputy** who shall undertake the Chief Finance Officer's duties where the Chief Finance Officer is unable to act owing to absence or illness. [s114, Local Government Finance Act 1988].

12.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

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

12.6 Conduct

Officers shall comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

12.7 Employment

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

12.8 General Delegated Powers and Proper Officer Responsibilities

General delegated powers and proper officer responsibilities are set out in the Scheme of Delegation in Part 3, Table 7, of this Constitution.

Article 13: Decision-making

13.1 Responsibility for Decision-making

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

13.2 Principles of Decision-making

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

- (a) proportionality, i.e., the action to be taken shall be proportionate to the desired outcome;
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) presumption in favour of openness, helpfulness and consistency;
- (e) clarity of aims and desired outcomes; and
- (f) consideration of available options and giving reasons for decisions.

13.3 Types of Decision

- (a) **Decisions reserved to full Council.** Decisions relating to the functions listed in Article 4.2 shall be made by the full Council and not delegated.
- (b) A decision taker may only make a key decision in accordance with the requirements of the Cabinet and Access to Information Procedure Rules set out in Part 4 of this Constitution. The meaning of key decision is as follows:

A **key decision** is a decision taken by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, an officer or under joint arrangements which:

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

For the purposes of (i) above, a decision to:

- a. incur expenditure or savings in excess of £200,000; or
- b. acquire or dispose of land or property with a value in excess of £1,000,000

shall be treated as significant for these purposes. However, a decision to invite a tender or award a contract shall not be treated as a key decision where the purpose of the contract is to fulfil the intention of any policy or scheme included in the policy framework or budget or involves a continuation of an existing policy or service standard.

13.4 Decision-making by the Full Council

Subject to Article 13.9, the Council meeting shall follow the Council Standing Orders set out in Part 4 of this Constitution when considering any matter.

13.5 Decision-making by the Cabinet

Subject to Article 13.9, the Cabinet or other Executive decision takers shall follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.6 Decision-making by the Scrutiny and Overview Committee

Any scrutiny and overview committee shall follow the Scrutiny and Overview Procedure Rules set out in Part 4 of this Constitution when considering any matter.

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

Subject to Article 13.9, other Council committees and sub-committees (with the exception of the Licensing Committee (2003 Act)) shall follow those parts of the Council Standing Orders set out in Part 4 of this Constitution as apply to them.

13.8 Decision-making by The Licensing Committee (2003 Act)

The Licensing Committee (2003 Act) has resolved to operate under the provisions of the Local Government Act 1972 (as amended) and meetings of the committee shall follow the relevant parts of the Council Standing Orders set out in Part 4 of this Constitution. The committee's sub-committees shall follow the procedure set out in the Ethical Handbook.

13.9 Decision-making by Council Bodies acting as Tribunals

The Council, a committee of the Council, a councillor or an officer acting as a panel or 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 shall follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

13.10 Appeals

Where any appeal arises from a decision delegated to any officer, member of the Cabinet, committee of the Cabinet or any sub-committee, neither that officer, member, committee or sub-committee nor any member of that committee or sub-committee nor any person previously having had any part in the relevant decision, shall be involved in the appeal.

Article 14: Finance, Contracts and Legal Matters

14.1 Financial Management

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

14.2 Contracts

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

14.3 Legal Proceedings

The Head of Legal Practice or their nominated representative is authorised to institute, defend, withdraw, compromise or take any other action in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Practice considers that such action is necessary to protect the Council's interests.

14.4 Authentication of Documents

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it shall be signed by the Chief Executive, Chief Operating Officer or Head of Legal Practice or other person authorised by either of them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

- (b) Any contract with a value exceeding Level 2 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. All written contracts shall either be signed by one officer delegated to do so or made under the Common Seal of the Council.

14.5 Common Seal of the Council

- (a) The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Legal Practice.
- (b) The Seal shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of the Cabinet, committee or sub-committee to which the Council has delegated its powers or by a decision of an officer acting under delegated powers.
- (c) The Common Seal will be affixed to those documents which, in the opinion of the Head of Legal Practice, should be sealed. The affixing of the Common Seal will be attested by the Chief Executive or the Head of Legal Practice or their nominees.

Article 15: Review and Revision of the Constitution

15.1 Duty to Monitor and Review the Constitution

The Chief Executive and the Monitoring Officer shall monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.2 Changes to the Constitution

- (a) Changes to the Constitution shall only be approved by the full Council, after consideration of the proposal by the Chief Executive, subject to the exceptions identified in Article 4.2(a) and to the provision in (b) below.
- (b) The Chief Executive is authorised, in consultation with the Chair and Leader of the Council and Monitoring Officer, to agree and incorporate into the Constitution:

- (i) Factual changes, for example to reflect changes in job titles or the management structure; and
- (ii) Changes which are required by new legislation which the Council has no choice but to make.

Article 16: Suspension, Interpretation and Publication of the Constitution

16.1 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules may be moved with or without notice. The extent and duration of suspension shall be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1 but shall not extend beyond the meeting.
- (c) **Rules capable of suspension.** The rules which may be suspended are specified in Council Standing Order 25.

16.2 Interpretation

The ruling of the Chair of Council as to the construction or application of this Constitution, or as to any proceedings of the Council, shall be final. Such interpretation shall have regard to the purposes of this Constitution contained in Article 1.

16.3 Publication

- (a) The Monitoring Officer shall provide every member of the Council, upon the delivery of the individual's declaration of acceptance of office on the Member first being elected to the Council, with the details of where to view a copy of the Constitution on the Council's website.

- (b) The Chief Executive shall ensure that a copy of the Constitution is available for inspection on the Council's website, at Council offices and other appropriate locations and may be purchased by members of the local media and the public on payment of a reasonable fee.

Part 3: Responsibility for Functions

Responsibility for Local Choice Functions (Table 1)

The table below sets out responsibility for the functions where there is a choice whether these are functions of Council or Cabinet in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

Function	Responsibility	Delegation of Functions
Any function under a local Act	Council	None
The determination of appeals in respect of disciplinary action or grievance	Council	Employment and Staffing Committee or panel thereof where not delegated to officers
Functions relating to contaminated land: Approval of Contaminated Land Strategy All other functions	Cabinet	Lead cabinet member responsible for Environmental Services Head of Shared Waste and Environment
Functions relating to the control of pollution or the management of air quality: Approval of Air Quality Strategy and declaration of Air Quality Management Areas All other functions	Cabinet	Lead cabinet member responsible for Environmental Services Head of Shared Waste and Environment
Service of an abatement notice in respect of a statutory nuisance	Cabinet	Head of Shared Waste and Environment

Part 3 – Table 1: Responsibility for Local Choice Functions

Function	Responsibility	Delegation of Functions
Passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Cabinet	Head of Shared Waste and Environment
Inspection of the Authority's area to detect statutory nuisances	Cabinet	Head of Shared Waste and Environment
Investigation of complaints as to the existence of statutory nuisances	Cabinet	Head of Shared Waste and Environment
Obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Cabinet	Joint Director of Planning and Economic Development
Obtaining of information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 as to interests in land	Cabinet	All Heads of Service
Appointments to Outside Bodies and revocation of such appointments (except where specifically reserved to Council)	Cabinet	Leader of the Council

Responsibility for Council Functions (Table 2)

Council Membership	Functions	Delegation of Functions
All 45 members of the District Council	The functions which are reserved to the Council are set out in Article 4.2 of the Constitution.	None, save as otherwise specified in Article 4.2.

Responsibility for Council Functions (Committees) (Table 3)

The Council has established the following committees with the respective composition of members to carry out the functions set out in the second column of the Table 3 below, subject to the delegation of functions prescribed in the third column thereof. All functions may be further delegated downwards to committees, sub-committees, panels or officers, subject to law and the Scheme of Delegation.

Civic Affairs Committee

Membership	Functions	Delegation of functions
<p>9 councillors (including the Chair of Council, as an ex officio member).</p> <p>Appointments to be subject to the requirements of political proportionality.</p> <p>-</p>	<p>Review of the Council's Constitution:</p> <p>1. To bring forward proposals which, in the opinion of the Chief Executive and Monitoring Officer, entail substantive changes to the Constitution, for consideration by the Council, with the exception of those exclusions referred to in Article 4.2 (a).</p> <p>Electoral Arrangements:</p> <p>2. Determination as follows:</p> <p>2.1 review district or parish electoral arrangements including boundaries and report recommendations to Council;</p>	<p>-</p> <p>-</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
-	<p>2.2 give parish meetings powers of parish council;</p> <p>2.3 increase / reduce number of parish councillors;</p> <p>2.4 change parish electoral arrangements where agreed including parish warding; and</p> <p>2.5 appoint temporary parish councillors, s. 91 LGA, 1972.</p> <p>3. Recommend to Council:</p> <p>3.1 district and district ward boundary changes arising from review;</p> <p>3.2 parish warding and boundary changes where not agreed;</p> <p>3.3 Periodic Electoral Review; and</p> <p>3.4 new parish establishment.</p> <p>Ethical Standards:</p> <p>4. As set out in Article 9.3</p>	<p>Functions relating to standards of conduct of members under any relevant provision of, or regulations made under the Localism Act 2011, are delegated to a sub-committee which shall</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
		<p>comprise 3 members of the Civic Affairs Committee, plus the Independent Person.</p> <p>The Monitoring Officer, in consultation with the Chair of the Civic Affairs Committee, is authorised to appoint to the sub-committee as and when it is required to be convened.</p>

Audit and Corporate Governance Committee

Membership	Functions	Delegation of functions
<p>7 councillors, who are not members of the Cabinet.</p> <p>Appointments to be subject to the requirements of political balance.</p> <p>The Chair of the Scrutiny and Overview Committee shall not be eligible to chair the Committee although they may be a member of it.</p>	<p>Statement of Purpose</p> <ol style="list-style-type: none"> 1. The Audit and Corporate Governance Committee is a key component of the Council's corporate governance framework. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. 2. The purpose of the committee is to provide independent assurance of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk 	<p>-</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>management and control frameworks; and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.</p> <p>Governance, Risk and Control</p> <ol style="list-style-type: none"> 3. To review the Council's corporate governance arrangements against the good governance framework, ethical frameworks, and to consider the Local Code of Governance. 4. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control. 5. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements. 6. To consider the Council's framework of assurance and ensure that it adequately 	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>addresses the risks and priorities of the Council.</p> <p>7. To monitor the effective development and operation of risk management in the Council, and to monitor progress in addressing risk-related issues reported to the committee.</p> <p>8. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.</p> <p>9. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption, and to monitor the counter-fraud strategy, actions and resources.</p> <p>10. To review the governance and assurance arrangements for significant partnerships or collaborations.</p> <p>11. To maintain an overview of the main instruments of financial control, such as Standing Orders in relation to Contracts, Financial Regulations; and, where appropriate, make recommendations to the Council for improvement.</p> <p>12. To receive quarterly updates on the Council's use of Regulation of Investigatory Powers Act 2000 (RIPA)</p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>powers and to review the policy on an annual basis.</p> <p>Internal audit</p> <p>13. To approve the Internal Audit Charter and provide free and unfettered access to the Audit Committee Chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee.</p> <p>14. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.</p> <p>15. To approve the Risk-Based Internal Audit Plan, including internal audit's resource requirements, and the approach to using other sources of assurance.</p> <p>16. To consider reports from the Head of Internal Audit during the year, including updates on the work of internal audit, key findings, issues of concern and actions.</p> <p>17. To consider the Head of Internal Audit's annual report, including:</p> <p>17.1 the results of the Quality Assurance and Improvement Programme, plus</p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>conformance with the Public Sector Internal Audit Standards and the Local Government Application Note; and</p> <p>17.2 the opinion on the overall adequacy and effectiveness of the Council’s framework of governance, risk management and control, together with the summary of the work supporting the opinion</p> <p>External Audit</p> <p>18. To ensure the independence of external audit through consideration of the external auditor’s annual assessment of its independence; and review of any issues raised by Public Sector Audit Appointments, or the authority’s auditor panel, as appropriate.</p> <p>19. To consider the external auditor’s annual letter, relevant reports and the report to those charged with governance.</p> <p>20. To consider specific reports as agreed with the external auditor.</p> <p>21. To monitor management actions, in response to external audit.</p> <p>22. To comment on the scope and depth of external audit work</p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>and to ensure it gives value for money.</p> <p>23. To commission work from internal and external audit.</p> <p>24. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.</p> <p>Financial Reporting</p> <p>25. To review the annual Statement of Accounts, prior to approval in accordance with the Accounts and Audit Regulations, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.</p> <p>26. To notify Council with regard to conclusion and submission of the Statement of Accounts and provide feedback for any potential opportunities for improvements to be proposed.</p> <p>27. To consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts.</p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>Accountability Arrangements</p> <p>28. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.</p> <p>29. To publish an annual report on the work of the committee, and report on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.</p>	

Employment and Staffing Committee

Membership	Functions	Delegation of functions
<p>7 councillors, including at least one from the Cabinet who shall normally be the lead cabinet member with responsibility for staffing matters.</p> <p>Appointments to be subject to the</p>	<p>1. To consider appeals and grievances by employees of the Council where the Council's disciplinary and grievance appeals provide for a right of appeal to members.</p>	<p>Employee Appeals Panel.</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
<p>requirements of political proportionality.</p> <p>When overseeing the recruitment to the roles of Head of Paid Service, Chief Finance Officer and Monitoring Officer the Committee shall normally include the Leader and the Leader of the Major Opposition Group.</p> <p>The Committee shall not be chaired by a Cabinet member.</p>	<p>2. To make arrangements for the appointment of the Head of Paid Service and Chief Officers. This Committee’s responsibilities shall include determining:</p> <p>2.1 the Job Description and Person Specification of the above posts.</p> <p>2.2 whether the post should be advertised externally and, if so, how it should be advertised and who should run the external recruitment process.</p> <p>2.3 interim arrangements for a vacant Head of Paid Service post, if necessary.</p> <p>These steps should be taken before a Senior Officers Appointments Panel is appointed to manage the selection process.</p>	<p>The Head of Paid Service, after consultation with the Leader, relevant lead cabinet member and Chair of the Employment and Staffing Committee, is authorised to make interim arrangements for a vacant Chief Officer post. Designation of a person as the Council’s Head of Paid Service, Monitoring Officer and Chief Finance Officer remains the responsibility of full Council.</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
-	<p>3. To be responsible for the selection and appointment of the Head of Paid Service and, Chief Officers in accordance with the Officer Employment Procedure Rules.</p>	<p>Senior Officers Appointments Panel</p> <p>The Committee may consider delegating to a joint panel if convened for the purpose of appointing the Joint Director of Planning and Economic Development.</p>
-	<p>4. To suspend Chief Officers.</p>	<p>The Head of HR and Corporate Services, after consultation with the Chair of the Committee.</p>
-	<p>5. To take disciplinary action (short of dismissal) in respect of the Head of Paid Service, the Chief Finance Officer, and/or the Monitoring Officer.</p>	<p>Investigating and Disciplinary Panel</p>
-	<p>6. To take disciplinary action (including dismissal), in respect of the Chief Operating Officer and Joint Director of Planning and Economic Development.</p>	<p>Investigating and Disciplinary Panel</p>
-	<p>7. Where it is proposed to dismiss the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer, to refer the matter for consideration by the Independent Panel *.</p>	<p>*Responsibility for making recommendations to full Council relating to the dismissal of the Head of Paid Service, the Chief Finance Officer or Monitoring Officer is vested in the Independent Panel in accordance with Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001.</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
-	<p>8. To keep under review local terms and conditions of employment for employees.</p> <p>9. To promote and pursue a policy of equal opportunities in employment and review key information before it is published i.e. Gender Pay Reporting.</p> <p>10. To consider matters relating to superannuation, pensions and gratuities.</p> <p>11. To keep under review:</p> <p style="padding-left: 40px;">10.1 the requirements for, and the availability of skills and capacity necessary for the delivery of the Council's objectives;</p> <p style="padding-left: 40px;">10.2 the promotion of good employee relations in the Council; and</p> <p style="padding-left: 40px;">10.3 the promotion of equal opportunities for all employees of the Council, and in the Council's recruitment and selection procedures, and to monitor the effectiveness of such measures.</p> <p>12. To keep under review the People and Organisational Development Strategy.</p> <p>13. To review and recommend the Annual Pay Policy Statement prior to submission to Council.</p>	-

Membership	Functions	Delegation of functions
	<p>14. To undertake reviews and conduct such research on employment and staffing related matters as may be commissioned by the Cabinet from time to time and to make recommendation to Cabinet as appropriate.</p> <p>15. To identify and recommend Cabinet on any employment and staffing related matters which it is considered should be subject to review and recommendation by the committee.</p>	

Panels of the Employment and Staffing Committee

Senior Officers Appointments Panel

Membership	Functions	Delegation of functions
<p>Panel appointed by the Monitoring Officer* on an ad hoc basis comprising 3 councillors (for Chief Operating Officer & Director appointments) and at least 5 councillors (for Head of Paid Service, Chief Finance Officer and Monitoring Officer appointments)</p>	<p>To manage the appointment of Chief Officers</p> <p>Specifically, to:</p> <ol style="list-style-type: none"> 1. shortlist, interview and: <ol style="list-style-type: none"> 1.1 recommend to Council appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer; and 1.2. appoint the Chief Operating Officer and Joint 	<p>-</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
<p>chosen by the Chair of the Employment and Staffing Committee (or Vice-Chair in their absence) from a pool of all members and substitutes of the Employment and Staffing Committee) and including at least one member of the Cabinet.</p> <p>(* Chief Executive shall act in place of the Monitoring Officer in the case of an appointment to the post of Monitoring Officer)</p> <p>For the appointment of:</p> <ol style="list-style-type: none"> 1. Head of Paid Service, Chief Finance Officer and Monitoring Officer: membership shall normally include the Leader and lead cabinet member for staffing. 2. Chief Operating Officer/Joint Director of Planning and Economic Development: membership 	<p>Director of Planning and Economic Development</p> <p>in accordance with the Officer Employment Procedure Rules.</p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
<p>shall normally include the lead cabinet member for staffing or a relevant lead cabinet member.</p> <p>So far as circumstances allow, the composition of the panel shall comply with the principles of proportionality and Council policy and good practice on equalities.</p>		

Investigating and Disciplinary Panel

Membership	Functions	Delegation of functions
<p>Panel appointed by the Monitoring Officer on an ad hoc basis comprising at least 3 councillors chosen by the Chair of Employment and Staffing Committee (or Vice-Chair in their absence) from a pool of all members and substitutes of the Employment and Staffing Committee and at least one</p>	<p>In accordance with the Officer Employment Procedure Rules:</p> <p>To deal with disciplinary matters, short of dismissal, relating to the Head of Paid Service, Chief Finance Officer and Monitoring Officer.</p> <p>To deal with disciplinary matters, including dismissal, relating to the Chief Operating Officer and Joint Director of Planning and Economic Development.</p> <p>Specifically:</p>	<p>-</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
<p>cabinet member (normally including the lead cabinet member with responsibility for staffing).</p> <p>So far as reasonably practicable, the composition of the Panel shall comply with the principles of proportionality and Council policy and good practice on equalities.</p>	<ol style="list-style-type: none"> 1. To investigate whether there are sufficient grounds for taking disciplinary action. 2. To hold a hearing to consider and make findings as to allegations against the employee. 3. To report the outcome of any investigation and hearing to the Employment and Staffing Committee 	

Independent Panel

Membership	Functions	Delegation of functions
<p>At least two independent persons appointed by the Council under Section 28(7) of the Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.</p>	<p>To consider any proposal by the Employment and Staffing Committee to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer.</p> <p>To offer advice, views or recommendations to the Council on matters relating to the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer as applicable.</p>	-

Employee Appeals Panel

Membership	Functions	Delegation of functions
<p>Panel appointed by the Monitoring Officer on an ad hoc basis comprising at least 3 councillors chosen by the Chair of Employment and Staffing Committee (or Vice-Chair in their absence) including at least one member of the Cabinet. Any member of the Council who has received the appropriate training shall be eligible for appointment to the panel provided that they have had no prior involvement in the case to be heard.</p> <p>As far as circumstances allow, the composition of the panel shall comply with the principles of proportionality and Council policy and good practice on equalities.</p>	<p>To consider and determine appeals by employees where the Council’s disciplinary and grievance appeals procedures provide for a right of appeal to members.</p>	<p>-</p>

Licensing Committee

Membership	Functions	Delegation of functions
<p>14 councillors, which may include the lead cabinet member with responsibility for Licensing, who have received suitable training as required by Article 8 3.</p> <p>Appointments to be subject to the requirements of political proportionality.</p> <p>-</p> <p>-</p>	<p>1. All licensing applications not determined by the Licensing Officer under delegated powers, under any provisions which are the statutory function of the Council, not otherwise the functions of the Planning Committee.</p> <p>2. All appeals from the determination of the Licensing Officer where in-house procedures allow appeals.</p> <p>3. All private hire driver licence applications following a</p>	<p>The Licensing Officer has general delegated powers subject to the Scheme of Delegation.</p> <p>The Licensing Appeals Sub-Committee, comprising at least 3, but not more than 5, councillors from the Licensing Committee who have undertaken the necessary training. The Democratic Services Officer, after consultation with the Chair of the Licensing Committee, or in their absence the Vice-Chair, shall:</p> <ol style="list-style-type: none"> 1. select members to sit on the Sub-Committee when it is required to meet. 2. select the Chair of the Sub-Committee when it is required to meet. <p>A Licensing Review Panel, comprising not more than 5 councillors from the Licensing Committee, who have</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	referral by the Licensing Officer or authorised officer.	undertaken the necessary training. The Democratic Services Officer, after consultation with the Chair of the Licensing Committee, or in their absence, the Vice-Chair is authorised to make appointments to the Panel when it is required to meet.
-	4. Determination of Consent, Licence and Prohibited Streets and all other functions set out in the Local Government (Miscellaneous Provisions) Act, 1982.	The Licensing Officer after consulting the Chair of the committee and the local member(s).

Licensing Committee (2003 Act)

Membership	Functions	Delegation of functions
10-15 councillors, who have received suitable training as required by Article 8.3, who shall be the same as the membership of the Licensing Committee	1. All licensing applications under the Licensing Act 2003 not determined by the Licensing Officer under delegated powers.	As set out in Annex 1 below (Delegation of Functions)
-	2. All licensing applications under the Gambling Act 2005 not determined by the Licensing Officer under delegated powers	As set out in Annex 2 below (Delegation of Functions)

Annex 1 - Table of Delegations in respect of the Licensing Act 2003 Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence	-	If a police representation is made	If no representation is made
Application for personal licence with unspent convictions relevant to the act	-	All Cases	-
Application for premises licence / club premises certificate	If relevant representation relates to Cumulative impact	If a relevant representation is made	If no representation is made
Application for provisional statement	If relevant representation relates to Cumulative impact	If a relevant representation is made	If no representation is made
Application to Vary premises licence / club premises certificate	If relevant representation relates to Cumulative impact	If a relevant representation is made	If no representation is made
Application to vary designated premises supervisor	-	If a police representation is made	All other cases
Request to be removed as designated premises supervisor	-	-	All cases

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Application for transfer of premises licence	-	If a police representation is made	All other cases
Application for interim authority	-	If a police representation is made	All other cases
Application to review premises licence / club premises certificate	-	All cases	
Decision on whether a representation is irrelevant, frivolous, vexatious etc	-	-	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	-	All cases	-
Determination of an objection to a temporary event notice	-	All cases	-
Determination of application to vary premises licence at community premises to include alternative licence condition	-	If a police representation is made	All other cases
Decision whether to consult other responsible authorities on minor variation application	-	-	All cases

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Determination of minor variation application	-	-	All cases
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Annex 2 - Table of Delegations in respect of the Gambling Act 2005 Functions

Matter to be dealt with	Full Council	Full Committee	Sub Committee	Officers
Final approval of the Licensing Authority Statement of policy	All cases	-	-	-
Policy not to permit casinos	All cases	-	-	-
Fee setting (when appropriate)	-	All cases	-	-
Application for premises licences	-	-	Where representations received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a variation to a licence	-	-	Where representations received and not withdrawn	Where no representations received / representations have been withdrawn
Application for transfer of a licence	-	-	Where representations have been received from the Commission or responsible authority	Where no representations received from the Commission or responsible authority

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Application for a provisional statement	-	-	Where representations 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 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
Cancellation of temporary use notice	-	-	All cases	-
Decision to give a counter notice to a temporary use notice	-	-	All cases	-

Planning Committee

Membership	Functions	Delegation of functions
<p>11 councillors, which may include the lead cabinet member with responsibility for development control, who have received suitable training as required by Article 8.3.</p> <p>Appointments to be subject to the requirements of political proportionality.</p>	<ol style="list-style-type: none"> 1. Functions relating to town and country planning and development control as specified in Schedule 1 Part A to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, including determining applications and exercise of all enforcement activities in respect of those functions, with the exception of applications to be determined by the Joint Development Control Committee – Cambridge Fringes established by the Council in accordance with Section 101 of the Local Government Act 1972. 2. Functions in relation to Public Paths, Protection of Important Hedgerows and Tree Preservation and safety. 3. Administration and enforcement of Building Regulations regimes for existing or proposed buildings. <p>[Note: NOT determination of POLICY or designation of conservation areas or Building Regulation policy].</p>	<p>As set out in Part 3, Table 5 (as may be amended by the committee from time to time).</p>

Advisory Committees

Grants Advisory Committee

Membership	Functions	Delegation of functions
<p>5 councillors.</p> <p>Appointments to be subject to the requirements of political proportionality.</p>	<p>1. To consider and make recommendations to the lead cabinet member responsible for grants, or Cabinet as appropriate, including, but not limited to:</p> <p>1.1. Review of the Council's grants schemes to ensure they reflect Council priorities.</p> <p>1.2. Design of any new or revised grants schemes, including consideration of criteria and guidance applicable in respect of each scheme.</p> <p>1.3. Consideration of applications made under the Council's grants schemes.</p>	<p>Acts as an Advisory Committee with no delegated decision making.</p> <p>Decisions shall be taken by the lead cabinet member responsible for grants or Cabinet, as appropriate, after consultation with the Advisory Committee.</p>

Climate Change and Environment Advisory Committee

Membership	Functions	Delegation of functions
<p>7 councillors.</p> <p>Appointments to be subject to the requirements of</p>	<p>1. To advise the lead cabinet member responsible for climate change and environmental sustainability and for matters more specifically related to services or corporate direction, the</p>	<p>Acts as an Advisory Committee with no delegated decision making.</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
<p>political proportionality.</p>	<p>relevant service lead Cabinet member or Cabinet, as appropriate, on matters relating to climate change and environmental sustainability including, but not limited to:</p> <ul style="list-style-type: none"> 1.1. Understanding how climate change could affect the District Council’s services and developing and recommending appropriate mitigating actions. 1.2. Reviewing the internal operations of the Council with a view to promoting sustainability, adopting best practice and strengthening the Council’s environmental performance. 1.3. Providing community leadership on climate change and sustainability, facilitating and engaging public sector partners, businesses, community groups and the public. 1.4. Influencing and interpreting county, regional and national policy for the benefit of South Cambridgeshire. 1.5. Making recommendations on bids for funding relating to climate change. 	<p>Decisions shall be taken by the lead cabinet member responsible for climate change and environmental sustainability, or Cabinet, as appropriate, after consultation with the Advisory Committee.</p>

Responsibility for Executive Functions (Table 4)

1. Arrangements for carrying out Executive functions

All functions which are not reserved to the Council:

- 1.1 in the Articles; or
- 1.2 by law, or
- 1.3 as set out in the preceding sections (Tables 1 – 3); or
- 1.4 as specifically reserved to it at any time

are the responsibility of the Executive.

The Leader of the Council shall make arrangements for the discharge of Executive functions as set out in Rule 1 of the Cabinet Procedure Rules.

Details of these arrangements shall be set out in **Table 4**

2. Arrangements for the Leader to change the allocation of functions and responsibilities set out in Table 4

The Leader may refine the allocation of functions and responsibilities set out in Table 4 as they wish. To effect changes, the Leader shall provide details of the changes they wish to make in writing to the Chief Executive, such changes to have effect immediately upon subsequent notification to all members.

The Council may agree amendments to its definitions of the budget and policy framework, which have the effect of limiting or extending the extent of executive functions delegated to the Leader, consequently Table 4 may be altered accordingly.

3. Delegation to Chief Officers

Matters which the Leader has not specifically reserved for exercise by another decision taker shall be delegated to Chief Officers and Heads of Service as operational management. The Scheme of Delegation at Part 3, Table 7 of this Constitution sets out the extent of Chief Officers/Heads of Services' delegated authority, which the Leader may limit or withdraw as they see fit.

Table 4: Executive Functions

Given below are executive functions reserved for decision by the Leader of the Council, whole Cabinet, individual lead cabinet members or local Ward members.

Notes:

1. In all cases decisions shall be referred to Council if there are, or are likely to be, financial implications which cannot be met from within the financial discretion allowed to the Leader of the Council. Council has delegated authority to the Leader of the Council to approve, after opportunities for virement have been exhausted, in-year supplementary revenue and capital estimates up to Level 3 (£50,000 per item), subject to this expenditure being within approved policy.
2. Specific executive functions not referred to in the table are delegated to Chief Officers and Heads of Service as operational management. In exercising delegated powers, Chief Officers and Heads of Service shall have regard to the provisions of the Scheme of Delegation set out at Part 3, Table 7, of this Constitution.

General Matters

The following delegations shall apply to all areas of Cabinet responsibility. Where matters are delegated to lead cabinet members, the delegation shall be to the lead cabinet members for the relevant service area.

General

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
1.	The exercise of functions, ordinarily within lead cabinet members' delegated powers, in respect of matters which the lead cabinet member has referred upwards in accordance with the Scheme of Delegation at Part 3, Table 7, of this Constitution.	The exercise of functions, ordinarily within Chief Officers/Head of Services' delegated powers, in respect of matters which the officer has referred upwards in accordance with the Scheme of Delegation at Part 3, Table 7, of this Constitution.	-

Staffing Matters

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
2.	To recommend to Council approval or rejection of pay awards or allowance adjustments beyond provision made in the budget and outside the financial discretion allowed in delegation (7) below.	To approve or reject pay awards or allowance adjustments within budget provision. The Chief Executive may approve the implementation of national allowance adjustments provided they are within budget.	-
3.	To approve new policies relating to employment; health and safety; and recruitment and retention of staff which have significant financial implications or are not in accordance with national agreements.	-	-
4.	To determine proposals to carry out substantial changes to the organisational structure.	-	-

Financial Matters

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
5.	To approve capital and revenue estimates (for recommendation to Council).	To approve capital and revenue estimates for Staffing and Central Overhead accounts as the basis for the preparation of service budgets.	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
6.	-	To approve the Council's response to the annual provisional financial settlement issued by Government.	-
7.	To approve, after opportunities for virement have been exhausted, in-year supplementary revenue and capital estimates up to Level 3 (£50,000 per item), subject to this expenditure being within approved policy, and to make recommendations to Council where the revenue or capital requirement exceeds this amount.	-	-
8.	-	Relevant lead cabinet members to approve virement across 2 or more areas of Cabinet responsibility (with the Chief Finance Officer). See Rule 5 , Budget and Policy Framework Procedure Rules.	To approve virement where the affected lead cabinet members have not agreed.

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
9.	-	To approve project appraisals (i.e. approval of a report on the proposals) for non-housing new general fund revenue schemes greater than £50,000 or capital schemes greater than £200,000 included in the budget or capital estimates.	-
10.	To approve new policies for fees and charges, and revisions to existing policies, where income, or variation of income is estimated to be over £50,000 per annum.	To approve new policies for fees and charges, and revisions to existing policies, where income, or net variation of income is estimated to be up to £50,000 per annum. To approve all changes to fees and charges within policy (except charges for one-off publications and events – delegated to officers).	-
11.	-	To accept tenders above 10% and up to 15% greater than the budget provision for the proposal in question, provided that the cost can be met from resources within the departmental budget. [All Chief Officers/Heads of Service are authorised to accept tenders up to 10% above estimate (provided that the cost can be met	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
		from within the same budget).]	
12.	To receive year-end integrated business monitoring reports combining financial and performance information.	To receive in-year integrated business monitoring reports combining financial and performance information.	-
13.	-	To approve carry forward of uncommitted balances on reserve account for grants.	-
14.	-	To consider and make recommendations to Council in respect of the annual Treasury Management Performance report.	-

Grants

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
15.	To approve policies and criteria for the approval of grant schemes under which awards above Level 1 (£5,000) may be made.	To approve policies and criteria for the approval of grant schemes under which no award exceeds level one (£5,000) (See note 1 below). To determine applications made under the Council's grants schemes (see note 1 below).	-

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
16.	To approve statutory or non-statutory grants, guarantees or loans above Level 4.	To approve non-statutory grants or guarantees or loans where the value exceeds Level 2 up to and including Level 4 (in consultation with Lead Cabinet Member for Finance). To approve statutory grants where the value exceeds Level 3 up to and including Level 4 (in consultation with the Lead Cabinet Member for Finance).	-

Notes:

1. Decisions of the lead cabinet member responsible for grants or the Cabinet, as appropriate, shall be taken after consultation with the Grants Advisory Committee.
2. The Head of Housing has delegated powers to approve non-statutory / discretionary grants up to and including Level 2 and statutory grants (such as disabled facility grants) up to and including Level 3, subject to such awards being consistent with policy (e.g: the Cambridgeshire Housing Adaptations and Repairs Policy – April 2019)

Policy and Performance

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
17.	Review of the Council's corporate objectives, making recommendations to Council where appropriate.	-	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
18.	To consider, for recommendation to Council, policies, strategies or plans which would have the effect of amending or adding to the Council's finance and policy framework.	To consider and make a recommendation to Council in respect of the adoption and amendment of the Investment Strategy.	-
19.	To approve policies, strategies or plans which would not impact upon the Council's finance and policy framework but would nevertheless have implications across more than one Cabinet area of responsibility and a substantial impact within an operational service, directly affecting the service received by the public.	<p>To approve operational guidelines which relate only to the service within the lead cabinet members' responsibilities.</p> <p>To approve policies, strategies or plans which would not impact upon the Council's finance and policy framework but would nevertheless have implications across more than one Cabinet area of responsibility and a substantial impact within a back office service.</p>	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
20.	-	<p>To release a draft policy, strategy or plan for consultation or refer the matter to the Leader if likely to be sensitive or controversial or affect other Cabinet areas of responsibility.</p> <p>(Note – this delegation does not apply to Development Plan Documents brought forward as part of the Council’s Local Development Framework – see delegation 75 below.)</p>	<p>To release a draft policy, strategy or plan for consultation, if referred to the Leader by a lead cabinet member.</p>
21.	-	<p>To approve annual service plans for services.</p>	-
22.	-	<p>To monitor the implementation of service plans and to decide whether to refer matters of concern to the Leader.</p>	<p>To consider concerns referred by a lead cabinet member in relation to the achievement of service plans.</p>

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
23.	To approve responses to consultation papers from the Government or other statutory agencies, containing proposals which would conflict with, or substantially add to or amend, the Council's policy and budget framework. (excluding the response to the annual provisional financial settlement – see delegation 6 above).	To approve responses to consultation papers from the Government or other statutory agencies, other than those containing proposals which would conflict with or substantially add to or amend, the Council's policy and budget framework.	-

Service Levels / Efficiency

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
24.	To approve, reject or amend substantial changes (planned or unplanned) to services (or new services).	To approve, reject or amend significant variations to existing levels of service.	-
25.	To consider the external auditors' annual Management Letter.	To receive external audit reports and decide whether to refer to the Leader any matters of concern.	To receive external audit reports referred by lead cabinet members.
26.	-	To receive update reports relating to ongoing efficiencies work.	-

Personal Applications

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
27.	-	Payment of ex-gratia payments or compensation above Level 2, in relation to matters which are executive matters.	-

Notes:

3. Chief Officers/Heads of Service are authorised to approve any requests for financial assistance, grants or services from the Council falling outside the normal rules or policies. Examples would include (but not exclusively):
 - 3.1 Rate relief
 - 3.2 Rents or charges
 - 3.3 Ex-gratia payments or compensation up to and including Level 2.

Contracts

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
28.	In the case of new contracts for the provision of services, works or goods, to approve the principle of contracting out and the key elements of the service specification. (To Council if there are or are likely to be implications for the policy / budget framework – in particular if the contract binds the Council to future additional financial commitments).	-	-
29.	-	To terminate a contract before expiry of the term (relevant lead cabinet member in consultation with the Lead Cabinet Member for Finance).	-

Notes:

- Chief Officers/Heads of Service have delegated authority for all other matters relating to contracts, after consulting the Lead Cabinet Member for Finance and any other relevant lead cabinet member(s). This shall include consortium framework contract considerations, tender listing, acceptance, adjustments of any kind, extensions and emergency or urgent provision.

Conferences / Appointments

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
30.	-	-	To appoint member representatives on outside bodies where delegated to the Executive.
31.	-	-	To approve submission of motions to the LGA or other conferences on behalf of the Council.
32.	-	-	To appoint Member Champions.

Partnerships

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
33.	To approve policies, objectives, targets, or substantial commitments entered into with partner organisations (to Council if the policy framework would be affected or if the commitment would bind the Council in future years).	To approve commitments entered into with partner organisations, which are within existing budgets and policies and would not involve other areas of Cabinet responsibility.	-

Economic Development

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
34.	-	-	To receive and consider reports and recommendations in respect of economic development initiatives.

Land and Property

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
35.	<p>Disposal of Council interest in land or property where the value exceeds Level 4 or where other conditions in item 5 of paragraph 4.6 of the Scheme of Delegation are not met.</p> <p>Does not apply to disposals under right to buy legislation or the Council's equity share scheme which are delegated to officers.</p> <p>Additional delegations relating to disposal of housing land and property are set out in the HRA Asset Sustainability Policy (Disposals and Acquisitions).</p>	<p>Disposal of Council interest in land or property where the value exceeds Level 2 up to and including Level 4 or where other conditions in item 5 of paragraph 4.6 of the Scheme of Delegation are not met.</p>	-

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
36.	-	Acquisition of leases or other ongoing commitment where the value exceeds Level 2 (to Council if budget provision not available).	-

Appointment of Proper Officers

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
37.	-	Appointment of Proper Officers not employed by the Council.	-

Executive Matters Reserved to the Cabinet and Lead Cabinet Members by Cabinet area of Responsibility

Given below are matters within individual Cabinet areas of responsibility to be reserved to the Cabinet and lead cabinet members as indicated.

Customer Services and Business Improvement

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
38.	-	To approve street names, where there is an objection from the local member(s) or any statutory consultees.	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
39.	-	To review areas of special control of advertisements.	-
40.	-	To approve arrangements for member training and support (including IT support), together with approval of attendance of members at conferences or external training events where funded from the Democratic Representation budget.	-

Environmental Services and Licensing

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
41.	-	-	To approve the Council's contribution and commitments under the Joint Municipal Waste Strategy (making recommendations to Council where the budget and policy framework would be affected).
42.	-	To approve the Air Quality Strategy and declaration of Air Quality Management Areas.	-
43.	-	To approve the Council's Contaminated Land Strategy.	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
44.	-	To approve the Land Drainage Maintenance Plan.	-
45.	-	To approve operating practices and representation on the Swavesey Byways Advisory Committee.	-
46.	-	To approve Licensing Committee policies and procedures, subject to consultation with the Licensing Committee, with the exception of the Licensing Act 2003 policy and the Gambling Act 2005 policy, which need the approval of Full Council.	-
47.	-	-	To approve the Council's emergency planning arrangements, subject to the Council's policy and budget framework.
48.	-	To approve the Council's flood defence statement.	-

Finance

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
49.	To approve relevant strategies, plans and policies, including: Financial Strategy, budget, Council Tax levels, Investment Strategy, and Corporate Plan for recommendation to Council where in the budget / policy framework.	To approve the Capital Strategy and Asset Management Plan.	-
50.	-	Agreement and ownership of the strategic risks facing the Council.	-
51.	-	To approve policies and criteria for rate relief.	-
52.	-	To determine applications for discretionary rate relief outside the approved policy and criteria.	-
53.	-	To approve discretionary rate relief appeals.	-
54.	-	-	-
55.	-	To write off debts above Level 2.	-

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
56.	To give approvals to matters which do not comply with Financial and Contract Regulations.	-	-

Notes:

5. The Chief Finance Officer is authorised to write off any individual debt up to and including Level 2, provided that they are satisfied that all action for recovery of the debt appropriate to the amount has been taken (see Financial Regulations 13.8).
6. The Chief Finance Officer is authorised to determine applications for discretionary rate relief within the approved policy and criteria, and to determine discretionary housing payments.
7. The Chief Finance Officer is authorised to review and determine the boundaries of rural settlements for the administration of Rural Rate Relief in accordance with Section 42B of the Local Government and Rating Act 1997.

Housing

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
57.	To make recommendations to Council on the HRA, rents and charges.	-	-
58.	To approve changes to Housing Allocations policy.	-	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
59.	-	To approve changes to and variations of Conditions of Tenancy.	-
60.	-	To approve programmes of parking, lighting and estate roads improvement schemes, subject to consultation with local members.	-
61.	-	To approve decisions by the Head of Housing to approve change of use subject to any planning requirements.	-
62.	-	To approve decisions of the Head of Housing to make land / property available for redevelopment by the Council.	-
63.	To approve land / property being made available at less than market value for affordable housing schemes where the annual limit of £1 million shall be exceeded.	To approve decisions by the Head of Housing to make land / property available at less than market value for affordable housing schemes, subject to an annual limit of £1 million and compliance with current planning policies and General Consent under Section 28 of the Local Government Act 1988.	-
64.	To approve individual properties for sale on the	To approve decisions by the Head of Housing to	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
	open market where the annual limit of £2m is exceeded.	agree individual properties for sale on the open market, subject to an annual limit of £2m.	
65.	To approve the sale of land where the annual limit of £2m is exceeded.	To approve decisions of the Head of Housing to agree the sale of land subject to an annual limit of £2m and subject to planning approval and provision of quarterly performance monitoring data to Cabinet	-
66.	To approve the purchase of land where the value exceeds £2m.	To approve decisions of the Head of Housing (with the agreement of the Section 151 Officer) to approve purchase of land within budget, subject to planning approval and up to a limit of £2m.	-
67.	To approve the purchase of individual properties where the value exceeds £2m.	To approve decisions of the Head of Housing to approve the purchase of individual properties within the set budget, subject to contract and up to a limit of £2m.	-
68.	To approve the purchase of “off the shelf” properties where the value exceeds £2m.	To approve decisions of the Head of Housing to purchase “off the shelf” properties within the set budget (with the agreement of the Section 151 Officer, for package deals that exceed £1m),	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
		subject to contract and up to a limit of £2m.	
69.	To agree to enter into contract and progress to completion new build schemes to provide affordable council homes where the value of the scheme exceeds £2m.	To approve decisions of the Head of Housing to enter into contract and progress to completion new build schemes to provide affordable council homes within the set budget (with the agreement of the Section 151 Officer) up to a limit of £2m. Substituted sites within overall budget parameters are permitted and form part of this delegation.	-
70.	To approve the sale of properties to South Cambs Ltd where the value exceeds £2m.	To approve decisions of the Head of Housing, with the consent of the Section 151 Officer, (approval of Lead Cabinet members for both Housing and Finance required) for the sale of properties to South Cambs Ltd up to a limit of £2m and subject to Secretary of State consent in accordance with Section 32 of the Housing Act 1985 (General Housing Consents 2013).	-
71.	To approve any proposals which would have the effect of adding to or reducing the housing stock (other than through Right to Buy legislation; or the	-	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
	Council's equity share scheme; or where delegated under the HRA Asset Sustainability Policy and subject to the Council's policy and budget framework).		
72.	-	To allocate the s106 money received by SCDC in lieu of an affordable housing contribution on site.	-
73.	To determine proposals for substantial changes in the Council's service provision relating to traveller sites managed on behalf of the County Council (subject to any necessary planning consents from the Planning Committee).	-	-
74.	-	To approve or refuse requests to waiver the local land charge in respect of disabled facilities grants.	-

Notes:

8. The Head of Housing is authorised to approve allowances or expenses to Council tenants.
9. The HRA Asset Sustainability Policy (Disposals and Acquisitions) approved in September 2013, as amended, sets out delegations to the Head of Housing to take decisions on various matters relating to disposals and acquisitions, subject to the consultations / notifications and conditions

Part 3 – Table 4: Responsibility for Executive Functions

specified in those delegations (including obtaining the approval of lead cabinet members as set out in delegations 61 – 70 above and consultations / notifications with local members and Parish Councils as specified in Section 6 of that Policy).

Planning

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
75.	To approve draft Development Plan Documents for statutory consultation and recommend to Council approval of Development Plan Documents for submission to the Secretary of State.	To determine all relevant stages of the plan-making process up to the approval of draft Development Plan Documents for statutory consultation.	-
76.	-	To approve draft and final Supplementary Planning Guidance.	-
77.	-	To consider and approve the Local Development Framework Annual Monitoring Report for submission to central government.	-
78.	-	To approve dual use agreements.	-
79.	-	To respond as consultee to traffic-related issues from Cambridgeshire County Council.	-

Part 3 – Table 4: Responsibility for Executive Functions

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
80.	-	To approve the programme of Conservation Area Appraisals.	-
81.	-	To designate Conservation Areas, agree amendments to their boundaries and agree supplementary planning guidance (e.g., Village Appraisal) where one parish only affected.	-
82.	-	To make decisions on neighbourhood area designations where substantive objections are received.	-
83.	-	To determine the way forward where the examiner raises any significant concerns relating to a neighbourhood plan and is not recommending that it should proceed to referendum.	-

Responsibility for Council Functions (Table 5)

Powers and Functions Delegated by the Planning Committee

South Cambridgeshire District Council operates an adopted scheme of delegation which sets out the range of decisions that designated officers may make on behalf of the Council. Decisions on the majority of planning proposals and associated applications are delegated to designated officers without the need for them to be decided by members at Planning Committee

Delegated decisions are carefully considered by the case officer who outlines their recommendations, and reasons behind the recommendations, in a balanced delegated report, which is checked by a designated officer before a decision is agreed and issued.

By operating a scheme of delegation, decisions are made in good time, in line with statutory target dates, and the Planning Committee can concentrate on the most contentious and significant proposals.

Applications for consent or permission under the Town and Country Planning Acts and Listed Building and Conservation Area Acts shall be dealt with under delegated powers unless:

1. A local member or Parish Council writes, or emails, a request for a particular application to be considered by Planning Committee, and sound planning reasons are given for why this is considered necessary and the request is accepted by the Joint Director of Planning and Economic Development, in consultation with the Chair of Planning Committee (or Vice-Chair in their absence).

(Footnote: Notwithstanding any decision is ultimately one for the officer themselves, the committee's guidance in terms of decisions made in accordance with the delegation rules is that in cases which raise issues which are sensitive or controversial, the committee would expect the officer normally to refer the matter to committee.)

The request by Parish Councils should be made within 21 days of the date of registration and by local members not later than 28 days of the date of registration of the application, or within 14 days of receipt of any subsequent significant amendment to a current proposal. If the Joint Director, in consultation with the Chair, declines a request, a written explanation shall be given to the Parish Council and copied to the local member.

2. An application is made by an elected member or an officer of the Council, or a close friend, relative or partner of either of such persons.
3. If approved, the application would represent a significant departure from the approved policies of the Council (officer delegation is still permitted if the application

is to be refused). Significant departures shall include, but are not limited to, development which requires referral to the Secretary of State;

4. Any 'Major' or 'Minor' application relating to the Council's own land or development where representations have been received against the proposal;
5. The application is for the demolition of a listed building or a Building of Local Interest or
6. The application is one that in the opinion of officers, in consultation with the Chair and Vice-Chair, should be determined by Committee because of special planning policy considerations, the complexity of the application, the application is significant and / or of strategic importance to an area beyond both specific site and parish.

Note:

For the purposes of considering requests under clause 1 above, the Director, in consultation with the Chair of the Planning Committee, shall have regard to the following criteria:

1. Relevant material planning considerations raising significant planning concerns
2. Significant implications for adopted policy;
3. The nature, scale and complexity of the proposed development.
4. The planning history of the site.

Strategic Lead (3C Building Standards)–Delegated Powers

The Strategic Lead (3C Building Standards) is authorised to:

1. Pass or reject Building Plans deposited for Building Regulation consent, or pass them subject to certain conditions, as may be specified being met (Section 16 Building Act 1984) and, where appropriate, state the grounds for rejection of Building Plans include those linked powers in the Building Act of Section 18 (Building over Sewers etc.), Section 21 (Provision of Drainage), & Section 25 (Provision of Water Supply).
2. Relax or dispense with a requirement of the Building Regulations upon receipt of an application. In considering the request, consultation shall be made, where appropriate, with the Fire Authority, and adjoining owners of the premises. (Section 8 Building Act 1984)
3. Serve all relevant notices under Section 36 and Section 37 of the Building Act 1984 (Removal or alteration of Offending Work) in respect of work contravening the Building Regulations and relevant Sections of the Building Act 1984.
4. Serve all relevant notices under Section 71 of the Building Act 1984 (Entrances, exits etc. to be required in certain cases) to ensure public safety in certain buildings. Before the serving of such notices, consultation shall be made with the Fire Authority.
5. Serve all relevant notices under Section 72 of the Building Act 1984 (Means of Escape in case of Fire) to ensure the health and safety of occupants in certain buildings. Before the serving of such notices, consultation shall be made with the Fire Authority.
6. Apply to a magistrates' court, where necessary, for an order under Section 77 of the Building Act (Dangerous Building) to ensure the execution of any such work to obviate or remove the danger or restrict the use of a building.
7. Serve notice under Section 78 of the Building Act (Dangerous Building – emergency measures) on the owner and occupier of a building which is in such a dangerous condition that immediate action is necessary to obviate that danger.
 - 7.1 The Strategic Lead (3C Building Standards) and Building Control Surveyors of any designation are considered Authorised Officers in respect of the definition in the Building Act 1984.
 - 7.2 The powers set out above are also delegated to the Joint Director of Planning and Economic Development.

8. Serve all relevant notices under Section 80 and Section 81 of the Building Act 1984 (Demolition) in respect of any demolition works under the relevant Sections of the Building Act 1984.

Consultancy Team Leader – Delegated Powers

1. The Consultancy Team Leader is authorised to exercise the following powers under the Listed Buildings Act 1990 (“the 1990 Act”), in accordance with the provisions of the development plan and the Council's planning and conservation policies:
 - 1.1 the determination, with or without conditions, of applications for:
 - (a) Listed Building Consent and any amendments
 - (b) Conservation Area Consent and any amendments;
 - (c) approval of any schemes, matters or details reserved in relation to (a) or (b) above for the further approval of the Council;

except where any of the following apply:

 - (i) material or contrary representations have been received through consultation procedures and cannot be substantially satisfied by the proposed decision of the Consultancy Team Leader;
 - (ii) in the case of reserved matters or details, approval has been specifically retained by the Planning Committee.
 - 1.2 the serving of Listed Building Repairs Notices and Building Preservation Notices in cases of emergency; in accordance with the provisions of the 1990 Act; and the determination of applications for consent for tree works in accordance with the Town and Country Planning Act 1990.
 - 1.3 the instigation of legal proceedings, after consultation with the Chair of the Planning Committee and Head of Legal Practice, in relation to any matter contained in the 1990 Act or any statutory modification or re-enactment thereof.
2. The Consultancy Team Leader is authorised to serve remedial notices relating to high hedges under Part 8 of the Anti-Social Behaviour Act 2003.
3. The Joint Director of Planning and Economic Development, Assistant Director (Strategy and Economy) and Built and Natural Environment Manager have the same delegated powers as set out above

Trees Officer – Delegated Powers

1. The Trees Officer (or the Trees Assistant in their absence) in consultation with the Chair of the Planning Committee and the local member(s), may:
 - 1.1 determine applications for consent for tree works in conservation areas;
 - 1.2 issue and serve any Breach of Condition notices (or withdraw any that have been served) relating to the submission or implementation of any landscaping scheme required by any condition of any planning permission; and
 - 1.3 issue and serve, in an emergency, any Tree Preservation Order.
2. The Joint Director of Planning and Economic Development, Assistant Director (Strategy and Economy) and Built and Natural Environment Manager have the same delegated powers as set out above.

Additional Delegated Powers

1. The Head of Legal Practice and Joint Director of Planning and Economic Development are individually authorised to investigate breaches of planning control and to issue and serve all appropriate notices (including Stop Notices) under Parts VII and VIII of the Town and Country Planning Act 1990 (as amended) and Parts I and II of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended in connection with breaches of planning control.
2. The Head of Legal Practice and Joint Director of Planning and Economic Development are individually authorised, in cases of emergency, and after consulting the Chair of the Planning Committee and informing the local member(s) where practicable to do so, to institute proceedings for an injunction in respect of a threatened, suspected or actual breach of planning control. Normally the power is reserved to the committee.

Joint Arrangements (Table 6)

Greater Cambridge Partnership Executive Board

Membership	Functions	Delegation of functions
<p>3 elected members with full voting rights (one from each of Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council)</p> <p>2 non-voting members (one from the Business Board of the Cambridgeshire and Peterborough Combined Authority and one from the University of Cambridge).</p>	<p>The Executive Board is established to ensure that the objectives of the Greater Cambridge City Deal are met. The Greater Cambridge Partnership aims to enable a new wave of innovation-led growth by investing in the infrastructure, housing and skills that shall facilitate the continued growth of the Cambridge Phenomenon. To this end, the Board shall have oversight of the strategic direction and delivery of the City Deal and its objectives.</p> <p>The Executive Board shall also be responsible for the commissioning of projects funded by money provided through the City Deal, and for overall control of that programme of investments. The scheme promoter for each individual project shall be responsible for the delivery of that budget, under the oversight of the Executive Board. This shall also apply to circumstances in which funding is provided to the Board by the member councils or by other parties, such as the Business Board.</p> <p>The three councils agree to delegate exercise of their functions to the Executive Board to the extent necessary to enable the Board to pursue and achieve the objectives of the Greater Cambridge Partnership and to undertake any actions necessary, incidental or ancillary to achieving those objectives, and, accordingly, the three councils shall</p>	<p>-</p>

Membership	Functions	Delegation of functions
	<p>make the necessary changes to their respective schemes of delegation. The Executive Board may further delegate to officers of the three councils.</p> <p>The Executive Board shall consider any reports and recommendations from the Joint Assembly as appropriate.</p>	

Greater Cambridge Partnership Joint Assembly

Membership	Functions	Delegation of functions
<p>3 elected members appointed by each of the three member Councils (Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council)</p> <p>3 members nominated by the Business Board of the Cambridgeshire and Peterborough Combined Authority</p> <p>3 members nominated by the</p>	<p>The Joint Assembly is established to advise the Greater Cambridge Partnership Executive Board with regard to the latter’s role in achieving the objectives of the Greater Cambridge City Deal (now known as the Greater Cambridge Partnership) Agreement dated 19 June 2014.</p> <p>The Assembly shall act as a forum for discussion with a wider range of members and stakeholders across the Greater Cambridge area, so that the Executive Board benefits from a wider range of expertise in making its decisions.</p> <p>To this end, the Assembly may receive and comment on (“pre-scrutinise”) reports to the Executive Board, may offer advice to the Board on the discharge of its functions and may review its work.</p> <p>The Assembly may develop its own work programme and submit reports or recommendations to the Executive</p>	<p>-</p>

Membership	Functions	Delegation of functions
University of Cambridge	Board for consideration, as appropriate.	

Joint Development Control Committee: Cambridge Fringes

Membership	Functions	Delegation of functions
<p>6 members of South Cambridgeshire District Council, appointed by the Council in accordance with the requirements of proportionality.</p> <p>6 members of Cambridge City Council</p> <p>4 members of Cambridgeshire County Council</p>	<p>The functions of the Joint Committee are set out at Appendix 1 to the terms of reference.</p>	<p>-</p>



Joint Development Control Committee Cambridge Fringes

Terms of Reference

Approved by

Cambridge City Council at Full Council on 22 April 2010
Cambridgeshire County Council Full Council on 30 March 2010
South Cambridgeshire District Council Full Council on 22 July 2010

These came into effect on 22 July 2010, when approved by all three Councils

(changes to number of alternate members agreed in 2013 and changes to delegations agreed in August 2013 changes to include City Deal schemes May 2016).

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Terms of Reference for Joint Development Control Committee

Cambridge Fringes

1. Parties:

Cambridge City Council
Cambridgeshire County Council]
South Cambridgeshire District Council
(‘the Councils’)

2. Status:

The Joint Development Control Committee (‘the Committee’) is a joint committee formed by resolutions of the Councils pursuant to section 101(5), Local Government Act, 1972.

3. Membership:

6 Members appointed by Cambridge City Council
4 Members appointed by Cambridgeshire County Council
6 Members appointed by South Cambridgeshire District Council

4. Terms of reference:

- 4.1 The Committee’s remit is to discharge the functions (‘the functions’) set out in Appendix 1, the exercise of which have been delegated to the Committee by the parties, subject to the limitation in paragraph 4.2.
- 4.2 The Committee shall discharge the functions in respect of major developments (see note 1 below) and related applications falling wholly or substantially within the areas shown edged in blue on the plans forming Appendix 3 and ancillary developments relating to such Major Developments referred to it by the relevant Head of Planning of the Council issuing the consent for the Major Development in question and
 - a) In respect of “City Deal Infrastructure schemes” referred to it by the relevant Head of Planning of the Council issuing the consent for the City Deal Infrastructure scheme in question. A “City Deal Infrastructure

scheme” is defined as a project arising from the Greater Cambridge City Deal which has all of the following characteristics:

- has been and remains designated by the Greater Cambridge City Deal Executive Board as a City Deal Infrastructure scheme; and
- is, or has been funded in whole or in part by funds received by Cambridgeshire County Council under the auspices of the Greater Cambridge City Deal or allocated to the Greater Cambridge City Deal Executive Board by participating authorities.

[Note 1: A major development is defined by reference to Article 1 of the Town and Country Planning (General Development Procedure) Order 1995 as in force on 1 March 2010 or as subsequently amended or replaced and means development including any one or more of the following:

- (a) the mining and working of minerals
- (b) waste development;
- (c) the provision of dwelling-houses where
 - (i) the number of dwelling-houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.]

4.3 The Committee may exercise the subsidiary powers authorised pursuant to section 111, Local Government Act 1972 in connection with the discharge of the functions.

4.4 The Committee may exercise the powers of delegation contained in section 101(2), Local Government Act 1972.

4.5 All members shall be entitled to vote on the following applications: Trumpington Meadows; Cambridge Northern Fringe East; Cambridge East; Northwest Cambridge including all of the NIAB site; Glebe Farm; City Deal infrastructure schemes. Only the City and County members shall be entitled to vote on Clay Farm – Showground and Bell School.

5. **Standing Orders**

- 5.1 The Committee shall be governed by the Standing Orders set out in Appendix 2, as amended from time to time.

6. **Administration**

- 6.1 The Party which is the local planning authority shall receive applications in the usual way and shall be responsible for all consequential administration.
- 6.2 Cambridge City Council's staff shall be responsible for all matters connected with the administration of the Committee, including the preparation and dispatch of agendas and securing premises at which the committee may meet. Decision notices shall be signed by the Director of Joint Planning.
- 6.3 Costs shall be shared in accordance with the Cost Sharing Protocol set out in Annex C to the Standing Orders.

Appendix 1

Functions of the Committee

1. The exercise of each of the Councils' powers and duties in relation to development control on Major Developments, ancillary developments, related applications and requests and Reserved Matters applications and City Deal Infrastructure schemes including but not limited to:
 - (i) the determination of planning applications by virtue of Regulation 3 of the Town and Country Planning General Regulations 1992.
 - (ii) the power to approve authorise and direct the respective Councils to negotiate and enter into agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990.
2. The review, change, amendment or modification of the scheme of delegation to Officers.

Appendix 2

Joint Development Control Committee (Cambridge Fringes)

Standing Orders

[Amended by the Committee on 18 July 2007]

1. Appointment of Chair and Vice-Chair

- 1.1 The Committee shall, at its first meeting, and from time to time as it considers necessary, elect a Chair and Vice-Chair.
- 1.2 In the absence from any meeting of the Chair and Vice-Chair, a Chair for that meeting shall be appointed by the meeting but shall relinquish the chair if the Chair or Vice Chair subsequently arrives at the meeting.
- 1.3 Members appointed to the Committee by South Cambridgeshire District Council shall not chair meetings of the Committee during consideration of the applications relating to Clay Farm Showground and Bell School sites.

(1.3 added by Committee 11 Jun 2008)

2. Appointment of Spokespersons

- 2.1 Each of the councils shall nominate one of the committee members which it appoints as its spokesperson.

3. Notice of And Summons To Meetings

- 3.1 The Administrator will give notice to the public of the time and place of any meeting in accordance with the access to information rules applicable to local authorities. At least five clear days before a meeting, the Administrator will send an agenda by post and/or electronically to every member of the Committee. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such details as are available.
- 3.2 The Administrator will take reasonable steps to ensure that a copy of the agenda and accompanying papers are placed on deposit at the offices of each of the councils for public inspection at least five clear days before the meeting. The

Administrator will ensure that arrangements are put in place for the inspection of background papers in accordance with section 100D, Local Government Act, 1972 and to ensure compliance with all other provisions of Part VA, of that Act.

- 3.3 Dates, times and venues for meetings shall be determined by the committee. In the absence of agreement or in cases of urgency, meetings may be called by the Administrator following consultation with the Chair and Vice Chair.

4. **Membership**

- 4.1 Committee members shall be appointed by the councils from time to time in accordance with the terms of reference. A council may at any time replace one or more of its nominated members by notice given to the Administrator.

5. **Alternate Members**

- 5.1 Each council will, by resolution, appoint two alternate members in respect of each political group which represents their council on the committee, but shall not appoint an alternate member for a political group which declines to nominate an alternate member. Each council will notify the Administrator] of alternate members appointed.
- 5.2 Alternate members will have all the powers and duties of any ordinary member of the committee. For the purposes of briefing meetings and circulation of papers, alternate members shall be treated in the same manner as ordinary members.
- 5.3 Alternate members may attend meetings in that capacity only to take the place of a member of the same political group who is an ordinary member of the relevant committee or sub-committee. The alternate member should withdraw from participation as a member of that committee or sub-committee in the business at that meeting during any period during which the principal member is in fact in attendance.

6. **Quorum**

- 6.1. The quorum of a meeting will be as follows:

3 members from South Cambridgeshire District Council
2 members from Cambridgeshire County Council
3 members from Cambridge City Council

[South Cambridgeshire District Councillors do not need to attend meetings in respect of applications for which they do not have voting rights]

7. Public speaking rights

- 7.1 Members of the public have the public speaking rights set out in Annex A.

8. Voting

- 8.1 Every question shall be decided by a show of hands, subject to Rule 8.2
- 8.2 If any member demands a vote by roll-call and is supported by two other members, the question shall be determined by a vote by roll-call and the Administrator shall record and enter in the minutes the names of each member present and whether s/he voted for or against or abstained.
- 8.3 Any member may, immediately after any vote is taken, require a record to be made in the minutes of whether s/he voted for or against or abstained.
- 8.4 If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

9. Minutes

- 9.1 The Chair will sign the minutes of the committee at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

10. Exclusion of Public

- 10.1 Members of the public and press may only be excluded either in accordance with the Access to Information provisions of the Local Government Act 1972 (consideration of 'exempt information') or Rule 12 (Disturbance by Public).

11. Disorderly Conduct: Misconduct of A Member

- 11.1 If at any meeting of the committee any member, in the opinion of the Chair, misconducts him/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the committee, the Chair or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.

- 11.2 If the member named continues his/her misconduct after a motion under the foregoing Rule has been carried, the Chair shall either move "that the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting of the Council or committee for such period as s/he is in his/her discretion shall consider expedient.
- 11.3 In the event of a general disturbance which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair, in addition to any other power vested in him/her, may adjourn the meeting of the committee for such period as s/he in his/her discretion shall consider expedient.

12. Disorderly Conduct: Disturbance by members of the public

- 12.1 If a member of the public interrupts the proceedings at any meeting the Chair shall warn him/her. If s/he continues the interruption the Chair shall order his/her removal from the meeting.
- 12.2 In case of a general disturbance in any part of the Room open to the public the Chair shall order that part to be cleared.

13. Suspension of Standing Orders

- 13.1 Any of these Standing Orders may, so far as is lawful, be suspended by motion passed unanimously by those entitled to vote on the application in question. Any motion to suspend any part of these rules shall specify the purpose of their suspension. Any suspension shall only be to the extent and for the length of time necessary to achieve the stated purpose.

14. Attendance at the Committee by other members of the Councils

- 14.1. A member of any of the councils who is not a member of the committee or a member of a parish council (in respect of applications relating to sites in their own parish) may speak at a meeting of the committee at the request or with the permission of that committee or of its Chair made or obtained before the meeting. Such request or permission shall specify the matters in respect of which the member shall be permitted to speak.

[Explanatory note: There might be circumstances in which the Committee may wish to permit a city, district or county councillor to speak on applications even if the application does not relate to his/her ward or division. For instance an executive councillor with relevant strategic responsibility may want to address the committee.]

15. Development Control Forums

- 15.1 The Committee will operate a scheme for development control forums in accordance with Annex B.

16. Statements of Community Involvement

- 16.1 Public consultation in relation to pre application matters shall be dealt with in accordance with the SCI or other appropriate procedures of the Council responsible for issuing the consent

Annex A of JDCC Standing Orders: Public Speaking Rights

(Amended by Committee on 16 April 2008)

Public Speaking

Members of the public, or applicants or their agents, who want to speak about an application which is to be considered at a meeting of the committee may do so if they have:

- In the case of members of the public, already submitted a written representation on an application; and
- Notified the Administrator by 12.00 noon on the day before the meeting.

A member of the public who has made a written representation on a planning application which is to be determined by the committee, will be notified in writing about the committee date and their public speaking rights in the week before the committee meeting.

At the Committee Meeting

A list of public speakers is available at the meeting. Agenda items for which there are public speakers are taken first, normally in the order of the agenda.

Each speaker will be allowed three minutes in which to make their representation. The Chair will tell the speaker when the three minutes has elapsed and the speaker must stop when requested by the Chair. The Chair has discretion to extend this time limit.

If more than one person wants to make a representation about the same application, then they should chose someone to act as a spokesperson. When several people wish to speak on the same application but wish to raise different issues, the Chair may agree to those speakers making representations. In these circumstances, less time may need to be given to each speaker.

The Chair will ask the speaker to come to the table at the beginning of the discussion of the report on the relevant application. The Chair will then invite them to speak following the Officer's introduction to the report on the application.

The speaker should address the Chair of the Committee, which is the normal convention for Committees.

At the conclusion of a statement by a public speaker, members may ask the Chair to put questions in order to seek clarification on matters of fact but not matters of opinion, of

points made by the speaker in his or her statement. A public speaker may be asked by the Chair to clarify matters of fact but not matters of opinion after he or she has made a statement. The conclusion of the period of questioning will be at the Chair's discretion. Public speakers will be expected to answer questions briefly and directly, will be asked to leave the committee table at the conclusion of the period of questioning and they will not be permitted to participate in the committee's discussion. At the conclusion of statements by public speakers, the Committee will proceed to discuss and determine the planning application.

Speakers should remember to:

- Keep to 3 minutes or whatever other period has been agreed.
- Keep to the planning issues raised by the application.
- Highlight the main points they wish to raise and be as brief and concise as possible.
- Be courteous.
- At the end of public speaking, the Committee will discuss and determine the planning application.

Annex B of JDCC Standing Orders:

Development Control Forums.

Development Control Forums are triggered by receipt of a qualifying petition

Receipt of Petitions and Notification of Development Control Forum

1. Neighbour consultation letters on planning applications within the remit of the committee shall include information about the scheme for development control forums and the relevant consultation period.
2. A Petition should be sent to the Administrator and should identify the matter to which it relates and the grounds of concern.
3. The Administrator will:
 - (a) Liaise with the Planning case officer to obtain the following information:
 - The expiry date of the relevant consultation period;
 - The addresses of the applicant and agent.
 - (b) Check whether the petition meets the criteria established in the scheme – i.e.:
 - It contains at least 25 signatures of residents and/or business owners in the County;
 - It includes the addresses of those who have signed it;
 - It has been received within 7 working days following the end of the relevant consultation period (in the case of petitions of objection) and no later than 6 working days before a Forum meeting (in the case of petitions of support);
 - The application is not: a householder application; an application for a certificate of lawful use; or an application for advertisement consent.

[Note:

- (i) If any of these criteria are not met, the petitioners should be informed in writing that their petition will be reported to the committee, and that a Development Control Forum will not be held.
- (ii) Normally, a Forum will not be convened in the case of petitions relating to amendments to applications, or to applications which have already been the subject of a Forum. However, the Administrator, following consultation with

the Chair and Vice Chair, is authorised to decide whether significant new issues are raised, making a Forum appropriate.

- (iii) A Forum will not be held to hear a petition of support alone, except where an application, which has not already been subject to a Forum meeting, is resubmitted following an earlier refusal of planning permission.
- (iv) Petitions may be submitted by email subject to the following:
 - An e-mail petition must consist of individual e-mails, showing the sender's e-mail address.
 - An e-mail petition must include the sender's postal address.
 - The e-mails must be addressed to the organiser (rather than a council or the committee or its members) who must then let the [administrator to be appointed] have print-outs of the requisite number of supporting e-mails.
 - Random checks will be carried out on petitioners that have used the e-mail procedure.]
- (c) Liaise with the Planning case officer and Chair and spokespersons about the date of the Development Control Forum and fix a date, time and venue. So far as practical at least 10 days (not working days) notice should be given to all those attending under (d). For the avoidance of doubt dates for possible Development Control Forum meetings may be programmed in advance of receipt of petitions.
- (d) Send written invitations to:
 - The lead petitioners;
 - The applicants and agents;
 - Committee members;
 - Ward councillors;
 - Planning officers;

The press shall also be informed.

The invitations to the meeting should include:

- A short summary of the application details (to be provided by the planning case officer);
- The case officer as a contact point for planning enquiries and the Administrator for queries about the petition process;
- An explanation of the fact that up to three representatives of the petitioners and up to three representatives of the applicants may attend and speak;
- Petitioners to be invited to contact the officers for a briefing on the procedures at the Forum.

- (e) Inform all other councillors of the three councils that the meeting is taking place
4. If two or more petitions are received relating to the same planning application, the following procedure should be applied:
- In the case of two or more petitions opposed to the application, or two or more petitions in support of the application, the petitioners will be encouraged to make a joint presentation. If agreement on this is not possible between the petitioners, they would share the time allocations given in paragraph 9.

Development Control Forum Meetings

5. The Press and Public are entitled to attend meetings as observers.
6. The Development Control Advisor or other A senior planning officer (other than one of the case officers involved in dealing with the application) will chair the meeting.
7. The style of the Forum will be informal, but the authority of the Chair must be recognised. The decision of the Chair on any question of procedure will be final. No votes will be taken.
8. The main purpose of Forum meetings is to enable petitioners and applicants to give their views and to provide the means by which consensus can be built between the parties.
9. The format of the Forum will be as follows for each application:
- Presentation of the application by the applicant/agent (up to three representatives) - up to 20 minutes;
 - Presentation of the views of the petitioners against the application (up to three representatives) - up to 20 minutes;
 - Presentation of the views of the petitioners in support of the application (where applicable) (up to three representatives) - up to 20 minutes;
 - Presentation by the case officer - up to 10 minutes;
 - Member questions and issues arising - up to 30 minutes;
 - Summing up by the applicants/agents - up to 5 minutes;
 - Summing up by the petitioners against the application - up to 5 minutes;
 - Summing up by the petitioners in support of the application - up to 5 minutes;
 - Final comments of the Chair.

After the Meeting of the Forum

10. The Administrator will take minutes of the meeting. The minutes will be a summary of the issues raised and should not be taken to express a view or decision which is in any way binding on the committee. The minutes will be circulated in draft to the Chair of the Forum, the Chair and Vice Chair of the committee and the case officer and finalised within 5 working days of the Forum. Copies of the finalised minutes will be sent, for information, to:

- The petitioners' representatives at the meeting;
- The applicants' representatives at the meeting;
- Ward councillors;
- Committee members
- The Parish Councils of the areas to which the application relates.

The minutes, and the text of the petition, will also be appended to the report to the committee which invites it to determine the application.

11. The case officer should contact the applicants/agent after the meeting to discuss whether a meeting would be helpful to discuss the issues raised at the Forum and to discuss any changes that may be necessary to the application. The applicant will be encouraged to keep in direct contact with the petitioners and to seek their views on any amendment/s.
12. The case officer will inform the petitioners' representatives of any amendments to the application. Normally, no further Development Control Forum will be held if the planning application is amended - see paragraph 3 (b) (ii).
13. The petitioners' representatives will be informed of the date of the meeting at which the application is to be considered by the committee and will be sent copies of the committee report. The petitioners and applicants will be asked to send any further comments they may have on the report to the planning case officer as soon as possible, so that they can be circulated in good time to members of the committee.

Annex C of JDCC Standing Orders: Costs Sharing Protocol

The ongoing costs incurred in relation to the administration of the Committee, legal support and planning consultancy costs shall be borne initially from the joint planning budget administered through Cambridgeshire Horizons and thereafter in equal shares by the participating authorities.

Exceptional costs that arise in relation to, for example, appeals and legal proceedings will be borne:

- i) from the joint planning budget,
- ii) where there is insufficient funds within the joint planning budget, then the costs shall be shared proportionally by the Councils which are entitled to vote on the matters which give rise to the costs.

Annex D of Joint Development Control Committee Cambridge Fringes

Amended Scheme of Delegation as agreed by the Joint Development Control Committee on 21 August 2013

(this supersedes the original Scheme of Delegation agreed on 18 July 2007)

Scheme of Delegation to Officers

The following powers are delegated to each chief planning officer (or their equivalent) within each of the three local authorities represented on the Committee, in respect of planning and development control matters which would, in the absence of a joint committee, fall for determination by their employing authority. The chief planning officers may authorise any other officers within their relevant participating Councils to exercise these powers on his/her behalf. Any officer so authorised may in turn delegate further. Such delegations need not be evidenced in writing.

1. To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the attached schedule) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the Planning (Listed Buildings and Conservation areas) Act 1990 within the terms of reference of the Joint Development Control Committee **except** in any of the following circumstances:
 - a) Where the application is for Outline or Full Permission or is a reserved matters application in respect of:
 1. The provision of dwelling-houses where:
 - (a) the number of dwelling-houses to be provided is 100 or more.
 2. The provision of a non-residential building or buildings where the floor space to be created by the development is 1,000 square metres or more or is for non-residential development to be carried out on a site having an area development carried out on a site having an area of 1 hectare or more.
 3. Development including the provision of primary roads, open space or other site-wide infrastructure that fulfils a strategic purpose;
 4. Strategic waste development
 5. Regulation 3 development for all new facilities
 - b) Where:
 - There are any parish council representations that are contrary to the officer recommendation for approval or;

- There are other third party representations on planning grounds that are contrary to the officer recommendation for approval or refusal and that cannot be addressed by conditions as applicable or;
- c) The application is advertised as a formal departure from the Development Plan and where the officer recommendation is for approval.
 - d) The application is submitted by a Member or Chief Officer or planning officer of any member of the Councils.
 - e) The application is one where, within 21 days of being notified of the application or within 14 days of receipt of any subsequent material amendment to the proposal, any member of the City Council or of the District Council or any member of the County Council representing a ward within the City of Cambridge or South Cambridgeshire requests in writing (including e-mail), that the application should be determined by Committee, stating the planning grounds on which the request is based.
 - f) The application is one that officers consider should be determined by Committee because of special planning policy or other considerations.
 - g) The application is for a “non-material” change/amendment in relation to a development that was previously approved by the Joint Committee and either i) the elements to be changed were subject to specific conditions or ii) negotiations in response to objections raised to the original approval, and in both cases where the Chair, Vice-chair and Spokespersons of the Committee object to the exercise of the delegated power within 14 days of notification.
2. In respect of or arising out of Major developments (as defined in the Committee’s terms of reference) exercise the Committee’s planning enforcement powers (apart from serving enforcement notices under S 171) (subject to prior consultation with the relevant Council’s Chief Legal Officer) and to instruct the relevant Council’s Chief Legal Officer to commence legal proceedings relating to planning enforcement other than commencing prosecutions provided that any action taken is reported to Committee thereafter.
3. To act on behalf of the Committee (after consultation, if practicable with the Chair of the Committee and the Chief Planning Officers of the three Councils) in cases of urgency or emergency. Any such action is to be reported as soon as possible to the Committee.

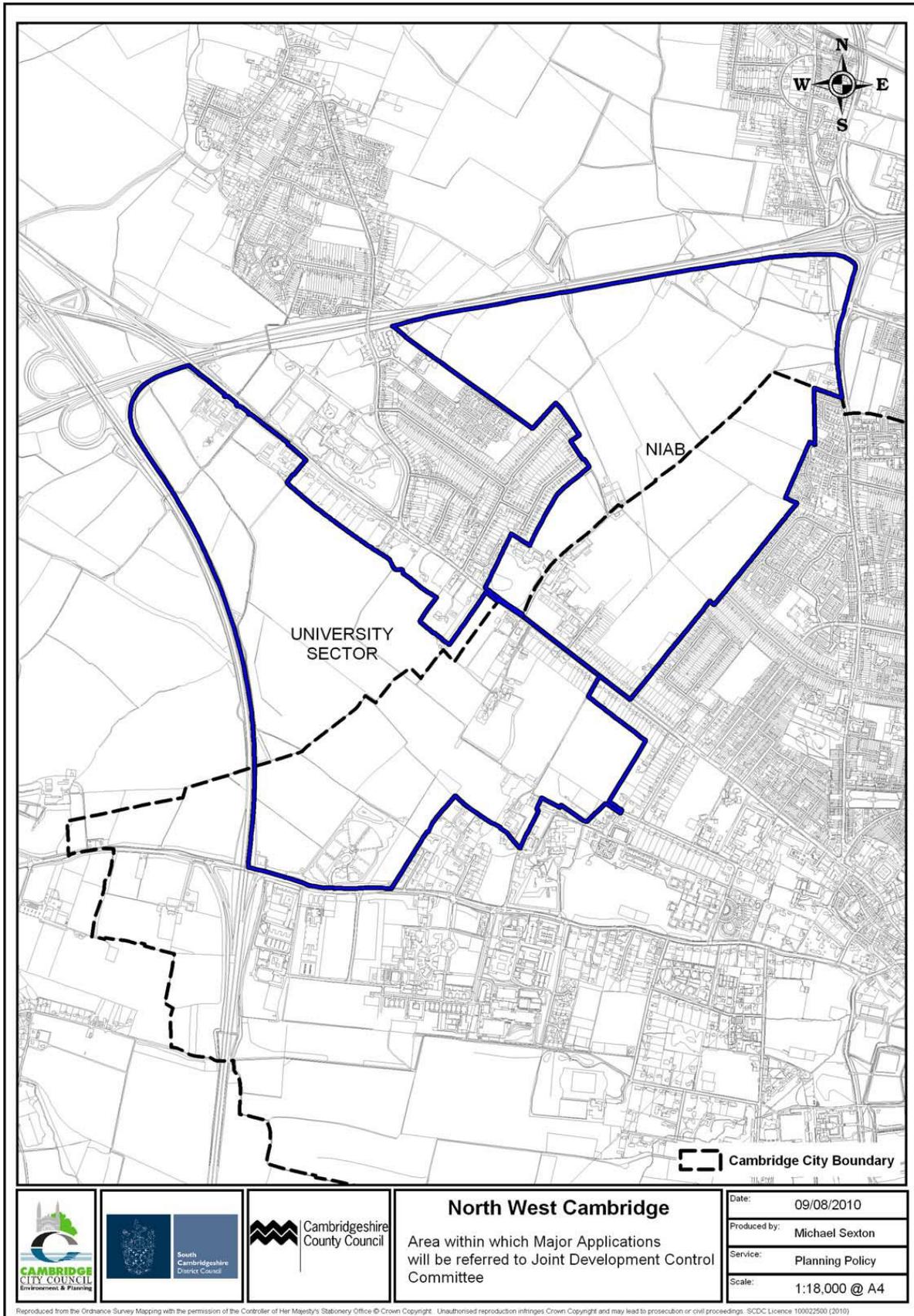
Note: Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgment to decide whether to refer any matter contained within this Scheme to Committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by Members.

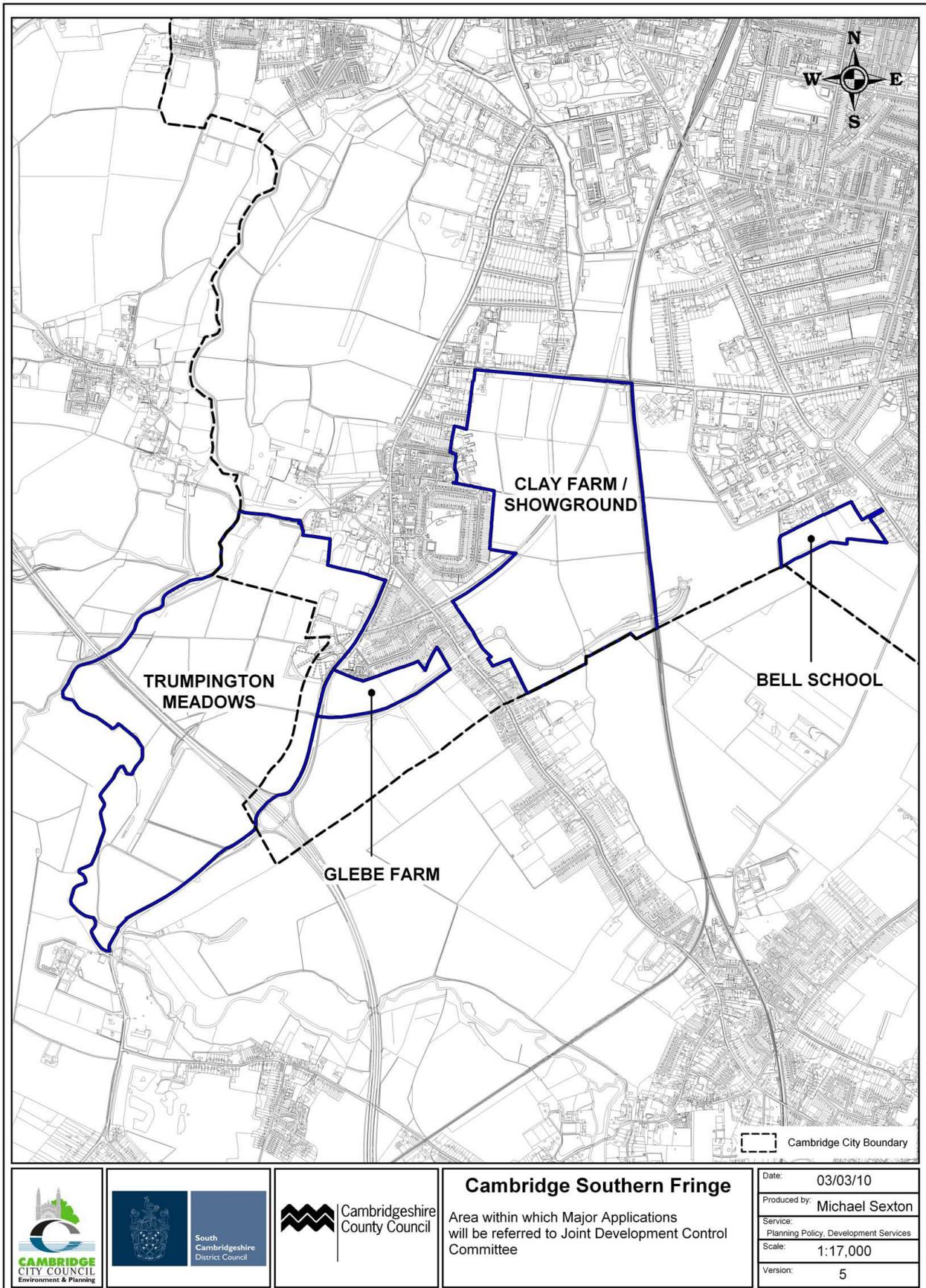
Schedule referred to in Delegation 1 above

Applications and other forms of consent/notification referred to in Delegation A1 include:

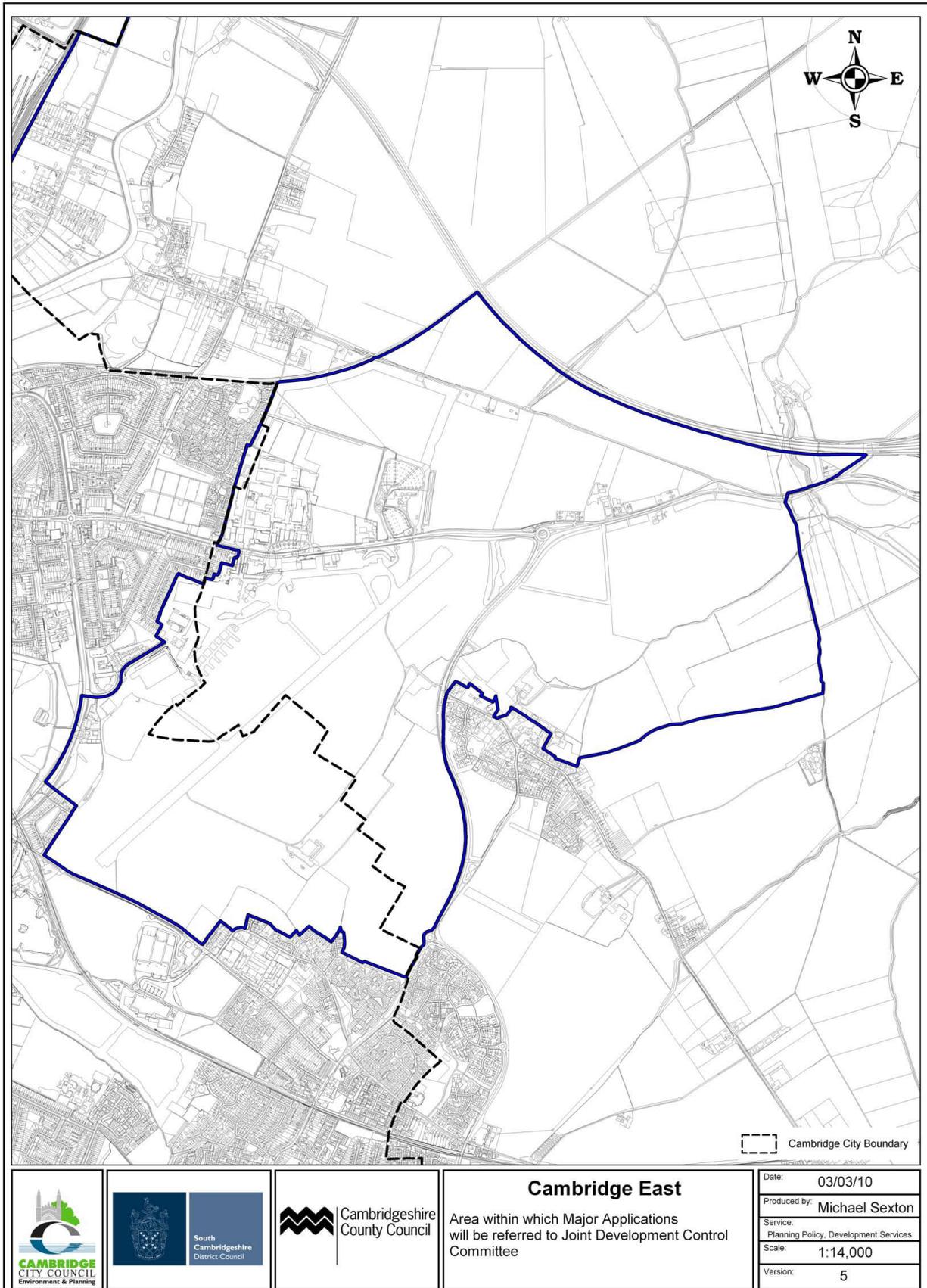
- a) Outline and full planning permission and any subsequent pre- and post-decision amendments.
- b) Reserved matters following outline planning permission and any pre- and post-decision amendments.
- c) Renewals of planning permission and any pre- and post-decision amendments.
- d) Removal/variation of planning conditions.
- e) Discharge of conditions.
- f) Advertisement consent.
- g) Lawful Development Certificates.
- h) Regulation 3 applications.
- i) Settling the terms of planning agreements under section 106, Town and Country Planning Act 1990 and other legislation in accordance with the terms of any resolution or decision to grant planning consent.
- j) Listed Building Consent.
- k) Conservation Area Consent.
- l) Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, or any subsequent amendment to those Regulations.
- m) Entering into and Signing of Planning Performance Agreements.

Appendix 3: PLANS

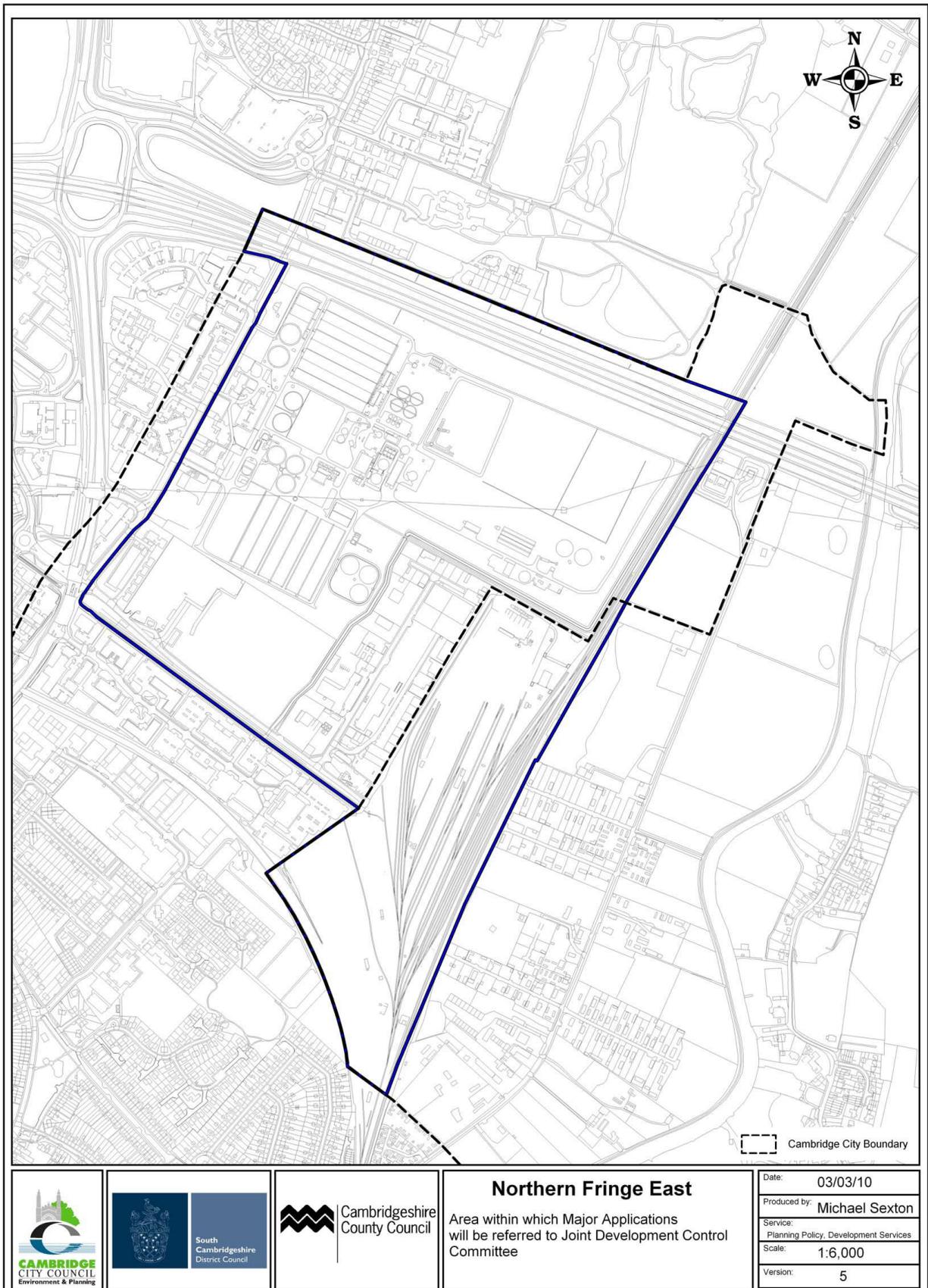




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Responsibility for Functions (Table 7)

Scheme of Delegation

1. Introduction

- 1.1 The authority for delegating functions to the Cabinet, Committees and Officers is contained in Section 101 of the Local Government Act 1972 and Section 14 of the Local Government Act 2000. The authority for delegation of functions by the Licensing Committee is contained in Sub Section 10 (1) of the Licensing Act 2003. Certain other delegations are implicit in Standing Orders, Procedure Rules, Financial Regulations and the Contract Regulations.
- 1.2 Delegations may also be given by individual resolutions, on the authority of the Leader of the Council, or as part of the approval of any policy, procedure or Protocol by the Cabinet or Council.
- 1.3 Subject to the following paragraphs, where any function, power or responsibility is delegated to any officer or body, that officer or body shall, unless otherwise stated in Part 3 of this Constitution, have full power to act in all respects in the name of the Council and may exercise in the name of the Council any discretion countenanced by statute, regulation or in common law in relation to the discharge of that function, power or responsibility and all matters ancillary or incidental thereto.
- 1.4 In this scheme of delegation, reference to:
 - (a) “Chief Officers” shall mean the Chief Executive (Head of Paid Service), Chief Finance Officer, Monitoring Officer, Chief Operating Officer and Joint Director of Planning and Economic Development.
 - (b) Head of Service, for the purposes of this scheme, means the Heads of Finance, HR and Corporate Services, Housing, Shared Waste and Environment and Transformation.
 - (c) the ‘proper officer’ shall mean the Chief Executive or such suitably experienced senior officer as the Chief Executive shall appoint.

2. General Principles

- 2.1 In the scheme of delegation, the following general principles shall apply:

- (a) In exercising a delegated decision, decision takers shall have regard to all other parts of the Constitution, including the Financial Regulations and Contract Regulations.
- (b) Wherever appropriate, the views of local members shall be sought and their views taken into account. Where local member(s) do not support a proposed decision by an officer the matter shall be referred to the lead cabinet member. Where a proposed decision of a lead cabinet member is not supported by any local member, the matter shall be referred to a meeting of the Cabinet, where the local member(s) shall have the right to speak. Decision-takers shall share with local members, at as early a stage as possible, what the proposed decision is likely to be so that local members may take a view on the matter quickly. The requirement for a reference to the Cabinet shall not apply in respect of a decision which has already been made and implemented or if five days have elapsed since notification of the decision.
- (c) A lead cabinet member shall not make a decision on a matter which relates to their ward or to an individual, household or organisation within their Ward. In such cases (or where for some other reason it would not be appropriate for a lead cabinet member to make a decision on a matter) or in the absence of the lead cabinet member, the decision shall be dealt with by the person or body by whom the delegation was made, as set out in the Cabinet Procedure Rules.
- (d) In exercising delegated powers, lead cabinet members and officers are expected to refer “upwards” any issues they consider sensitive or controversial.
- (e) Part 3 of this Constitution sets out the responsibility for Council functions and the responsibility for Executive functions. Table 4 of Part 3 shows which functions are presently delegated to the Cabinet as a whole and which are delegated to lead cabinet members. The following overall criteria shall apply to all functions specifically delegated to lead cabinet members:
 - (i) Where the function involves more than one area of cabinet responsibility, all relevant lead cabinet members shall come together for a decision, and in default of agreement, the matter shall be referred to the Cabinet for decision
 - (ii) If the lead cabinet member(s) think(s) the matter in question is of such a significance that the Cabinet should decide the matter, it shall be referred to the Cabinet accordingly
 - (iii) If the lead cabinet member is in any doubt as to whether any matter properly falls within their or another lead cabinet member’s functional responsibility or whether the matter is of such significance that the Cabinet should determine the matter, the

Leader shall rule accordingly (after consulting any persons the Leader may wish to consult) and such ruling shall be conclusive.

3. Restrictions on all Delegations

3.1 This scheme does not delegate to officers:

- (a) Any matter reserved to full Council in accordance with Article 4;
- (b) Any matter expressly reserved to Cabinet or a lead cabinet member in accordance with Table 4 of Part 3 of the Constitution;
- (c) Any matter reserved to regulatory and other committees and sub committees in accordance with Part 3, Table 3;
- (d) Any power which has been withdrawn from delegation;
- (e) Any matter that by law may not be delegated to an officer;
- (f) Any power to set fees or charges;
- (g) Any matter reserved to a specific statutory officer by law or under the provisions of this Constitution.

3.2 Except as may be provided in this Constitution or authorised by full Council, no officer, lead cabinet member, member, committee, sub-committee or the Cabinet shall exercise any power, function or responsibility in a way which is not in accordance with, or is contrary to, the budget or policy framework of the Council or is contrary to any policy of the Council bearing upon the matter in question.

4. Delegations to Officers

Delegation of Functions

- 4.1. Authority to exercise the powers and carry out all of the functions of the Council shall be delegated to Chief Officers and Heads of Service, subject to the exceptions set out in paragraph 3 above.
- 4.2. Chief Officers and Heads of Service shall have full power to do all such things and exercise all such discretions within their respective functions and areas of responsibility in relation to all operational matters. These powers, although described in general terms, are intended to allow Chief Officers and Heads of Service freedom of operational management, in their

respective service areas within policy and budget. The exercise of delegated powers is subject to the General Principles and Limitations set out in paragraphs 2 and 3 above.

Chief Executive’s General Delegated Power

- 4.3. The Chief Executive shall have power to act in the name of any other Chief Officer or Head of Service to whom a power has been delegated in this scheme of delegation, in their absence, except where such power is restricted by law to a Statutory Chief Officer (Chief Finance Officer or Monitoring Officer).
- 4.4. The Chief Executive (or any other Chief Officer or Head of Service in their absence) may exercise any power or function, which is in law capable of delegation, in any emergency threatening life, limb or substantial damage to property within the District. The Chief Executive shall consult with the Leader of the Council (unless the Leader cannot be contacted after all reasonable efforts have been made) in which case the Deputy Leader shall be consulted. The exercise of such power or function shall be confined to the minimum necessary to deal with the emergency and shall be reported to the next meeting of the Cabinet or the Council, whichever shall be the first.
- 4.5. The Chief Executive (or any other Chief Officer in their absence) may, after consultation with the Leader (or in their absence the Deputy Leader), act in a case of urgency in respect of any matter affecting the Council, subject to a report on the circumstances being made to the next Council or Cabinet meeting as appropriate.

Ancillary Powers of all Chief Officers/Heads of Service

- 4.6. Paragraphs 4.1 and 4.2 provides that all operational functions within their respective areas of responsibility. are delegated to Chief Officers/Heads of Service. However, for the avoidance of doubt, Chief Officers/Heads of Service shall have full delegated powers in the areas set out below:

Power	Delegated to:
1. To undertake day-to-day management of the premises and services for which they are responsible.	All Chief Officers/Heads of Service

<p>2. To undertake day-to-day management and control of the staff reporting to them including:</p> <p>2.1. making arrangements for recruitment and selection of staff and taking disciplinary action (including dismissal) in accordance with the Council’s disciplinary procedures. (Officers at Head of Service level and below only. Recruitment and dismissal of Chief Officers shall be undertaken in compliance with the Officer Employment Procedure Rules).</p> <p>2.2. appointing staff on a temporary basis within approved budgets and in accordance with Financial Regulations.(Officers at Head of Service level and below only)</p> <p>2.3. authorising or refusing applications for regrading of relevant staff.</p> <p>2.4. authorising any desired changes in workforce establishment</p>	<p>All Chief Officers/Heads of Service</p>
<p>3. To approve all new posts within approved budget</p>	<p>Head of Paid Service</p>
<p>4. To approve disposals and acquisitions of land and property in accordance with the provisions of the HRA Asset Sustainability Policy (Disposals and Acquisitions)</p> <p>[Note:</p> <p>4.1 Subject to the consultations/notifications and conditions set out in the delegations approved within that policy.</p> <p>4.2 The Leader varied the delegations in the above policy in November 2018. Paragraphs 66, 67 and 69 of Table 4, Part 3 (Responsibility for Executive Functions) refer]</p>	<p>All Chief Officers/Heads of Service</p>
<p>5. To approve the acquisition and disposal of any interest in property by the Council (not covered by the HRA Asset Sustainability Policy referred to in 4 above or by the Council’s Investment Strategy) where the value</p>	<p>All Chief Officers/Heads of Service</p>

<p>does not exceed Level 2 (provided the terms have been approved by the District Valuer, or the Council’s valuer, and the Chief Finance Officer and the acquisition or disposal is a necessary part of a policy, scheme or plan approved by the Cabinet, or where required, the Council).</p>	
<p>6. To dispose, for the best terms available, of vehicles, stores and equipment which, following consultation with the Chief Finance Officer, they consider to be surplus to requirements.</p>	
<p>7. To approve, subject to the conditions below:</p> <p>7.1 Non-statutory grants up to and including level 2; and</p> <p>7.2 Statutory grants, such as disabled facility grants, up to and including level 3.</p> <p>[Conditions:</p> <p>Such awards to be consistent with policy (eg: the Cambridgeshire Housing Adaptations and Repairs Policy (April 2019)].</p>	<p>All Chief Officers/Heads of Service</p>
<p>8. To approve any requests for financial assistance, grants or services from the Council falling outside the normal rules or policies. (Examples would include (but not exclusively):</p> <p>8.1 Rate relief;</p> <p>8.2 Rents or charges;</p> <p>8.3 Ex-gratia payments or compensation up to and including Level 2.)</p>	<p>All Chief Officers/Heads of Service</p>
<p>9. To accept tenders and other procurement decisions in compliance with the Council's Contract Regulations. (see paragraphs 28 and 29 of Table 4 of Part 3 (Responsibility</p>	<p>All Chief Officers/Heads of Service</p>

<p>for Executive Functions) as to matters reserved to Cabinet or lead cabinet member)</p>	
<p>10. To write off any individual debt up to and including Level 2, subject to being satisfied that all action for recovery of the debt appropriate to the amount has been taken (see Financial Regulation 13.8)</p>	<p>Chief Finance Officer</p>
<p>11. To determine applications for discretionary rate relief within the approved policy and criteria and to determine discretionary housing payments.</p>	<p>Chief Finance Officer</p>
<p>12. To approve the Council Tax base in accordance with Section 67 of the Local Government Finance Act 1992, as amended by Section 84 of the Local Government Finance Act 2003.</p>	<p>Chief Finance Officer</p>
<p>13. To review and determine the boundaries of rural settlements for the administration of Rural Rate Relief in accordance with Section 42B of the Local Government and Rating Act 1997.</p>	<p>Chief Finance Officer</p>
<p>14. To approve allowances or expenses to Council tenants.</p>	<p>All Chief Officers/Heads of Service</p>
<p>15. In accordance with the provisions of the Council's Investment Strategy:-</p> <p>15.1. To progress investment opportunities, including due diligence checks; and</p> <p>15.2. To submit non-binding offers in line with market practice.</p>	<p>Chief Finance Officer</p>
<p>16. To make appointments, removals or replacements of members to any committee, sub-committee or other forum (including substitutes), in accordance with the wishes of the Leader of the political group to which the seat has been allocated.</p>	<p>Head of Paid Service/Monitoring Officer</p>

5. Sub-Delegation of Powers

- 5.1 Unless limited by any provision in this Constitution, Chief Officers/Heads of Service shall have authority to delegate their powers, functions and responsibilities, wholly or in part, to another Chief Officer/Head of Service or to any other suitably experienced and qualified officer. These officers shall themselves have discretion to delegate powers to be exercised by suitably qualified and experienced officers within their areas of responsibility, subject to any limitations on further delegation which may be imposed. In all cases:
- (a) General and specific delegations, and any limitations upon them, shall be set out in writing and kept up to date.
 - (b) Chief Officers/Heads of Service shall remain accountable for the actions of subordinate officers and may continue to exercise or share those powers.
 - (c) Any body or member of the Cabinet, with delegated powers may delegate any such power or responsibility to the relevant Chief Officer/Head of Service but shall remain accountable and may continue to exercise or share those powers, functions or responsibilities.
 - (d) The exercise of any delegated power, function or responsibility may be restricted by the delegating person or body. Restrictions may be financial, numerical, subject to local member(s)', Leader's and / or committee chair's consultation or approval, subject to time limit, or in any other way.

6. Recording and Reporting of Delegation of Powers

- 6.1 All persons and bodies with delegated powers shall record and report substantive decisions made under those powers in accordance with the requirements of the Access to Information Procedure Rules. Any key decision taken by a lead cabinet member or officer shall be recorded and published in accordance with the requirements of the Access to Information Procedure Rules.
- 6.2 The Leader may refine the allocation of functions and responsibilities set out in Table 4 in Part 3 of this Constitution as they wish. To effect changes, the Leader shall provide details of the changes they wish to make in writing to the Chief Executive, such changes to have effect immediately upon subsequent written notification to all members.
- 6.3 Changes to the Scheme of Delegation to Officers shall be authorised by the Chief Executive.

7. Validity of Decisions Taken Under Delegated Powers

- 7.1 It shall be presumed that any recorded delegated power remains extant (within any limits set thereon if appropriate) unless the Leader of the Council, Council or Chief Executive, as the case may be, determines or changes that delegation and either the proper officer certifies that fact or there is an approved minute of any such determination or change.
- 7.2 In the event that a post ceases to exist or where the name of a post changes or where responsibilities are transferred to another post holder, temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- 7.3 The exercise or purported exercise of any recorded delegated power shall be valid for all purposes, notwithstanding that there may have been any inadvertent defect in formality in the giving of notice of any meeting to any councillor, inadvertent failure to consult any person or observe any protocol or code contained in this Constitution or any other administrative error. This shall not apply to any purported exercise of any power by a non-quorate body.

8. Proper Officer Responsibilities

- 8.1 Unless otherwise provided by law or in this Constitution, each Chief Officer/Head of Service, within their respective functions and areas of responsibility, shall also be the respective 'proper officer' in all cases where statute or regulation requires or provides for the Council to appoint a 'proper officer' but any Chief Officer/Head of Service may delegate any such responsibility to a suitably experienced senior officer.
- 8.2 All proper officer appointments not already set out in this Constitution, other than general appointments under paragraph 8.1 above, whether of, or under delegation by, any Chief Officer, shall be recorded by the Chief Executive and that record shall be kept up to date and available for inspection in the same manner as the scheme of delegations of powers.

Part 4: Rules of Procedure

A. Council Standing Orders

Contents

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Appointment of substitute members of committees and sub-committees and outside or joint bodies
5. Times and places of meetings
6. Notice of and summons to meetings
7. Chair of meeting
8. Quorum
9. Duration of meeting
10. Public speaking
11. Petitions
12. Questions by members
13. Notice of motions
14. Motions without notice
15. Rules of debate
16. Previous decisions and motions
17. Voting
18. Minutes
19. Record of attendance
20. Exclusion of public

21. Members' conduct
22. Disturbance by public
23. Recording of meetings
24. Cancellation of meetings
25. Suspension and amendment of Council Standing Orders
26. Application to Cabinet, committees and sub-committees
27. Interpretation of Standing Orders

1. Annual Meeting of the Council

1.1 Timing and business

- (a) In a year when there is an ordinary election of councillors, the annual meeting shall take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting shall take place between March and May inclusive.
- (b) The annual meeting shall:
 - (i) elect a person to preside if the Chair of Council is not present;
 - (ii) elect the Chair of Council (in accordance with Standing Order 1.2 below);
 - (iii) appoint the Vice-Chair of Council;
 - (iv) approve the minutes of the last meeting;
 - (v) in a year when there is any election of councillors, receive the Returning Officer's Return of councillors elected.
 - (vi) receive any announcements from the Chair, Leader of Council and / or Head of Paid Service;
 - (vii) in a year when there is an ordinary election of councillors, or if the office is vacant, elect the Leader;
 - (viii) receive a statement from the Leader concerning appointments to the Cabinet, including the statutory Deputy Leader;
 - (ix) appoint statutory committees and such other committees as the Council considers appropriate in accordance with Standing Order 1.3 below;
 - (x) designate one of the Council's scrutiny and overview committees as its crime and disorder committee in accordance with sections 19 and 20 of the Police and Justice Act 2006;
 - (xi) 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 3 of this Constitution);
 - (xii) receive reports and recommendations from the Cabinet and the Council's committees and receive questions and answers on any of those reports;
 - (xiii) receive the Leader of the Major Opposition Group's written annual statement, if they wish to give one; and;
 - (xiv) consider any other business set out in the notice convening the meeting.

1.2 Election of Chair

- (a) The Chair of the Council shall be elected from among the councillors as the first business transacted at the annual meeting.
- (b) Where the Chair of Council is retiring, they should, if present, preside over the election of their successor.
- (c) Where the retiring Chair is not present, the Chief Executive (or an officer nominated by them) shall preside.

- (d) Where it is expected that the retiring Chair will stand for re-election to that office, the Chief Executive (or an officer nominated by them) shall preside, and the Chair should leave the room for the duration of the election.

1.3 Selection of Councillors on Committees and Outside Bodies

- (a) At the annual meeting, the council meeting shall:
 - (i) decide which committees to establish for the municipal year;
 - (ii) decide the size and terms of reference for those committees;
 - (iii) decide the number and allocation of seats and substitutes to political groups in accordance with the requirements of the Local Authorities (Committees and Political Groups) Regulations 1990;
 - (iv) receive nominations of councillors to serve on each committee, joint committee and outside body;
 - (v) appoint to committees and joint committees, except where appointment to those bodies is exercisable only by the Cabinet;
 - (vi) appoint up to five substitute members per committee from each political group in a hierarchical list to all committees and sub-committees;
 - (vii) elect the Chairs and Vice-Chairs of the committees;
 - (viii) appoint the Council's spokesperson on any joint committee, where required by that committee's terms of reference; and
 - (ix) appoint members and, where permitted, substitutes to outside bodies, except where appointment of those bodies has been delegated by the Council or is exercisable only by the Leader.
- (b) The Chair of the Council shall preside over the election of Chairs of committees.
- (c) Where an election is contested, nominees for Chair shall leave the room prior to voting.

2. Ordinary Meetings

2.1 Agenda for Ordinary Meetings

Ordinary meetings of the Council shall take place in accordance with a programme agreed by Council. Ordinary meetings shall:

- (a) elect a person to preside if the Chair and Vice-Chair are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from members;
- (d) receive any announcements from the Chair, Leader, Cabinet members or the Head of Paid Service;
- (e) deal with questions and statements from the public in accordance with the Council's Public Speaking Scheme;
- (f) receive petitions presented by District councillors

- (g) debate any petitions received under the Council's Petitions Scheme, which have the requisite number of signatures;
- (h) deal with any business from the last Council meeting;
- (i) receive reports and recommendations from the Cabinet and the Council's committees and receive questions and answers on any of those reports;
- (j) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (k) note changes in membership of committees and fill vacancies on outside bodies, except where appointment to outside bodies has been delegated by the Council or is exercisable only by the Leader;
- (l) consider any other business specified in the summons to the meeting;
- (m) receive questions from, and provide answers to, members in accordance with Standing Order 12; and
- (n) consider motions in accordance with Standing Order 13;

3. Extraordinary Meetings

3.1 Calling extraordinary meetings

- (a) The following persons may request the proper officer (see note 1 below) to call Council meetings in addition to ordinary meetings:
 - (i) the Council by simple majority;
 - (ii) the Chair of the Council;
 - (iii) the Monitoring Officer; and
 - (iv) any five members of the Council if they have signed a requisition presented to the Chair of the Council and the Chair has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

(Note 1: In all the Part 4 Rules relating to Committee, Cabinet and Council administration, reference to the 'proper officer' shall mean the Chief Executive or such suitably experienced senior officer as the Chief Executive shall appoint.)

- (b) The request shall state the subject for which the meeting is called.

3.2 Business

An extraordinary meeting shall not consider previous minutes, reports from committees or any other matter than the subject for which that meeting is called.

4. Appointment of Substitute Members of Committees, Sub-Committees and Outside or Joint Bodies

4.1 Allocation

- (a) Substitutes shall be allowed on committees and sub-committees, and Council may allocate seats for substitute members on outside or joint bodies, where those bodies allow. The substitute must be a member of the same political group as the member for whom they are substituting, unless the Council, with no one voting against, agrees otherwise. Substitute members shall be appointed in a hierarchical list by Council at its annual meeting.
- (b) Cabinet members shall be allowed to substitute on all committees, other than any scrutiny and overview committee and the Audit and Corporate Governance Committee.

4.2 Powers and duties

Substitute members shall have the powers and duties of any ordinary member of the committee or sub-committee, outside or joint body (where those bodies allow) but shall not be able to exercise any special powers or duties exercisable by the person for whom they are substituting. These powers and duties shall only be available to the substitute members from the start until the close of the meeting at which they are substituting (including any adjournment thereof).

4.3 Substitution

Substitute members may attend meetings in that capacity only:

- (a) to take the place of the ordinary member for whom they are the substitute;
- (b) where the ordinary member will be absent for the whole of the meeting, and;
- (c) after notifying Democratic Services before the start of the meeting of the intended substitution.

4.4 Substitution at meetings of Planning Committee and Licensing Committee

Members acting as substitutes at meetings of the Planning Committee and Licensing Committee when determining applications shall be subject to the same requirement to have undertaken suitable training as ordinary members of those committees.

4.5 Variation of Membership

The appropriate Group Leader must notify the proper officer, in writing, of any changes in membership or substitute membership of any committee, sub-committee, other forum or outside body allocated to their group and such changes will be reported to the next meeting of the Council. Such notification must be provided to the proper officer or their nominee prior to the commencement of the body in question to enable it to have effect for that meeting. Appointments to non-executive outside bodies shall be subject to approval of the Leader.

5. Times and Places of Meetings

The times and places of meetings shall be determined by the proper officer and notified in the summons.

6. Notice of and Summons to Meetings

The proper officer shall give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive shall send a summons by e-mail and / or post to each member of the Council, or leave it at their usual residence. The summons shall give the date, time and place of each meeting and specify the business to be transacted, and shall be accompanied by such reports as are available.

7. Chair of Meeting

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

8. Quorum

- 8.1 The quorum of a meeting shall be one quarter of the whole number of members of the Council or the relevant body of the Council, or three, whichever is the greater, unless this Constitution otherwise provides. During any meeting, if the Chair counts the number of members present and declares there is not a quorum present, then the meeting shall adjourn immediately. Remaining business shall be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business shall be considered at the next ordinary meeting.
- 8.2 If there is no quorum at the published start time for the meeting, a period of ten minutes shall be allowed, or longer, at the Chair's discretion. If there remains

no quorum at the expiry of this period, the meeting shall be declared null and void.

9. Duration of Meetings

Unless three-quarters of members present vote for the meeting to continue, any meeting that has lasted for four hours, excluding adjournments, shall adjourn immediately. Remaining business shall be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business shall be considered at the next ordinary meeting.

10. Public Speaking

10.1 Public Speaking Scheme

The Council's Public Speaking Scheme shall be agreed by the Civic Affairs Committee and reviewed by the committee from time to time. Public speaking shall be dealt with in accordance with the provisions of the Public Speaking Scheme which is available on the Council's website [include link](#).

11. Petitions

11.1 The Council's Petitions Scheme shall be agreed by the Civic Affairs Committee and reviewed by the committee from time to time.

11.2 Petitions shall be dealt with in accordance with the provisions of the Council's Petitions Scheme which is available on the Council's website [include link](#).

11.3 Members of the Council may present petitions at any ordinary Council meeting at the relevant point on the agenda. A member presenting a petition shall not make any speech or comment on it except to announce its title, subject and purpose. The Monitoring Officer shall arrange for such petitions to be dealt with in accordance with the Council's Petitions Scheme.

12. Questions by Members

12.1 On reports of the Cabinet or committees

A member of the Council may ask the Leader or the Chair 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 is under consideration by the Council.

12.2 Questions on notice at full Council

Subject to Standing Order 12.4, a member of the Council may ask:

- (a) the Chair;
- (b) the Leader, who may respond on behalf of the Cabinet or may appoint a member of the Cabinet to respond; or
- (c) the Chair of any committee or sub-committee

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

12.3 Questions on notice at committees and sub-committees

Subject to Standing Order 12.4, a member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties, or which affect the district 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 Standing Order 12.2 or 12.3 if either:

- (a) they have given to the proper officer notice in writing of the question not later than seven clear working days before the date of the meeting; or
- (b) they have submitted their question to the proper officer prior to the commencement of the agenda item.

Questions submitted under 12.4(a) shall be taken first and shall be asked in the order in which notice of them was received, except that the Chair may group together similar questions.

Questions submitted under 12.4(b) shall be drawn at random by the Chair until there are no further questions or the time limit, referred to in Standing Order 12.5 below, expires.

Only one question may be asked per member, per meeting, but one supplementary question may also be asked at the meeting.

12.5 Time Limit for questions

A total of 30 minutes shall be allowed for questions.

12.6 Scope of questions

The Chair, having regard to the advice of 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 district;

- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at the meeting or a meeting of the Council in the past six months;
- (d) raises issues about the competence or performance of a councillor or officer;
- (e) requires the disclosure of confidential or exempt information; or
- (f) relates to a planning or licensing application which has yet to be determined.

The Chair shall have the discretion to limit the length of preamble or other background information supplied with the question.

12.7 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 response which shall normally be circulated within five working days to the questioner and included as an appendix to the minutes.

12.8 Supplementary question

A member asking a question under Standing Order 12.2 or 12.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. It may be rejected by the Chair on any of the grounds set out in Standing Order 12.6 above.

12.9 Questions not dealt with

Any question of which notice has been given under Standing Order 12.4(a) and which is not dealt with at the meeting owing to expiry of the 30 minute period shall, at the preference of the member raising the question, either be included on the agenda for the next meeting of the Council or receive a written response (which shall be circulated normally within five working days to the questioner and included as an appendix to the minutes).

13. Notice of Motions

13.1 Notice

- (a) Except for motions which can be moved without notice under Standing Order 14 and any motion to remove the Leader from office as Leader, written notice of every motion, signed by a councillor, must be delivered to the proper officer not later than ten working days before the date of the meeting. E-signatures shall be acceptable for the purposes of this rule.

Part 4 - Rules of Procedure: Council Standing Orders

Save that the Chair shall have the discretion to admit a motion to the agenda by reason of special circumstances on the grounds of urgency, in accordance with the provisions of Part VA of the Local Government Act 1972, where they are satisfied that the matter will not admit of delay until the next meeting of Council.

- (b) In the case of any motion for the removal of the Leader from office as Leader, written notice signed by at least one quarter of the councillors must be delivered to the proper officer not later than ten clear working days before the date of the meeting. Motions under this provision may not be submitted electronically. Any such motion shall be carried by simple majority of the members present and voting at the meeting.
- (c) In the case of any motion for the removal of the Leader from office as Leader being passed, the Council shall elect a new Leader at the same meeting, or at a subsequent meeting.
- (d) A record of notices of motion shall be kept.
- (e) Only one Motion may be submitted per member per meeting.

13.2 Number of Motions

A maximum of five motions shall be accepted for debate at an ordinary meeting of the Council under this standing order. Motions will be accepted in the order in which notice of the full written motion is received.

13.3. Similar Motions

Where similar motions have been submitted, the Chair is authorised to ask the proposers to work together to agree a mutually agreeable form of words. Where that does not prove possible, the Chair shall decide which motion shall be accepted.

13.4 Motion set out in agenda

Motions for which notice has been given and accepted by the Chair shall be listed on the agenda in the order in which notice was received, unless the councillor giving notice states, in writing, that they propose to move it to a later meeting or withdraw it. Subject to a written proposal by the councillor to move it at a later meeting, any motion not moved at the relevant meeting shall be deemed to be withdrawn.

13.5 Scope

Motions must be about matters for which the Council has a responsibility or which affect the district.

The Chair, having regard to the advice of the proper officer may reject a motion if it:

- (a) is not about a matter for which the local authority has a responsibility or which affects the district;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a motion which has been put at the meeting or a meeting of the Council in the past six months. (This does not apply to motions moved in pursuance of a recommendation of Cabinet, a Committee or a Chief Officer or motions which have been withdrawn from a previous meeting);
- (d) requires the disclosure of confidential or exempt information;
- (e) would, if carried, commit the Council to a course or courses of action contrary to agreed processes or outside its authority to act; or
- (f) relates to a planning or licensing application which has yet to be determined.

13.6 Automatic Reference to the Cabinet or a Committee

- (a) If a motion seeks to determine an executive function it shall, upon being duly moved, seconded and debated, stand referred to Cabinet to take the final decision in respect of the motion.
- (b) If the subject matter of a motion falls within the terms of reference of a committee, it shall, upon being moved, seconded and debated, stand referred to that committee.
- (c) Notwithstanding (a) and (b) above, Council may by resolution agree to refer a motion to Cabinet or a committee or other body without prior debate at the meeting.
- (d) If the motion stands referred to Cabinet or a committee for decision, and the mover of the motion is not a member of the Cabinet or the committee, then they shall be entitled to attend and address the meeting at which the motion is discussed, but shall not vote.

13.7 Time limit

A maximum period of thirty minutes shall be allowed for each motion to be moved, seconded and debated, including dealing with any amendments. At the expiry of the thirty-minute period, debate shall cease immediately, the mover of the original motion shall have the right of reply before the motion or amendment is put to the vote. If the original motion has been amended, the mover of the amendment now forming the substantive motion shall have the right of reply before it is put to the vote.

14. Motions without Notice

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;

- (c) to change the order of business in the agenda;
- (d) to refer something to the Cabinet or a committee. If passed, the matter shall stand immediately deferred and shall not be further considered at the meeting;
- (e) to defer consideration of an item of business;
- (f) to appoint a committee or member arising from an item on the summons for the meeting;
- (g) to receive reports or adoption of recommendations of the Cabinet, committees or officers and any resolutions following from them. Such recommendations shall be moved and seconded prior to any debate, in accordance with Standing Order 15.1 below;
- (h) to withdraw a motion;
- (i) to amend a motion;
- (j) Closure Motions in accordance with Standing Order 15.11;
- (k) that the meeting continue beyond 4 hours in duration;
- (l) to suspend a particular Council Standing Order;
- (m) to exclude the public and press in accordance with the Access to Information Rules;
- (n) to not hear further a member named under Standing Order 21.4 or to exclude them from the meeting under Standing Order 21.5; and
- (o) to give the consent of the Council where its consent is required by this Constitution.

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 Chair may require it to be written down and handed to them before it is discussed.

15.3 Secunder's speech

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

15.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation, point of order or point of information. No proposer's speech may exceed five minutes, nor any other speech exceed three minutes, without the consent of the Chair.

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 they last spoke;
- (c) if their first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) at the Chair's discretion, in the case of the Leader, Cabinet member or committee chair, to respond to a question directly addressed to them.
- (e) in exercise of a right of reply in accordance with Standing Order 15.9;
- (f) on a point of order;
- (g) at the Chair's discretion, to raise a point of information;
- (h) by way of personal explanation; or
- (i) to move a Motion under Standing Order 15.10 (Motions which may be moved during debate).

15.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and shall either be:
 - (i) to leave out words;
 - (ii) to leave out words and insert or add others; or
 - (iii) to insert or add words.

as long as the effect is not to negate the motion.

- (b) The Chair may request the mover and seconder of the original motion to indicate whether they are prepared to accept the amendment through its incorporation into their motion. If they are willing to do so, the original motion shall stand altered accordingly, the amendment shall be deemed withdrawn and debate proceed on the original motion, as altered. If they are not willing to do so, consideration of the amendment shall proceed in accordance with the normal rules of debate.
- (c) 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. Exceptionally, the Chair may allow, after notice of a proposal, concurrent discussion of a subsequent amendment before both are disposed of in whatever order the Chair thinks fit, if it appears to the Chair that this course would facilitate the proper conduct of the Council's business.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) 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.

- (f) After an amendment has been carried, the Chair shall read out the amended motion before accepting any further amendments.
- (g) Amendments shall be written down and handed to the Chair before they are debated, unless the Chair is willing to accept any amendments made verbally.
- (h) The Chair shall have the discretion to refuse to accept amendments if they are solely based on typographical or grammatical points.
- (i) Any proposed amendment at the Council's annual budget meeting, which in the opinion of the Chief Finance Officer, is significant, shall be rejected by the Chair unless it has been subject to prior consideration by the Scrutiny and Overview Committee or the Cabinet at the respective meetings of those bodies at which the annual budget report is presented.

15.7 Alteration of motion

- (a) A member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent shall be signified without discussion.
- (b) A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent shall be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

15.8 Withdrawal of motion

A member may withdraw a motion of which they have given notice with the consent of the meeting or may withdraw a motion which they have moved with the consent of both the meeting and, where it has been seconded, the seconder. The meeting's consent shall be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused. In accordance with Standing Order 13.4, any motion not moved at the relevant meeting shall be deemed to be withdrawn.

15.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on their amendment.

15.10 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) Closure motions in accordance with Standing Order 15.11
- (d) that the meeting continue beyond four hours in duration;
- (e) to exclude the public and press in accordance with the Access to Information Rules;
- (f) to not hear further a member named under Standing Order 21.4 or to exclude them from the meeting under Standing Order 21.5; or
- (g) to refer something to the Cabinet or a committee in accordance with Standing Order 14(d) above.

15.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, they shall give the mover of the original motion a right of reply and then put the procedural motion to the vote. The Chair may reject the procedural motion if they think that the matter before the meeting has not been sufficiently discussed.
- (c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, they shall put the procedural motion to the vote. If it is passed, they shall give the mover of the original motion a right of reply before putting the motion to the vote. The Chair may reject the procedural motion if they think that the matter before the meeting has not been sufficiently discussed.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they shall put the procedural motion to the vote without giving the mover of the original motion the right of reply.

15.12 Point of order

A member may raise a point of order at any time by standing and stating "Point of Order". The Chair shall hear it immediately. A point of order may only relate to an alleged breach of these Council Standing Orders or the law. The member must indicate the Standing Order or law and the way in which they

consider it has been broken. The ruling of the Chair on the admissibility of a Point of Order shall be final.

15.13 Point of information

A member may ask to raise a point of information at any time by standing and stating, "Point of Information", but shall be permitted to speak only at the Chair's discretion. A point of information may only be made where a member is aware that the Council has incorrect information before it on a material point. The member who raises the point of information must be able to cite evidence to support their statement. The point of information may be raised whilst another member is speaking but only if that member is willing to give way. The ruling of the Chair on the admissibility of a point of information shall be final.

15.14 Personal explanation

A member may make a personal explanation at any time by standing and stating "Personal explanation". 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. The ruling of the Chair on the admissibility of a personal explanation shall be final.

15.15 Application of Rules of Debate

These Rules of Debate shall apply to the consideration of all Council business where debate is allowable under these Standing Orders or at the Chair's discretion.

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 shall not be moved unless the notice of motion is signed by at least twelve members.

16.2 Motion similar to one previously rejected

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

17. Voting

17.1 Majority

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

17.2 Chair's casting vote

If there are equal numbers of votes for and against, the Chair shall have a second or casting vote. There shall be no restriction on how the Chair chooses to exercise a casting vote. This Standing Order shall not apply to situations in which there is equality of voting between two candidates on an appointment. In such cases, the provisions of Standing Order 17.8 below shall apply.

17.3 Method of voting

Unless a recorded vote is demanded, except for full Council and Planning Committee where all votes shall be recorded in the manner described in Standing Order 17.5 (Recorded Vote), apart from those taken by affirmation, the Chair shall normally take the vote either by electronic means or by show of hands, at their discretion, or, if there is no dissent, by the affirmation of the meeting. Exceptionally, a paper ballot may be considered by the Chair to be appropriate. This procedure shall not apply to voting on appointments which shall be dealt with in accordance with Standing Order 17.8.

17.4 Announcement of Result

Whatever the method of voting, the Chair shall announce the result or the numerical result of the vote immediately the result is known.

17.5 Recorded vote

At all Council and Planning Committee meetings, the names for and against a motion or amendment or abstaining from voting shall be recorded and entered into the minutes. For all other meetings to which these Standing Orders apply, if one member demands it, a recorded vote shall take place in the same way. This procedure shall not apply to meetings of a Licensing sub-committee or to voting on appointments.

17.6 Recorded vote on budget decisions

In accordance with statutory requirements, if the Council is considering an item on the Council's budget or the setting of the Council Tax, the names for and against the motion or amendment, abstaining from voting or not voting shall be taken down in writing and entered into the minutes.

17.7 Right to require individual vote to be recorded

Except for Council and Planning Committee meetings, where all votes shall be recorded, where any member requests it immediately after the vote is taken, their vote shall be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

17.8 Voting on appointments

Where there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes shall be taken off the list and a new vote taken. The process shall continue until there is a majority of votes for one person. In the event of a tie, a second vote shall be taken. In the event of a continuing tie, the matter shall be decided by the toss of a coin.

18. Minutes

18.1 Signing the minutes

The Chair shall sign the minutes of the proceedings at the next suitable meeting. The Chair shall move that the minutes of the previous meeting be signed as a correct record. 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

There shall be no requirement to sign the minutes of a previous ordinary meeting at an extraordinary meeting of the Council convened under Standing Order 3 above. Any unsigned minutes of previous ordinary meetings and the minutes of the extraordinary meeting shall be signed at the next ordinary meeting.

18.3 Form of minutes

Minutes shall contain all motions and amendments in the exact form and order the Chair put them.

19. Record of Attendance

All members are required to sign the attendance sheet before the conclusion of the meeting to assist with the record of attendance.

20. Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Standing Order 22 (Disturbance by Public).

21. Members' Conduct

21.1 Indicating wish to speak

Where a member wishes to speak, they must indicate their wish to do so by raising their hand. No member may speak (except when raising a point or order, point of information or a personal explanation) unless and until invited by the Chair.

21.2 Standing to speak

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

21.3 Chair standing

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

21.4 Member not to be heard further

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

21.5 Member to leave the meeting

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

21.6 General disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. An adjournment in these circumstances shall not require a motion to be passed.

22. Disturbance by Public

22.1 Removal of member of the public

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

22.2 Clearance of part of meeting room

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

22.3 Banners, placards, etc

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chair may require any to be removed.

23. Recording of Meetings

23.1 The recording in any format of any meeting of the Council, the Cabinet, or any committee or sub-committee of the Council or the Cabinet, is permitted, except:

- (a) Where the Chair, or person presiding the meeting, rules that filming is being undertaken in such a way that is disruptive or distracting to the good order and conduct of the meeting.
- (b) Where the public have been excluded from the meeting in accordance with the Council's Access to Information Procedure Rules (Rule 10) during the consideration of exempt or confidential information (this also applies to any recordings made by members of the Council).

24. Cancellation of meetings

24.1 The Chief Executive is authorised to cancel a meeting before the agenda has been published, following consultation with the Chair.

24.2 Where, in exceptional circumstances, such as severe weather or other disruptive circumstances, it is necessary to cancel a meeting after the agenda has been published, the Chief Executive shall be authorised to do so, following consultation with the Chair. The notice advising of the cancellation shall specify the exceptional circumstances in which the decision was taken. Outstanding business shall be held over to the next scheduled meeting or considered at a reconvened meeting on a date to be arranged which satisfies

the notice requirements set out in the Local Government Act 1972 and Access to Information Rule 4.

25. Suspension and Amendment of Council Standing Orders

25.1 Suspension

All or any of these Standing Orders, except Standing Orders 17.7 (Right to require individual vote to be recorded) and 18.2 (No requirement to sign minutes of previous meeting at extraordinary meeting), may be suspended by motion on notice or without notice if requested by at least two thirds of councillors present and voting. The mover of the motion shall specify which Standing Order(s) they wish to suspend as well as the business to which the suspension shall apply. Suspension may be for no longer than the duration of the meeting.

25.2 Amendment

Any motion without notice to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

26. Application to Cabinet, Committees and Sub-Committees

- 26.1 All of the Standing Orders apply to meetings of full Council.
- 26.2 None of the Standing Orders apply to meetings of the Cabinet except Standing Order 10 (Public Speaking), Standing Order 11 (Petitions), and Standing Order 24 (Cancellation of Meetings).
- 26.2 Only Standing Orders 4-9 and 12-25 (but not Standing Order 21.2, standing to speak) apply to meetings of all committees and sub-committees.
- 26.3 Standing Order 10 (Public Speaking) shall apply to all Cabinet meetings open to the public and all committee and sub-committee meetings open to the public other than regulatory committees or sub-committees. A separate public speaking scheme shall operate for Planning Committee.
- 26.4 The Licensing Committee (2003 Act) has resolved to operate under the Local Government Act 1972 (as amended). Standing Orders 4-9 and 12-25 (but not Standing Order 21.1) consequently apply to meetings of the full committee, but not to meetings of its sub-committees.

27. Interpretation of Standing Orders (Article 16.2)

The ruling of the Chair of Council as to the application of these Standing Orders shall be final. Such interpretation shall have regard to the purposes of the Constitution set out in Article 1.

B. Access to Information Procedure Rules

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1. Scope

These rules apply to all meetings of the Council, the Cabinet, committees, sub-committees and joint committees (if any), The Licensing Committee has resolved to adopt the rules for the purpose of its meetings, but separate proceedings shall apply to the hearings of its sub-committees. It is a matter for advisory groups to determine to what extent the public shall be excluded from their meetings.

2. Additional Rights to Information

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

3. Rights to Attend and Speak at Meetings

- 3.1 Members of the public may attend all meetings subject only to the exceptions in these rules.
- 3.2 Public speaking at meetings of the Cabinet, scrutiny and overview committees or other committees shall operate in accordance with the Public Speaking Scheme agreed by the Civic Affairs Committee and reviewed by that committee from time to time.
- 3.3 Public speaking at meetings of the Planning Committee shall operate in accordance with the scheme agreed by the Planning Committee and reviewed by that committee from time to time.
- 3.4 Subject to Rule 10, a UNISON representative, acting as such, may attend any meeting of the Cabinet or committee of the Cabinet. At the discretion of the Leader, or other person presiding at the meeting, he or she may speak at the meeting on any matter relevant to officers of the Council.

4. Notices of Meeting

The Council shall give at least five clear days' notice of any meeting by posting details of the meeting at all offices of the Council and on the Council's web site, www.scambsgov.uk.

5. Access to Agenda and Reports before the Meeting

The Council shall make copies of the agenda and reports open to the public available for inspection at the designated office and on the Council's web site at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the proper officer shall make each such report available to the public as soon as the report is completed and sent to councillors) shall be open to inspection from the time the item was added to the agenda.

6. Supply of Copies

6.1 The Council shall supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda;
- (c) any written record of executive decisions;
- (d) any background papers; and
- (e) 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 a charge for postage and any other costs.

7. Access to Minutes etc after the Meeting

7.1 The Council shall make available copies of the following for six years after a meeting:

- (a) 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;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and

- (d) reports relating to items when the meeting was open to the public.

8. Background Papers

8.1 List of background papers

The proper officer shall set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report but do 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

The Council shall 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

These Access to Information Procedure Rules are the Council's written summary of the public's rights to attend meetings and to inspect and copy documents. They are available for public inspection, together with the whole Constitution, at South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB3 6EA and on the Council's website, www.scambs.gov.uk.

10. Exclusion of Access by the Public to Meetings

10.1 Confidential information – requirement to exclude public

The public shall 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

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

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting shall 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

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 any enactment or Court Order.

10.4 Meaning of exempt information

Exempt information means information falling within the following categories (subject to any relevant conditions) 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:-

Paragraph No.	Category	Condition
1.	Information relating to any individual	None specified
2.	Information which is likely to reveal the identity of an individual	None specified
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information is not exempt information if it is required to be registered under: <ul style="list-style-type: none"> 3.1 the Companies Act 1985 3.2 the Friendly Societies Act 1974 3.3 the Friendly Societies Act

		<p>1992</p> <p>3.4 the Industrial and Provident Societies Acts 1965 to 1978</p> <p>3.5 the Building Societies Act 1986</p> <p>3.6 the Charities Act 1993</p>
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	None specified
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	None specified
6.	<p>Information which reveals that the authority proposes:</p> <p>6.1 to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>6.2 to make an order or direction under any enactment.</p>	None specified
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	None specified

Information is not exempt information if it relates to any 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.

11. Exclusion of Access by the Public to Reports

If the proper officer thinks fit, the Council may exclude access by the public to reports which, in their opinion, relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports shall be marked "Not for publication" together with the category of information likely to be disclosed.

12. Application of Rules to the Cabinet

Rules 13 - 23 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 (Key Decision - General Exception) or Rule 16 (Key Decision - Special Urgency) applies. A **key decision** is as defined in Article 13.3(b) of this Constitution.

13. Procedure Prior to Private meetings of the Cabinet

13.1 At least 28 clear days before a private meeting of the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, area committees or under joint arrangements, the decision maker must make available and publish on the Council's website a notice including a statement of the reasons for the meeting, or part of the meeting, to be held in private. For ease of reference this notice shall be incorporated into the Notice of Key Decisions.

13.2 At least five clear days before the meeting, a further notice shall be published which shall include details of any representations made to the decision-maker about reasons given for the likely public exclusion and the response of the decision-maker to such representations. For ease of reference, this notice shall be incorporated into the agenda for the meeting in question.

14. Procedure Before Taking Key Decisions

14.1 Subject to Rule 15 (Key Decisions – General Exception) and Rule 16 (Key Decisions - Special Urgency), a key decision shall not be taken unless:

- (a) a notice (called the "Notice of Key Decisions") has been published in connection with the matter in question at least 28 clear days before the decision is to be taken, setting out:

- (i) the matter in respect of which the decision is to be made;
 - (ii) where the decision maker is an individual, that individual's name and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
 - (iii) the date on which, or the period within which, the decision is to be made; and
 - (iv) a list of the documents submitted to the decision maker for consideration in relation to the matter, including details of where they are to be made available for public inspection and how to request details of those documents.
- (b) 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).

14.2 The Notice of Key Decisions shall be prepared on a monthly basis by the Leader of the Council and shall 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, area committees or under joint arrangements during the period covered by the notice. The notice shall be available for inspection at the Council's offices and published on its website.

14.3 Notices shall not include any exempt or confidential information.

15. Key Decisions - General Exception

If a matter which is likely to be a key decision has not been included in the Notice of Key Decisions for at least 28 clear days before the date on which the decision is to be taken then, subject to Rule 16 (Key Decisions - Special Urgency), the decision may still be taken if:

- (a) the proper officer has informed the chair of the relevant scrutiny and overview 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;
- (b) the proper officer has made copies of that notice available to the public at the offices of the Council and on the Council's website, www.southcambs.gov.uk; and
- (c) at least five clear days have elapsed since the proper officer complied with (a) and (b) above.

16. Key Decisions - Special Urgency

16.1 Key Decisions

If by virtue of the date by which a decision must be taken Rule 15 (Key Decisions - General Exception) cannot be followed, then the decision may only be taken if agreement has been obtained from the chair of the relevant scrutiny and overview committee that the taking of the decision cannot be reasonably deferred. If there is no chair of the scrutiny and overview committee, or if they are unable to act, then the agreement of the Chair of the Council, or in their absence, the Vice-Chair shall suffice.

16.2. Matters to be considered in private

Where it is impracticable to comply with the 28 day notice requirements set out in Rule 13 (Procedure Prior to Private Meetings of the Cabinet), the meeting may only be held in private where agreement has been obtained from the chair of the relevant scrutiny and overview committee that the meeting is urgent and cannot reasonably be deferred. If there is no chair of the scrutiny and overview committee, or if they are unable to act, then the agreement of the Chair of the Council, or in their absence the Vice-Chair shall suffice.

In the case of both key decisions and matters to be considered in private, as soon as the decision-maker has obtained agreement, the proper officer shall make a copy of a notice available to the public at the offices of the Council and on the Council's website, www.southcambs.gov.uk, setting out the reasons why the decision is urgent and cannot be reasonably deferred.

17. Report to Council

17.1 When a Scrutiny and Overview Committee can require a report

If a scrutiny and overview committee believes that a key decision has been taken which was not:

- (a) included in the Notice of Key Decisions;
- (b) the subject of the General Exception Procedure (Rule 15);
- (c) the subject of an agreement with the relevant overview and scrutiny committee chair or the Chair of the Council or the Vice Chair of the Council, under the Special Urgency Procedure (Rule 16)

the committee may require the Leader of the Council, or the executive decision-maker, to submit a report to the Council. The scrutiny and overview committee may, by resolution, request such a report, but the proper officer

shall also require a report when so requested by the Chair or five members of the relevant scrutiny and overview committee.

17.2 Cabinet's report to Council

The Cabinet shall 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 resolution of the committee or request, then the report may be submitted to the meeting after that. The report to Council shall 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

In any event the Leader shall submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (Key Decisions – Special Urgency) in the preceding three months. The report shall include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. Recording and Publication of Decisions

18.1 After any meeting of the Cabinet or any of its committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, shall produce a written record of every decision taken at that meeting as soon as practicable, which shall include:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision-maker at the meeting at which the decision was made;
- (d) a record of any interest relating to the matter decided which is declared by any member of the decision-making body; and
- (e) in respect of declarations of interest, a note of any dispensations granted.

18.2 When a decision is made by an individual member of the Cabinet or a key decision is made by an officer with delegated authority from the Cabinet, the proper officer shall be instructed to produce a written statement of the decision as soon as practicable, which shall include:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision-maker when making the decision;
- (d) a record of any declarations of interest relating to the decision which have been made by any member of the Cabinet who is consulted by the decision-maker; and
- (e) in respect of declarations of interest, a note of any dispensations granted.

18.3 The record in 18.1 and 18.2 shall specify that the decision shall come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless called in under Rule 7 of the Budget and Policy Framework Procedure Rules or Rule 13 of the Scrutiny and Overview Procedure Rules.

19. Notice of Meeting of the Cabinet

Members of the Cabinet, or its committees, shall 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.

20. Attendance at Meetings of the Cabinet

20.1 A councillor may attend and may speak at any meeting of the Cabinet, any committee or group of the Cabinet or of an individual member of the Cabinet where a matter on the agenda for that meeting is stated to relate specifically to their Ward.

20.2 Any other councillor may be invited by the Cabinet or any committee or group of the Cabinet to attend any meeting on any issue.

21. Decisions by Individual Members of the Cabinet

21.1 Decision-making

Decisions taken by individual members of the Cabinet at a meeting shall be made in public, except where the provisions of Rule 10 (Exclusion of Access by the Public to Meetings) apply.

21.2 Record of individual decision

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, they shall 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. The provisions of Rules 7 and 8 (access to minutes etc after meetings) shall also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information. Records prepared and any reports considered shall be published on the Council's website.

22. Scrutiny and Overview Committee Access to Documents

22.1 Rights to copies

Subject to Rule 22.2 below, a relevant scrutiny and overview committee (including its sub-committees) shall 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;
- (b) any decision taken by an individual member of the Cabinet; and
- (c) any decision made by an officer in accordance with executive arrangements.

22.2 The Cabinet must provide that document as soon as reasonably practicable and, in any case, no later than 10 clear days after the request has been received by the Cabinet.

22.3 Limit on rights

A scrutiny and overview committee shall 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; and
- (c) any document or part of a document containing the advice of a political adviser.

23. Additional Rights of Access for Members

23.1 Material relating to previous business

All members are entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a private meeting unless it appears to the Monitoring Officer that it discloses exempt information:

- (a) as described in categories 1, 2, 4, 5 or 7 of Part 1 of Schedule 12A of the Act; or
- (b) relating to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract; or
- (c) involving the disclosure of advice provided by a political advisor or assistant.

Exempt information as described in category 3 (except to the extent described in 23.1(b) above) or category 6 of Part 1 of Schedule 12A is open to inspection by members.

23.2 Material relating to key decisions

All members of the Council shall 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 23.1 (a) or (b) above applies.

23.3 Nature of rights

These rights of a member are additional to any other right they may have.

C. Budget and Policy Framework Procedure Rules

Contents

1. The framework for Cabinet decisions
2. Process for developing the framework
3. Decisions outside the budget or policy framework
4. Urgent decisions outside the budget or policy framework
5. Budget rollovers, carry forward and virement
6. In-year changes to policy framework
7. Call-in of decision outside the budget or policy framework (“Departure decision”)

1. The Framework for Cabinet Decisions

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

2. Process for developing the Framework

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

- (a)
 - (i) Subject to paragraphs (ii) and (iii) below relating to financial strategy and budget, at least 3 months before a plan / strategy / budget forming part of the budget and policy framework needs to be adopted, the Cabinet shall publish **initial** proposals for the budget and policy framework, having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Details of the Cabinet's consultation process shall be published at the Council's main offices. 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. If the matter is one where a scrutiny and overview committee has carried out a review of policy, then the outcome of that review shall be reported to the Cabinet and considered in the preparation of initial proposals.
 - (ii) Recognising the chronological framework within which the Council is able to prepare **the financial strategy, business plan and budget** for the year from the following 1 April and set a budget, the **initial** proposals for a business plan and budget shall be published in January each year and the financial strategy in February. The draft financial strategy shall be prepared (but not published) the previous October but cannot be finalised until the Cabinet has formally considered the proposed budget for the coming year.
 - (iii) The setting of the Council's **budget** shall be governed by the relevant Standing Orders Regulations (see note 1) and any statutory modification thereof.

[Note 1: The Local Authorities (Standing Orders) (England) Regulation 2001 – paragraphs 6 – 10 of Schedule 2 Part II]

- (b) The Cabinet's initial proposals shall be referred to the relevant scrutiny and overview committee for further advice and consideration. The proposals shall be referred by sending a copy to the proper officer who shall forward them to the Chair of the relevant scrutiny and overview committee. If there is no such Chair, a copy must be sent to every member of the relevant committee. The relevant scrutiny and overview

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. The relevant scrutiny and overview committee shall report to the Cabinet on the outcome of its deliberations. The scrutiny and overview 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 shall inform the relevant scrutiny and overview committee of the time for response when the proposals are referred to it.

- (c) Having considered the report of the relevant scrutiny and overview committee, the Cabinet, if it considers it appropriate, may amend its proposals before submitting them to the Council for consideration. It shall also report to Council on how it has taken into account any recommendations from the relevant scrutiny and overview committee.
- (d) The Council shall 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 relevant scrutiny and overview committee.
- (e) The Council's decision shall be publicised in accordance with Article 4 and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment) or (if the Cabinet's proposals are not accepted without amendment), that the Council's decision shall become effective on the expiry of seven working days after the publication of the notice of decision, unless the Leader objects to it in that period.
- (f) If the Leader objects to the decision of the Council, s/he shall give written notice to the proper officer to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the proper officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- (g) The Council meeting must take place within twenty-one working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- (h) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately.

- 2.2 In approving the budget and policy framework, the Council (if it requires any changes to either paragraph 5 or paragraph 6 below) shall also specify any changes to the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 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 paragraph 5 (virement) the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, area committees or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to, or not wholly in accordance with, the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.
- 3.2 If the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and / or the 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. If the advice of either of those officers is that the decision would not be in line with the existing budget and / or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 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, an individual member of the Cabinet or officers, area committees 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:
- (a) if it is not practical to convene a quorate meeting of the full Council; and
 - (b) if the chair of the relevant scrutiny and overview 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 chair of the relevant scrutiny and overview 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 chair of the relevant scrutiny and overview committee, the consent of the Chair of the Council, and, in the absence of both, the Vice-Chair of the Council, shall be sufficient.
- 4.3 Following the decision, the decision taker shall provide a full report to the next available Council meeting explaining the decision, the reason for it and why the decision was treated as a matter of urgency.

5. Budget Rollovers, Carry Forward and Virement

- 5.1 Steps taken by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, area committees or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each main service. However, such bodies or individuals shall be entitled to carry forward unspent budgets and reserves from one financial year to the next and to vire across budget heads subject to the following constraints:
- (a) Rollover of unspent budget provision from the previous financial year to the current year shall only be permitted in exceptional cases (excluding employees). A list of rollovers shall be completed and reported for approval to the Lead Cabinet Member for Finance by 31 July each year. Rollovers may then only be used with the approval of the Chief Finance Officer, approval being on an individual basis during the year when the corporate/cost centre manager can demonstrate that the current year's budget is fully spent/committed and that there are no other sources of funding, including virement. Rollovers are for specific items and cannot be vired;
 - (b) Carry forward of uncommitted balances on the reserve accounts for grants shall be with the approval of the relevant lead cabinet member, unless the balance is more than two years old, in which case the approval of the Cabinet as a whole shall be required;
 - (c) Virement is permitted within and between revenue and capital budgets, subject to financial considerations to be determined by the Chief Finance Officer and final approval as follows:
 - (i) Within the same portfolio or within the Staffing and Central Overhead Accounts, with the approval of the Chief Finance Officer;
 - (ii) Across two or more portfolios, with the approval of the relevant lead cabinet members, in addition to the Chief Finance Officer;

- (iii) In all other cases, with the approval of the Cabinet, in addition to the Chief Finance Officer.

6. In-Year Changes to 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, an individual member of the Cabinet or officers, area committees 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:
- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
 - (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
 - (c) 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;
 - (d) which will result in the settlement of costs awarded against the Council or tribunal or court action or threat of action in any matter which, if not settled, would put the Council at real risk of greater prejudice.

7. Call-In of Decision Outside the Budget or Policy Framework (“Departure Decision”)

- 7.1 Where the chair of a scrutiny and overview committee, or the relevant scrutiny and overview committee, or any five councillors, whether or not they are members of a scrutiny and overview committee, are minded to request call-in of any executive decision by any of the following (“executive decision takers”):
- (a) the Cabinet;
 - (b) any member of the Cabinet;
 - (c) any committee of the Cabinet;
 - (d) any officer (key decision only);
 - (e) an area committee; or

(f) a committee under joint arrangements

and are of the opinion that the decision if already made, whether or not published in accordance with Rule 18 of the Access to Information Procedure Rules, is, or if not yet made, would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget ("Departure Decision"), then it or they may invoke the call-in procedure set out in Rule 13 of the Scrutiny and Overview Procedure Rules.

D. Cabinet Procedure Rules

Contents

1. How the Cabinet Operates
2. How Cabinet meetings are conducted
3. Advisory Groups

1. How the Cabinet Operates

1.1 Who may make Executive decisions?

The Leader may personally exercise executive functions or may provide for executive functions to be discharged by:

- (a) the Cabinet as a whole;
- (b) a committee of the Cabinet (which may only comprise Cabinet members);
- (c) an individual member of the Cabinet;
- (d) an officer;
- (e) joint arrangements; or
- (f) another local authority

The Leader may amend the Scheme of Responsibility for Executive functions at any time during the year by giving notice to the proper officer.

The arrangements for the discharge of executive functions shall be set out in Part 3 of this Constitution.

1.2 Cabinet meetings – when and where

The frequency and timing of meetings of the Cabinet shall be determined by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

1.3 Meetings of the Cabinet

Cabinet meetings shall normally be held in public. The Access to Information Rules in Part 4 of this Constitution set out the requirements relating to access to meetings of the Cabinet and specify when meetings of the Cabinet may be held in private.

1.4 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be not less than three (including the Leader or Deputy Leader (Statutory) in the case of the Cabinet).

1.5 How decisions are to be taken by the Cabinet

- (a) Executive decisions which have been delegated to the Cabinet as a whole shall be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution
- (b) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.
- (c) The Access to Information Procedure Rules also govern the procedure for decision making by individual members of the Cabinet.

1.6 Interests

- (a) Where any member of the Cabinet has a conflict of interest this should be dealt with in accordance with the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If the exercise of an executive function has been delegated to an individual member or an officer and a conflict of interest should arise, then the member or officer shall be expected to refer the decision upwards.

2. How Cabinet Meetings are Conducted

2.1 Who presides?

If the Leader is present, they shall preside. In their absence, then the Deputy Leader (Statutory) shall preside. The Leader or other person presiding shall, in the event of a voting tie, have a second or casting vote.

2.2 Who may attend?

The Access to Information Rules in Part 4 of this Constitution set out the rights of the public to attend Cabinet meetings and also cover attendance and speaking rights of councillors.

2.3 What business?

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

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;

- (c) public speaking, in accordance with Council Standing Order 10;
- (d) matters referred to the Cabinet (whether by a scrutiny and overview committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny and Overview Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (e) consideration of reports from scrutiny and overview committees; and
- (f) matters set out in the agenda for the meeting, and which shall indicate which are key decisions, and, which are not, in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

2.4 Consultation

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

2.5 Who can put items on the Cabinet agenda?

- (a) The Leader may put on the agenda of any Cabinet meeting any matter which they wish, whether or not authority has been delegated to the Cabinet, a committee of it or any member or officer in respect of that matter. The proper officer shall comply with the Leader's requests in this respect.
- (b) There shall be a standing item on the agenda of each meeting of the Cabinet for matters referred by the scrutiny and overview committees.
- (c) 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.

2.6 Meetings of Individual Lead Cabinet Members

An individual lead cabinet member may make a decision in a public meeting where they consider it expedient to do so. Formal meetings, when held, shall be in public in accordance with the provisions of the Access to Information Rules in Part 4 of the Constitution, except where confidential or exempt information, as defined in those Rules is to be discussed.

3. Advisory Groups

- 3.1 The Cabinet may establish advisory groups to inform its decisions and assist it in the discharge of its functions, whether by the Cabinet as a whole or by a committee of the Cabinet or by a Cabinet member. It may do so upon its own initiative or upon the recommendation of a scrutiny and overview committee or any councillor or councillors. The Cabinet shall appoint the members of each advisory group (which may include non-Cabinet members and co-opted non-members of the Council, where appropriate) and shall determine the terms of reference and working term of each group. Advisory groups shall, wherever practicable, comprise representatives of more than one political group.
- 3.2 All members of the Council may attend and (with the agreement of the Chair) speak at advisory group meetings. The Chair may invite any other person or body to attend a meeting of an advisory group to inform discussion on any matter within its terms of reference.
- 3.3 An advisory group may meet in any location jointly with any other committee or advisory group of the Council or with any joint committee or any other group or body of any other local authority to discuss any matter within its terms of reference.

E. Scrutiny and Overview Procedure Rules

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1. Arrangements for Scrutiny and Overview Committees

- 1.1 The Council shall have one or more scrutiny and overview committees as indicated in Article 6.
- 1.2 A scrutiny and overview committee may appoint such sub-committees or task and finish groups as it considers appropriate.

2. Membership of Overview and Scrutiny Committees

All councillors, except members of the Cabinet, may be members of a scrutiny and overview committee, sub-committee or task and finish group. However, no member may be involved in scrutinising a decision or policy made by a body of which they were a member at the time the decision was made, but they may attend to give evidence.

3. Co-optees

- 3.1 A committee may not co-opt persons who are not councillors but may invite representatives from any body or organisation or any individual to attend meetings to give their views on any matter being considered.
- 3.2 This restriction does not extend to task and finish groups established by a committee.

4. Meetings of Scrutiny and Overview Committee(s)

Meetings of an overview and scrutiny committee shall be held on such dates and times as may be specified in the Council's calendar of meetings. However, such dates may be varied at the discretion of the Chair of the committee. In addition, extraordinary meetings may be called by the Chair of the relevant Committee, by half the members or by the proper officer if they consider it necessary or appropriate. All members of the Council may attend meetings of an overview and scrutiny committee and, with the agreement of the Chair, may address the meeting.

5. Quorum

The quorum for a committee shall be at least one quarter of its membership.

6. Chairs and Vice-Chairs

The Chair and Vice-Chair of a scrutiny and overview committee shall be appointed by the Council at its annual meeting. Sub-committees, task and finish groups and other groups established by a committee, from time to time, may elect a Chair from amongst their membership.

7. Work Programme

7.1 A scrutiny and overview committee shall be responsible for setting its own work programme and, in doing so, it may use the following process:

- (a) initial topic selection, including input from officers, Cabinet and external stakeholders;
- (b) establishment by the committee of priority work areas based on key factors such as importance to residents, ability of the committee to influence, Council / local performance in the work area concerned;
- (c) consultation with Senior Leadership Team; and
- (d) consultation with Leader and Cabinet.

7.2 The Chair and Vice Chair of a scrutiny and overview committee shall review the Cabinet's Notice of Forthcoming Key and Non-Key Decisions and shall select which key and, where considered appropriate, non-key decisions should be the subject of pre-scrutiny by the committee. Urgent decisions (as defined in Rule 13.19) shall not be subject to pre-scrutiny.

7.3 The Leader may request the Chair of a scrutiny and overview committee to consider inclusion of an item within the committee's work programme.

8. Agenda Items

8.1 Any member of an overview and scrutiny committee may give written notice to the proper officer that they wish to refer to the committee an item relevant to its functions

8.2 Any member of the Council may give written notice to the proper officer that they wish to refer to an overview and scrutiny committee an item which is relevant its functions, relates to all or part of their Ward and is not an excluded matter (see note 1 below).

- 8.3 If the proper officer receives a notification under 8.1 or 8.2 above, then they shall include the item on an agenda for consideration by the committee.
- 8.4 A scrutiny and overview committee shall also respond, as soon as its work programme permits, to requests from the Council or 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 Council. The Council and / or the Cabinet shall consider the report of the committee as soon as reasonably practicable after receiving it.

[Note 1: "Excluded matter" means any matter which is:

- (a) A local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters); or
- (b) A matter specified by the Secretary of State including any matter relating to a planning decision; a licensing decision, a matter where another right or recourse or appeal exists or any matter which is vexatious, discriminatory or not reasonable to be included in agenda for, or discussed at, an overview and scrutiny committee meeting.]

9. Cabinet consideration of issues arising from Scrutiny and Overview Committee(s)

- 9.1 The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Scrutiny and Overview'. Any reports of a scrutiny and overview committee referred to the Cabinet shall be included at this point in the agenda.
- 9.2 Once a committee has completed its deliberations on any matter it shall forward a copy of its final report to the proper officer who shall allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the proper officer refers the matter to Council, they shall also serve a copy on the Leader with notice that the matter is to be referred to Council. The Cabinet shall have three weeks, from the date of receiving the report, in which to respond, and the Council shall not consider it within that period. When the Council does meet to consider any referral from the committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the committee proposals.
- 9.3 Where a committee agrees to submit a report for consideration by the Cabinet in relation to a matter where the Leader has delegated decision-making power to another individual member of the Cabinet, then the committee shall submit a copy of its report to them for consideration. At the time of doing so, the committee shall serve a copy on the proper officer. The member with

delegated decision-making power shall consider the report and respond in writing to the committee within three weeks of the date of receiving it. A copy of their written response to it shall be sent to the proper officer and the Leader. The member shall also attend a future meeting of the committee to present their response.

10. Rights of Committee Members to Documents

- 10.1 In addition to their rights as councillors, members of a scrutiny and overview committee have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 10.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and a scrutiny and overview committee as appropriate depending on the particular matter under consideration.

11. Members and Officers giving account at a Scrutiny and Overview Committee

11.1 A scrutiny and overview committee, or any of its sub-committees, may scrutinise and review decisions made, or actions taken, in connection with the discharge of any Council functions as specified in its terms of reference. As well as reviewing documentation, it may require any member of the Cabinet, the Head of Paid Service, the Chief Operating Officer, any Director and / or any Head of Service to attend before it to explain in relation to matters within their remit:

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

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

11.2 Where any member or officer is required to attend a meeting of a committee under this provision, the Chair of the committee shall 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 they are required to attend. The notice shall state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned shall be given sufficient notice to allow for preparation of that documentation. **Wherever**

possible, invitations should be made and accepted without recourse to the formal summons outlined here, which should be used only in the event of disputes which cannot be resolved by other means.

11.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

12. Attendance by Others

A committee may invite people other than those referred to in paragraph 11 above to address it, discuss issues of local concern and / or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The public has a right to speak at open meetings of the committee as set out in the Access to Information Rules and the Council's Public Speaking Scheme.

13. Call-In by the Scrutiny and Overview Committee

13.1 Call-in should be used only in exceptional circumstances and shall relate only to executive decisions made by the executive decision takers referred to in the Budget and Policy Framework Rules, Rule 7 (see note 2 below). There are only two grounds on which call-in of any decision can be requested:

- (a) It is or would be contrary to the policy framework or contrary or not wholly in accordance with the Council's budget – a "Departure Decision" as defined in Budget and Policy Framework Rule 7; or
- (b) It is not in accordance with the principles set out in Article 13 (Decision-making) ("Outside Article 13 decision")

[Note 2: "Executive decision taker" means the Cabinet; any member of the Cabinet; any committee or group of the Cabinet; any officer (key decision only); an area committee; or a committee under joint arrangements.]

13.2 The Chair of the relevant scrutiny and overview committee (see note 3 below) has discretion, unless otherwise advised by the Monitoring Officer, to refuse a call-in request if they consider that the reasons given do not satisfy the grounds above; or may limit the issues to be considered to those satisfying the grounds.

Procedure

- 13.3 When a decision is made by any of the executive decision takers referred to in Budget and Policy Framework Rule 7, the decision shall be published in accordance with Rule 18 of the Access to Information Procedure Rules.
- 13.4 At any time until the expiry of the call-in period (five working days after publication), or before the decision is made, the proper officer shall call-in an executive decision for scrutiny by the relevant scrutiny and overview committee if so requested by the Chair of the committee, or any five councillors, whether or not they are members of that committee, on either of the grounds in 13.1 above, and shall notify the executive decision taker straightaway of the call-in.
- 13.5 No further action on the decision or any implementation shall take place other than in accordance with these Rules.
- 13.6 Before invoking call-in of any **departure decision**, the Chair of the relevant scrutiny and overview committee or the five invoking councillors shall seek advice from the Monitoring Officer, and / or the Chief Finance Officer as appropriate, on whether the decision is contrary to the policy framework or the budget. The invoker shall notify the proper officer accordingly and within the call-in period.
- 13.7 In the case of a **departure decision**, the Monitoring Officer and / or Chief Finance Officer (as appropriate), or an experienced senior officer authorised by them, shall report as soon as possible to the executive decision-taker(s), proper officer, the invoker and the Chair of the relevant scrutiny and overview committee on whether the decision is, or would be, a departure from policy or budget. If the report concludes that the decision is not a departure, the Chair of the committee has discretion to refuse the call-in request or put the matter before the committee for consideration.
- 13.8 In all cases, unless the decision is revoked or withdrawn by the executive decision taker(s) or is not to be proceeded with, or has been refused by the Chair of the relevant scrutiny and overview committee, the proper officer shall, within five working days of the request to call-in, call a meeting of the committee on such date as the proper officer may determine, where possible after consultation with the Chair of the committee, to consider the decision.
- 13.9 If, having considered the decision, the scrutiny and overview committee is concerned about it or agrees that the decision is a departure, it may take one of the following courses:
- (a) refer the decision back to the executive decision taker for re-consideration, setting out in writing the nature of its concerns. If referred back, the executive decision taker shall then respond within five working days, re-considering the decision, before confirming the original decision,

adopting an alternative decision or adopting a course of action leading to a final decision, such as, but not limited to, further consultation or exploration of other options, and confirming the deadline by which the final decision will be taken. The final decision, once taken, may be implemented immediately:

- (b) refer the matter to Council; or
- (c) not refer the matter back or to Council, in which case the decision if made may be implemented immediately following the scrutiny and overview committee meeting.

Referral to Council

13.10 In the case of decisions referred to Council by the scrutiny and overview committee under Rule 13.9(b) the following provisions shall apply.

13.11 The Council shall meet within twenty-one days of the reference by the scrutiny and overview committee. This period may be extended by agreement of the Chair of the committee. If the matter is urgent an extraordinary meeting of Council may be called if the scrutiny and overview committee so requests.

13.12 At its meeting the Council shall receive a report of the decision made or to be made, any report and advice of the Monitoring Officer and / or the Chief Finance Officer, any report of the Cabinet, the request from and the concerns of the scrutiny and overview committee and any other relevant material.

13.13 The Council may, in the case of Departure Decisions:

- (a) endorse the decision or proposal of the executive decision taker as falling within the existing budget and policy framework. The decision can be implemented immediately.
- (b) 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. The decision can then be implemented.
- (c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, it shall require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer / Chief Finance Officer.

13.14 The Council may, in the case of any Outside Article 13 decision:

- (a) not object, in which case the decision if made may be implemented immediately after the Council meeting.
- (b) refer the decision back to the executive decision taker(s) together with the Council's views on the decision. The executive decision taker(s) shall then re-consider within five working days, amending the decision or not, before adopting a final decision, which may be implemented immediately.

13.15 If the Council fails to meet by the end of twenty-one days from reference by the scrutiny and overview committee or other date agreed between the Chair of the committee and the Chair of Council, the decision may be implemented immediately.

Liability for Further Call-in

13.16 Any decision referred back by a scrutiny and overview committee or by Council for reconsideration by Cabinet or the decision-taker(s) shall not be subject to further call-in, whether or not it is altered or adjusted to accommodate some or all of the concerns of the invoker.

13.17 Any decision proposed but not yet made, and considered by the scrutiny and overview committee under the call-in provisions, shall be subject to the recording, publication and call-in rules under Rule 18 Access to Information Procedure Rules if it is to proceed.

13.18 Any decision not formally referred back but taken back by the executive decision-taker for reconsideration shall be subject to further call-in procedure in accordance with Rule 18 Access to Information Rules, but only to the extent that the decision on reconsideration does not accommodate the concerns of the original invoker.

Call-in and urgency

13.19 The call-in procedure set out above shall not apply where the decision being taken by the executive decision taker is urgent. A decision shall 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.

13.20 The Chair of the Council and the Chair of the relevant scrutiny and overview committee shall previously agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's consent shall be required. In the absence of both, the consent of the Chair of the Audit and Corporate Governance Committee, or Vice-Chair in their absence, shall be

required. Decisions taken as a matter of urgency shall be reported to the next available meeting of the Council, together with the reasons for urgency.

- 13.21 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.

[Note 3: The Vice-Chair may exercise any powers of the Chair of the relevant scrutiny and overview committee set out in the Rule 13 above in their absence]

14. Crime and Disorder Matters

- 14.1 The Council shall designate one of its scrutiny and overview committees as the Council's Crime and Disorder Committee with responsibility for scrutinising crime and disorder and community safety matters and the designated committee shall meet in this capacity at least once a year, or as required. The committee may:

- (a) consider the decisions and actions undertaken by the responsible authorities involved in the Community Safety Partnership and make any recommendations or reports to the Partnership;
- (b) request information from the responsible authorities;
- (c) request attendance of officers or employees of responsible authorities to answer questions or to provide information; and
- (d) receive Councillor Calls for Action under Rule 14.2 below in relation to crime and disorder and community safety issues in accordance with the Police and Justice Act 2006.

- 14.2 Any member of the Council may give notice to the Monitoring Officer to include an item that they consider to be a crime and disorder matter (see note 4 below) relating to their Ward to be included on the agenda for discussion at a meeting of the scrutiny and overview committee responsible for crime and disorder.

- 14.3 On receipt of the request, the Monitoring Officer shall notify the Chair of the committee of the receipt of the item and ensure that the item is included on the next available or subsequent agenda for consideration by the committee.

- 14.4 If the relevant committee decides not to make a report or recommendation in relation to the matter, it shall notify the member who referred the matter of its decision and the reasons for it.

14.5 Where the committee makes a report or recommendations it shall, as it considers appropriate:

- (a) Provide a copy of the report or recommendations to the member who referred the matter to the committee; and
- (b) Provide a copy of the report or recommendations to the responsible authorities (within the meaning of Section 5 of the Crime and Disorder Act 1998) and the co-operating persons and bodies (i.e. those persons and bodies with which the responsible authorities have a duty to co-operate under Section 5(2) of the Crime and Disorder Act 1998).

[Note 4: “Local crime and disorder matter” in relation to a member means a matter concerning:

- (i) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- (ii) the misuse of drugs, alcohol and other substances,

which affects all or part of their Ward.]

15. Party Whip

When considering the review of any decision in respect of which a member of a scrutiny and overview committee is subject to a party whip, the member shall declare the existence of the whip, and the nature of it, before the commencement of the committee’s deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes.

16. Procedure at Scrutiny and Overview Committee Meetings

16.1 A scrutiny and overview committee), and any of its sub-committees, (unless otherwise specified) shall consider the following business:

- (a) minutes of the last meeting;
- (b) declarations of interest (including whipping declarations);
- (c) consideration of any matter referred to the committee for a decision in relation to call in of a decision
- (d) responses of the Cabinet to reports of a scrutiny and overview committee;

- (e) any recommendations or reports from the committee’s task and finish groups;
- (f) reports from Scrutiny Monitors; and
- (g) the business otherwise set out on the agenda for the meeting.

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

16.3 Where a scrutiny and overview committee conducts investigations, the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

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

16.4 The Chair may alter the structure of meetings at their discretion in order to ensure that the above principles are followed.

17. Operating guidelines for Task and Finish Groups set up by a Scrutiny and Overview Committee

Formal Agenda	Optional
Formal, detailed minutes / notes	No
Lead Officer(s)	Democratic Services Team Leader or Scrutiny and Governance Adviser and lead officer(s) from the relevant service area

Action notes	To be compiled by the allocated lead officer and reviewed from meeting to meeting. Normally to be made available to the public on request after publication of the final report.
External / public involvement	Meetings shall not be public; however, stakeholders shall be invited to attend and to contribute to the group's work programmes, including co-option to the group, as appropriate.
Politically proportionate	No, but there is an expectation that task and finish groups shall include representatives from more than one political group, as far as reasonably practicable.
Composition	<p>Appointed by the relevant scrutiny and overview committee from non-executive members with the relevant experience / interest.</p> <p>The lead Cabinet member may be invited to contribute in an advisory capacity to reviews.</p>
Size	This shall vary according to the matter under discussion; however, groups should not normally comprise more than five members of the Council.
Terms of Reference	<p>Terms of Reference shall be agreed by the relevant parent scrutiny and overview committee at the point of establishment and shall include:</p> <ul style="list-style-type: none"> (a) The specific issue to be considered; (b) A timescale and deadline; (c) Principal aims and objectives.

F. Financial Regulations

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1. General

- 1.1 The Chief Finance Officer shall, for the purposes of Section 151 of the Local Government Act 1972, be responsible for the proper administration of the Council's financial affairs under the general direction of the Cabinet. The Chief Finance Officer shall also, therefore, be the Responsible Officer for the purposes of Section 114 of the Local Government Finance Act 1988 (unlawful expenditure etc.) and to ensure the proper administration of the financial affairs of the Council as required by the Accounts and Audit (England) Regulations 2011. The Chief Finance Officer shall also have responsibility for the execution and administration of treasury management decisions. shall act in accordance with the Council's Borrowing and Investment Strategy and treasury management practices and the Chartered Institute of Public Finance and Accountancy's (CIPFA's) Code of Practice for Treasury Management.
- 1.2 Where the Council has delegated powers to Chief Officers, these shall be exercised in accordance with Financial Regulations.
- 1.3 For the purposes of these Financial Regulations, references to Directors shall also apply to the Head of Legal Practice.

2. Accounting

- 2.1 The Chief Finance Officer shall be responsible for:
 - (a) the preparation of the Authority's Statement of Accounts, in accordance with proper practices as set out in the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom.

In preparing this Statement of Accounts, the Chief Finance Officer shall:

- (i) select suitable accounting policies and then apply them consistently;
- (ii) make judgements and estimates that are reasonable and prudent;
and
- (iii) comply with the local authority Code.

The Chief Finance Officer shall also:

- (i) keep proper accounting records which are up to date; and
- (ii) take reasonable steps for the prevention and detection of fraud and other irregularities.

- (b) preparing and submitting all financial returns, reports and statistics to meet both Council and statutory requirements.
- 2.2 The Chief Finance Officer shall prescribe the form, security and maintenance of financial records kept by any department of the Council.
 - 2.3 In order to administer the financial affairs of the Council, the Chief Finance Officer shall have authority to issue such detailed instructions as they may deem appropriate.
 - 2.4 The Chief Finance Officer shall be consulted regarding introducing or amending books, forms or procedures relating to cash, income or expenditure and accounts (whether for stores or otherwise). The Chief Finance Officer shall ensure that a satisfactory and, so far as possible, uniform system is adopted across service areas.
 - 2.5 The Chief Finance Officer shall review annually the specific financial limits laid down in these Financial Regulations. These financial limits are defined in the Glossary to the Constitution:

[add link to Glossary]
 - 2.6 Any revision in these limits shall be reported for approval to the Cabinet by the Chief Finance Officer.
 - 2.7 The following principles shall be observed in the allocation of accounting duties:
 - (a) the duties of providing information on sums due to or payable by the Council and of calculating, checking and recording these sums shall be separated as far as possible from the duties of collecting or disbursing such sums; and
 - (b) officers charged with the duties of examining and checking accounts of cash transactions shall not themselves be engaged in any of these transactions.

3. Financial Control

- 3.1 Each Chief Officer and Director is responsible for the security, custody and control of all resources within services reporting to them.
- 3.2 The Chief Finance Officer shall be informed immediately of any decision, course of action, or entry of item of account, actual or proposed which may give rise to a report under Section 114 (2) of the Local Government Finance Act 1988. Where the Chief Finance Officer believes that the Council, the

Cabinet, one of its committees or one of its officers is about to make a decision which would be unlawful then they shall, as required by Section 114 of the Local Government Finance Act 1988:

(a) send a report to all members of the Council; and

(b) notify the External Auditor.

- 3.3 The Council shall hold a meeting within twenty-one days of the report, paragraph 3.2(a), and refrain from the course of action reported until the meeting is held.
- 3.4 The Monitoring Officer shall report on any contravention of law or of a code of conduct and any act of maladministration in accordance with the Local Government and Housing Act 1989.
- 3.5 Each Chief Officer and Director shall ensure that Contract Regulations, Financial Regulations and any accounting instructions or procedures are observed.
- 3.6 A system of cash limits shall operate within the Authority. The Chief Finance Officer shall be consulted as soon as possible with respect to any matter which is liable to affect substantially the finances of the Council and for which provision is not made in the current budget, before any provision or other commitment is incurred. The Chief Finance Officer shall then report to the Chief Executive in order that the necessary action can be taken. No body of the Council nor any officer shall commit items of expenditure not provided in their estimates, unless, in cases of extreme importance and after opportunities for virement have been exhausted, specifically approved by the Cabinet up to Level 3 and within approved policy or specifically approved by Council if outside approved policy and / or above Level 3. Virement and rollover may be permitted, but only in accordance with the annual cash limits and virement approved by Council (see Budget and Policy Framework Procedure Rule 5 above).
- 3.7 Each body of the Council and every officer shall at all times endeavour to secure the best value for money and shall:
- (a) establish wherever possible, cost limits and output measures for its various services and functions; and
- (b) establish sound arrangements for the planning, appraisal, authorisation and control of all resources and ensure that these are functioning properly in order to achieve economy, efficiency and effectiveness in its operations.

- 3.8 In the case of trading units, the relevant Chief Officer or Director, being the chief officer in whose service area the trading unit is located, shall be responsible for exercising control over resources.
- 3.9 The relevant Chief Officer or Director shall prepare such business plans and financial statements as deemed necessary by the Chief Finance Officer for the proper monitoring of the trading position and performance of the trading unit or any part thereof.
- 3.10 Any material change to the commercial operations of a trading unit which may have a financial impact upon its expenditure or income shall be reported to the Cabinet by the relevant Chief Officer or Director.

4. Long-Term Planning

- 4.1 The Chief Finance Officer shall ensure that reports are made on all proposals which lead to new financial commitments. Such reports shall include the following:
 - (a) the revenue consequences of the decision over at least a three-year period and any future year where these are significant;
 - (b) in the case of capital expenditure, a cost comparison illustrating the difference between costs of a conventional borrowing route and the chosen financing option; and
 - (c) the implications for the financial strategy.
- 4.2 The Chief Finance Officer shall ensure that a financial strategy is prepared in accordance with approved operational and financial guidelines. Existing proposals rolled forward in the strategy shall be re-examined in the light of changing circumstances and the Council's objectives and priorities, and new proposals shall be added for the succeeding year.

5. Annual Estimates and Budgetary Control

- 5.1 The Chief Finance Officer shall prepare annually in consultation with other Chief Officers or Directors, estimates of income and expenditure on revenue for the ensuing year and on capital in a five-year forecast, consistent with the general directions of the Council. These estimates shall be submitted for approval by the Cabinet in February of each year.
- 5.2 The Cabinet shall recommend to the Council:

- (a) the amount required from the Collection Fund for District Council purposes; and
 - (b) the Council Tax for District purposes for the coming financial year.
- 5.3 In order that they may exercise proper budgetary control each Chief Officer or Director shall have direct access to financial information contained within the Authority's Financial Management system. In addition, the Chief Finance Officer shall provide each Chief Officer or Director with periodical statements of income received and expenditure incurred, as and when requested.
- 5.4 Each Chief Officer or Director shall furnish information regarding outstanding commitments and expected income and expenditure for the remainder of the financial year upon request.
- 5.5 Any report to Council, or any body of the Council which would involve the Council in any expenditure shall indicate the extent to which such expenditure is covered by estimates approved by the Council.

6. Operation of Bank Accounts

- 6.1 All arrangements with the Council's bankers, including agreement of bank charges and overdraft levels shall be made under arrangements approved by the Chief Finance Officer who shall also be authorised to operate all necessary bank accounts.
- 6.2 All cheques shall be ordered only on the written authority of the Chief Finance Officer who shall also make arrangements for their safe custody upon receipt.
- 6.3 The normal method of Council payment shall be by bank automated clearing system (BACS), clearing house automated payment system (CHAPS) or cheque, drawn on the authority's bank account.
- 6.4 All cheques, CHAPS and BACS transmissions and other payment orders or instructions
- (a) for amounts to be determined from time to time by the Chief Finance Officer but not exceeding one half of Level 1 ("basic amount") shall bear the computer printed name of the Chief Finance Officer.
 - (b) for amounts more than the basic amount but less than an amount to be determined from time to time by the Chief Finance Officer, but not exceeding one half of Level 2 ("higher amount") shall bear the signature of one authorised officer; and

- (c) in excess of the higher amount shall bear the signatures of two authorised officers.

Such authorised officers shall include the Chief Finance Officer and such other officers as the Chief Finance Officer may determine with the agreement of the Chair of the Audit and Corporate Governance Committee. The Chief Finance Officer or the Chair of the Audit and Corporate Governance Committee shall be authorised to delete authorised signatories from the list with immediate effect. Members shall be informed through the Weekly Bulletin of any potential new signatory, which shall take effect 7 working days after publication unless an objection is received from one or more members, in which case the name of the proposed signatory shall be submitted to the Civic Affairs Committee for consideration and subsequently full Council.

- 6.5 For all payroll payments (by BACS), the total value of the payment shall be reconciled by the Payroll team to the payroll system and authorised by the Head of People and Organisational Development, or, in their absence, one of the authorising officers in paragraph 6.4 above
- 6.6 This BACS transmission shall then be authorised by one of the following officers, or, in their absence, one of the authorising officers in paragraph 6.4 above:
 - (a) Head of People and Organisational Development
 - (b) Payroll Officer
- 6.7 BACS receipts (direct debits) shall be authorised by one of the following officers:
 - (a) The Revenues Manager
 - (b) The Revenues Accounting Officer
 - (c) The Senior Revenues Assistant
- 6.8 The Chief Finance Officer shall make arrangements for all the Council's bank accounts to be independently reconciled and ensure that this is undertaken on a regular basis.

7. Investment Borrowing and Trust Funds

- 7.1 All investments and borrowing undertaken by the Council shall be transacted in the name of the Council and in accordance with the Borrowing and Investment Strategy:
[\[insert link\]](#)

- 7.2 The Chief Finance Officer shall, within the guidelines laid down by the Council, be responsible for all funds for which the Council acts as a Trustee.

8. Authorisation for Expenditure

- 8.1 Other than to comply with Court Orders, etc. no expenditure shall be incurred unless it is included in the approved budget. Exceptionally, the Chief Executive, in consultation with the Chief Finance Officer, may authorise additional expenditure in the case of a local emergency.
- 8.2 Contracts and purchasing of goods and services shall be in accordance with the Contract Regulations.
- 8.3 Higher value contracts shall be managed according to the provisions of the Public Supplies / Services / Works Contracts Regulations which lay down strict guidelines on the advertising of contracts, selection of tenderers, requirement specification and the evaluation of bids. In addition, contracts shall comply with EU contract procedures. It shall be the responsibility of Chief Officers or Directors to ensure that their service areas comply with these Directives.
- 8.4 Any extra or variation to a contract which would result in that contract moving to the next Level specified in the Contract Regulations shall be reported to the Cabinet as soon as practicable by the Chief Officer or Director concerned.
- 8.5 Official orders for the purchase of goods of all kinds or the execution of works on behalf of the Council shall be on electronic ordering systems and in a form previously approved by the Chief Finance Officer and shall be approved only by Chief Officers, Directors or officers authorised in writing by them subject nevertheless to the relevant provisions of Contract Regulations, and a designated officer, other than the authorising officer, to record the receipt of goods or services.
- 8.6 Official orders for the purchase of information technology equipment and software exceeding £500 shall be approved by officers authorised by the Head of ICT.
- 8.7 Each order shall conform with the directions of practice of the Council with respect to central purchasing and the standardisation of supplies and materials. Orders shall only be placed for goods and services in respect for which there is provision in the current year's estimate or where prior approval to exceed cash limits has been given by the Council.

9. Payments

- 9.1 All payments due by the Council shall be made by the Chief Finance Officer or from petty cash advances authorised by them. The normal method of payment of money due from the Council shall be by BACS, CHAPS, cheques and, exceptionally, the payment of court and legal costs by corporate credit card drawn on the Council's appropriate bank account.
- 9.2 Before any payment is made the invoice shall be certified by the appropriate Chief Officer, Director or their authorised representative. Before certifying an invoice, the certifying officer shall, save to the extent that the Chief Finance Officer shall otherwise determine, have satisfied themselves that:
- (a) the work, goods or services to which the account relates have been received, carried out, examined and approved;
 - (b) the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;
 - (c) the relevant expenditure has been properly incurred and provision made therefore in the financial estimates of the Portfolio concerned;
 - (d) appropriate entries have been made on copy orders and in inventories, stores records or stock books as required electronic or otherwise;
 - (e) the account has not been previously passed for payment and is a proper liability of the Council; and
 - (f) the payment is lawful.
- 9.3 The names of officers authorised to certify such documents shall be notified in advance to the Chief Finance Officer, together with specimen signatures, and any change in such authorisation shall be similarly notified to the Chief Finance Officer.
- 9.4 Duly certified accounts shall be passed without delay to the Chief Finance Officer who shall examine them to the extent that they consider necessary, for which purpose they shall be entitled to make such enquiries and to receive such information and explanations as they may require.
- 9.5 Each Chief Officer or Director shall, not later than a date to be specified by the Chief Finance Officer, notify them of all outstanding expenditure within their purview which relates to the previous financial year and which has not already been passed to them as duly certified "old year" accounts for payment in April.

10. Contracts for Building Construction or Engineering Works

- 10.1 Where contracts provide for payment to be made by instalments, the Chief Finance Officer or Director shall keep a register showing the state of account on each contract between the Council and the contractor, together with any other payments and the related fees.
- 10.2 Payment to contractors on account of contracts shall be made only on a certificate issued by the appropriate Chief Officer, Director, their nominated representative or consultant formally engaged by the Council and certified by an officer authorised under paragraph 9.3.
- 10.3 Subject to the provisions of the contract in each case every extra or variation shall be authorised by the Chief Officer, Director or their nominated officer.
- 10.4 Where it appears to the Chief Officer or Director concerned that the cost of the work comprised in any contract (where the contract sum is Level 2 or more) will exceed the contract sum by 5%, they shall report the variance to the Chief Finance Officer and the Cabinet as soon as practicable.
- 10.5 The Chief Finance Officer shall, to such an extent as they consider necessary, examine final accounts for all contracts and shall be entitled to make such enquiries and receive, in a timely manner, such documents explanations and information as they may require in order to satisfy themselves as to the accuracy of such accounts.
- 10.6 Claims by and compensation from contractors in respect of matters not expressly referred to in the terms of any existing contract shall be reviewed by the relevant Chief Officer or Director for technical consideration and by the Chief Executive for consideration of the Council's legal liability, if any, and, where necessary, by the Chief Finance Officer for financial consideration before a settlement is reached.
- 10.7 Where completion of a contract is delayed beyond the agreed period (including any extensions granted), it shall be the duty of the Chief Officer or Director concerned to take appropriate action in respect of any claim for liquidated damages.
- 10.8 Work carried out by any in-house trading unit shall conform to the terms of any legislation on competitive tendering. Chief Officers shall supervise the work and approve payments to the in-house contractor strictly under the terms of the agreement as they would any external contractor.
- 10.9 Where there is a separation of client and contractor functions, officers shall co-operate to obtain value for money and provide an effective service, whilst fully observing Contract Regulations and Financial Regulations.

11. Salaries, Wages and Other Emoluments

- 11.1 The Chief Finance Officer shall be responsible for the calculation of all salaries, wages, compensation and other emoluments to officers and the production of other necessary records in connection with pensions, national insurance, income tax, maternity and sick pay.
- 11.2 The Chief Finance Officer shall be responsible for the payment of members' allowances and for the authorisation and payment of salaries, wages and other emoluments. All associated accounting arrangements shall be approved and controlled by the Chief Finance Officer. Each Chief Officer or Director shall notify the Chief Finance Officer as soon as possible, and in a form to be prescribed by them, of all matters affecting the payment of such emoluments and in particular:
- (a) The appointments, resignations, dismissals, suspensions, secondments and transfers;
 - (b) absences from duty for sickness or other reason, apart from approved leave;
 - (c) changes in remuneration, other than normal increments and pay awards and agreements of general application; and
 - (d) any information which is necessary to maintain records of service for pensions, income tax, national insurance, etc.
- 11.3 Appointments of all employees of the Council shall be made in accordance with:
- (a) the approved Establishment; and
 - (b) prescribed procedures.
- 11.4 Approval of new posts within budget shall be agreed by the Chief Executive.
- 11.5 Approval of new posts outside of the agreed budget shall be agreed by the Council.
- 11.6 All time-records or other pay documents shall be in a form prescribed or approved by the Chief Finance Officer and shall be certified in manuscript by an authorised officer. The names of officers authorised to sign such documents shall be sent in advance to the Chief Finance Officer by each Chief Officer or Director together with specimen signatures and any change shall be duly notified to the Chief Finance Officer.

12. Travelling, Subsistence and Attendance Allowances

- 12.1 All claims for the payment of car allowances, subsistence, removal and disturbance allowances, travelling and incidental expenses shall be submitted promptly in a form approved by the Chief Finance Officer. After certification by or on behalf of the appropriate Chief Officer or Director details of amounts due shall be submitted to the Chief Finance Officer for payment.
- 12.2 The names of officers authorised to sign such records, together with specimen signatures, shall be sent to the Chief Finance Officer and shall be amended on the occasion of any change. Certification shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses were properly and necessarily incurred, and that the allowances are properly payable by the Council.
- 12.3 Payments to members, including any co-opted members of the Council or its committees, who are entitled to claim travelling or other allowances, shall be made by the Chief Finance Officer, upon receipt of the prescribed form duly completed.

13. Income

- 13.1 Arrangements for the collection of all money due to the Council shall be approved by and under the supervision of the Chief Finance Officer.
- 13.2 Each Chief Officer or Director shall ensure that all money received in their service area by an officer on behalf of the Council shall be receipted in a manner specified by the Chief Finance Officer and shall, without delay, be deposited with the Chief Finance Officer or, as they may direct, with the Council's bankers.
- 13.3 No deduction shall be made from such money except to the extent that the Chief Finance Officer may specifically authorise it.
- 13.4 Every transfer of official money from one member of staff to another shall be evidenced in the records of the departments concerned by the signature of the receiving officer.
- 13.5 Every officer who receives money on behalf of the Council or for which they are accountable to the Council, shall keep such records as required by the Chief Finance Officer, and shall produce them for inspection as and when required by the Chief Finance Officer.
- 13.6 Each Chief Officer or Director shall be responsible for the prompt notification to the Chief Finance Officer of particulars of all sums due to the Council.

13.7 The Chief Finance Officer shall be responsible for arranging or supervising arrangements for ordering and maintaining stocks of all receipt books and other numbered accounting documents used by the Council and shall satisfy themselves as to the arrangements for their control.

13.8 The Chief Finance Officer shall have authorisation to write off any individual debt up to and including Level 2, provided that they are satisfied that all action for recovery of the debt appropriate to the amount has been taken. The Lead Cabinet Member for Finance shall have executive power to write off any debt above Level 2. The Chief Finance Officer and the Lead Cabinet Member for Finance shall report annually for information to Council on the number and value of amounts written off under their respective delegated powers.

14. Stocks, Stores and Other Assets

14.1 Each Chief Officer or Director shall be responsible for the care, custody and recording of stocks and stores held by their department. The Chief Finance Officer shall agree the form and content of records to be kept for this purpose. Stocks shall not exceed the quantities considered necessary by the Chief Officer or Director concerned to meet the reasonable requirements of the Council.

14.2 Chief Officers or Directors responsible for stocks shall arrange for periodical checks of stocks by persons other than those responsible for the stocks and the Chief Finance Officer shall ensure that such checks are made at least once in every financial year.

14.3 The Chief Finance Officer shall have authorisation to write-off physical differences or losses (including obsolescence) of stocks, stores or other assets amounting to less than one half of Level 1 in aggregate, by department. Variances in excess of one half of Level 1 shall be reported to the Council for authorisation.

14.4 Chief Officers or Directors responsible for stocks and stores shall forward to the Chief Finance Officer as soon as possible after 31 March in each year a certificate as to the value of stocks held at the close of the financial year.

15. Inventories

15.1 Each Chief Officer or Director shall maintain an inventory and this shall record an accurate description of furniture, fittings, equipment, plant and machinery so as to enable identification. The extent to which the property of the Council shall be recorded and the form in which the inventory shall be kept will be specified by the Chief Finance Officer.

- 15.2 Each Chief Officer or Director shall be responsible for undertaking an annual check of all items on the inventory and annotating the inventory accordingly. A report containing details of any surpluses or deficiencies identified by the annual check shall be submitted to the Chief Finance Officer immediately following the 30 September in each year. The Chief Finance Officer shall be authorised to write-off any deficit amounting to less than one half of Level 1 in aggregate, by department. Variances in excess of one half of Level 1 shall be reported to the Council for authorisation.
- 15.3 All property owned or acquired by the Council shall, so far as practicable, be effectively marked as Council property. The Council's property shall only be used in the ordinary course of the Council's business.

16. Insurances

- 16.1 The Chief Finance Officer shall effect insurance cover and prescribed procedures for claims, consulting with Chief Officers or Directors as appropriate.
- 16.2 Chief Officers or Directors shall notify the Chief Finance Officer promptly of all new risks, property or vehicles to be insured and every matter which may affect existing insurances.
- 16.3 Chief Officers or Directors shall notify forthwith in writing any loss, liability or damage or any event likely to lead to a claim to the Chief Finance Officer, who shall, in turn, notify the Council's Insurers. In appropriate instances, the Chief Finance Officer shall inform the Police.
- 16.4 The Chief Finance Officer shall ensure that all relevant employees of the Council are included in a suitable fidelity guarantee insurance.
- 16.5 The Chief Finance Officer shall annually, or at other such periods as they may consider necessary, review all insurances in consultation with Chief Officers and Directors.
- 16.6 Chief Officers or Directors shall consult the Chief Finance Officer with respect to the terms of any indemnity that the Council is requested to give.

17. Land and Property

- 17.1 The Director of Housing shall maintain a terrier of all properties owned by the Council showing the statutory purpose or other purpose for which the property is held, the location, extent and plan reference. In addition, the terrier shall record the purchase price and the nature of the Council's interest, together with particulars of any lease or tenancies granted by the Council.

17.2 The Chief Executive shall be responsible for ensuring the custody, under secure arrangements, of all title deeds for properties belonging to or mortgaged to the Council.

17.3 Discretionary acquisitions and disposals not otherwise authorised under any delegation shall be submitted for approval by the Council on the recommendation of the Cabinet.

18. Internal Audit

18.1 The Chief Finance Officer shall:

- (a) maintain an adequate and effective internal audit of all activities of the Council;
- (b) have authority (which may be delegated to their authorised representative) to visit all departments and have a right of access at all times to such offices, officers, records, correspondence and other documents relating to any financial and other transactions of the Council and Council property that appear necessary for the purpose of the audit.
- (c) require and receive such explanations as are necessary concerning any matter under examination; and
- (d) require any council employee to produce cash, stores or any other council property under that employee's control.

18.2 Unless the Chief Finance Officer has already been informed under Regulation 3.2, each Chief Officer or Director shall immediately notify them of any suspected or apparent fraud or irregularity concerning cash, stores or other property of the Council or the exercise of the functions of the Council. The Chief Finance Officer shall arrange, where appropriate, for an internal audit investigation and for the Council's external auditors and the Council's insurers to be informed. The Chief Finance Officer shall decide whether to refer any irregularity to the Police.

18.3 The Regulations set out in 18.1 and 18.2 apply equally to any direct service, direct labour organisation or semi-autonomous trading unit of the Council.

18.4 The Client Partner and Manager for Internal Audit Services shall report to the Chief Finance Officer who shall refer audit reports to the appropriate officers. Where in exceptional circumstances a report concerns the Chief Finance Officer in person, the Client Partner and Manager for Internal Audit Services shall have access to report direct to the Chief Executive and / or the Leader of the Council.

18.5 The Chief Finance Officer shall be responsible for ensuring that the Council's Anti-Theft, Fraud and Corruption Policy and Whistle-blowing Policy is subject to periodic review and, where deemed appropriate, they shall make recommendations for improvement to the Council. Each Chief Officer or Director shall be responsible for ensuring their staff are aware of the existence of the Policies and of their contents.

19. Data Protection

19.1 Prior to the implementation of any new computer application or processing system the Head of ICT shall be consulted in writing as to the implications with respect to the Data Protection Act 1998 and the Freedom of Information Act 2000. No such applications or system shall be used to process live data until the Head of ICT has confirmed that the requirements in respect of registration and security have been met.

19.2 The Head of Legal Practice shall be responsible for ensuring that the Council complies with the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000 and shall be responsible for co-ordinating arrangements whereby all members and employees are fully conversant with their duties and responsibilities resulting from this Regulation.

20. Security

20.1 Each Chief Officer or Director shall be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc., under their control. The Chief Finance Officer shall satisfy themselves that such security arrangements are adequate.

20.2 Keys to safes and similar receptacles shall at all times be kept securely by those responsible and the loss of any keys shall be reported forthwith to the Chief Finance Officer.

20.3 Chief Officers or Directors shall ensure that cash holdings overnight do not exceed those sums provided for in the Council's insurance arrangements.

21. Imprest / Advance Accounts

21.1 The Chief Finance Officer shall approve such advance amounts as they consider appropriate. These shall be operated on an imprest basis and in a manner specified by the Chief Finance Officer.

- 21.2 Where they consider it appropriate, the Chief Finance Officer shall open an account with the Council's bankers, or such other financial institution as deemed appropriate, for the use by the imprest holder. The arrangements shall provide that under no circumstances is the account to go overdrawn and instances where this would otherwise have arisen shall be drawn to the attention of the Chief Finance Officer promptly.
- 21.3 Income received on behalf of the Council shall not be paid into an imprest / advance account but shall be banked or paid to the Council as provided elsewhere in these Regulations.
- 21.4 Payments shall be limited to minor items of expenditure and to such other items as the Chief Finance Officer shall approve and shall be supported by a receipt voucher to the extent that the Chief Finance Officer shall require.
- 21.5 An officer responsible for an advance amount shall sign a certificate as to the state of the advance on the 31 March in each year.
- 21.6 On leaving the employment of the Council or otherwise ceasing to be entitled to hold the advance, an officer shall account to the Chief Finance Officer for the amount of the advance.

22. Information Technology

- 22.1 The Executive Director (Corporate Services) is the Council's e-champion and shall be responsible for maintaining overall security and privacy of information held on all computers operating on Council premises.
- 22.2 Chief Officers or Directors shall satisfy themselves that any new systems or amendments to existing systems are developed in a controlled manner and thoroughly tested prior to implementation.
- 22.3 The Executive Director (Corporate Services) shall ensure that computer audit reviews are carried out at regular intervals and immediately in the event of a situation that demands such action.
- 22.4 The Executive Director (Corporate Services) shall ensure that all information technology initiatives are compatible with the official strategy adopted by the Council. An annual review of the strategy shall be undertaken in order to accommodate technical advances and to keep it in line with the Council's perceived needs.
- 22.5 The technical specifications and purchasing arrangements for IT-related items shall conform to the guidelines as from time to time adopted by the Management Team.

23. Risk Management

- 23.1 The Executive Director (Corporate Services) is the senior manager responsible for risk management and shall ensure that the Council's risk management strategy and process is reviewed at least annually, and that the Council's strategic risk register is reviewed quarterly.
- 23.2 The risk management strategy and process and the strategic risk register shall be reported to members in accordance with the above frequencies.
- 23.3 Service managers shall review service area risk registers as part of the service plan process, for approval by lead cabinet members, and at quarterly intervals. These shall be reviewed by the Directors to ensure that risks identified are adequately addressed. Significant corporate or common risks arising from service area risk registers shall be included in the strategic risk register.
- 23.4 Project managers shall carry out risk management as an integral element of project management. Lead officers shall monitor risk management arrangements in partnerships. Report writers shall identify risk management implications in all reports to members.
- 23.5 Risk management shall be incorporated in the preparation of the Council's Performance Plan.

G. Contract Regulations

Under Section 135, Local Government Act 1972

A Quick Glance Guide on Contract Regulations

1. These Contract Regulations (issued under s.135 of the Local Government Act 1972) promote good purchasing practice and public accountability and deter corruption. Following the rules is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

For the purposes of these Regulations, where there is a requirement for communication to be in writing, this shall be deemed to include e-mail and other electronic transmissions.

2. **Officers responsible for purchasing *must* comply with Contract Regulations.** They lay down *minimum* requirements and a more thorough procedure may be appropriate for a particular contract.

3. In the event of a Civil Emergency

- 3.1 Any procurement or work contracted in response to an event that is classified as a Major Incident will be deemed to comply with these Contract Regulations.

- 3.2 The Authority is a Category 1 responder during a civil emergency. The definition of emergency in the Civil Contingencies Act 2004 focuses on the consequences of emergencies. It defines an emergency as:

(a) an event or situation which threatens serious damage to human welfare;

(b) an event or situation which threatens serious damage to the environment;
or

(c) war, or terrorism, which threatens serious damage to security.

- 3.3 For Part 1 of the Act, the definition sets out the range of possible incidents for which local responders must prepare when fulfilling their civil protection duties. Further information is available within the Council's Emergency Planning Manual.

4. During regular conditions

- 4.1 Check that there is a budget in place and that you are authorised to proceed.

- 4.2 Calculate the Total Contract Value. The Total Contract Value is the contract value for the contract term (e.g. £5k per year for a 3-year term contract = £15k value). Be particularly aware of the rules surrounding aggregation for the

purpose of Tenders above the EU Threshold tenders. Do not break tenders up into constituent parts where it could be suggested that the Authority are avoiding EU procurement thresholds.

- 4.3 Every purchase or contract (other than for the sale / purchase of land and direct employment contracts) made by or on behalf of the Council shall comply with the Financial Regulations of the Council and with these Contract Regulations.
- 4.4 Take all necessary legal, financial, procurement and professional advice.
- 4.5 Declare any personal financial interest in a contract to your Line Manager to assess if a conflict of interest exists. Corruption is a criminal offence.
- 4.6 Take into account the requirements from any relevant service review and appraise the purchasing need.
- 4.7 Check with the Procurement Officer whether there is an existing Corporate Contract or Consortium Framework Contract before undergoing any procurement process.
- 4.8 Evaluate the potential to work on a Collaborative Contract or Shared Service with another Local Authority or Government body and make it possible to allow other Local Authorities to utilise our contracts.
- 4.9 Normally allow four weeks for submission of bids.
- 4.10 Keep bids confidential, safe and secure.
- 4.11 Include the Net Zero Carbon, Decarbonisation, Sustainable Procurement and Health & Safety elements in any enquiry or tender and ensure that they are evaluated as part of the award. Complete a written contract or Council purchase/works order before the supply or works begin.
- 4.13 Identify a Contract Manager with responsibility for ensuring the contract delivers as intended and ensure contract monitoring is undertaken (including Health & Safety).
- 4.14 Keep records of all dealings with suppliers.
- 4.15 Assess each contract afterwards to see how well it met the purchasing need and value for money requirements.

Remember help, support and advice is available from the Head of Legal Practice / Legal Services and the Procurement Officer.

Table Guide on Procedures, Short-listing and Approval

Total Value	Award Procedure	Shortlisting	Who can approve Award?
£0 to £5,000	Obtain one estimate in writing	Officer	Service Manager accept
£5,001 - £25,000	Three written quotations	Officer and Line Manager	Complete an Evaluation form and send to Authorised Signatory
£25,001 – EU Threshold	Invitation to Tender. See Para 5.4 regarding requirements for advertising	Officer and Line Manager	Complete an Evaluation form and send to Authorised Signatory
Above EU Threshold	EU Procedure or, where this does not apply, Invitation to Tender by Advertisement / List to at least six candidates		PCR2015 must be followed. Consult with Legal Services and the Procurement Officer – see Regulation 8.4
Exemptions	See Regulation 3		
Disposals	See Regulation 8.5		

NB: This Guide is explanatory only and is not a substitute for reading the Contract Regulations.

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Definitions Appendix

Further Advice may be obtained from:

The Head of Legal Practice/Legal Services or the Procurement Officer

Section 1 – Scope of Contract Regulations

1. Basic Principles

All purchasing and disposal procedures shall:

- 1.1 Achieve best value for public money spent;
- 1.2 Be consistent with the highest standards of integrity and professionalism when undertaking procurement;
- 1.3 Ensure fairness in allocating public contracts;
- 1.4 Comply with all legal requirements;
- 1.5 Ensure that 'Non-Commercial Considerations' do not influence any Contracting Decision;
- 1.6 Support the Council's corporate and departmental aims and policies;
- 1.7 Comply with the Council's Procurement Strategy;
- 1.8 Build in Equalities, Net Zero Carbon, Decarbonisation, Sustainable Procurement, Health & Safety and Ongoing Savings into the procurement process;
- 1.9 Construct high quality agreements and make use of internal resources to document and provide a clear audit trail of decisions, agreements and contracts; or
- 1.10 Look for opportunities to work on a Collaborative Contract or a Shared Service with another Local Authority or Government body and evaluate whether the contract can allow other Local Authorities to utilise a SCDC contract.

2. Officer Responsibilities

2.1 Officers

- (a) The Officer responsible for purchasing or disposal shall comply with these Contract Regulations, Financial Regulations, the Code of Conduct, The Public Contracts Regulations 2015 (PCR2015) , The Concessions Contract Regulations 2016 (CCR2016), the Social Value Act 2012 and

with all UK and European Union (or following exit from the European Union any replacement body) binding legal requirements.

- (b) The Officer shall have regard to the guidance from the Procurement Officer and the principles of the Council's Procurement Strategy.
- (c) The Officer shall check whether a suitable Corporate Contract or Consortium Framework contract exists before seeking to let another contract. Where a suitable Corporate Contract or Consortium Framework contract exists, it shall be used unless there is a demonstrable reason not to and in which case an exemption must be applied for. If a Corporate Contract is in place, this will be used rather than a Consortium Framework contract.
- (d) The Officer shall keep the records required by Regulation 6.
- (e) Tender procedures shall be conducted in accordance with procedures set out in the Invitation to Tender. Where the Officer can foresee forthcoming contracts over £25,000, the Officer shall seek the advice of the Procurement Officer who will help by advising on regulations, frameworks, tenders, options, advertising and guide you through the procurement procedure.
- (f) Officers shall also ensure that agents acting on their behalf also comply.
- (g) Officers shall take all necessary legal, procurement, financial and professional advice.
- (h) When any employee either of the Council or of a service provider may be affected by any transfer arrangement, officers shall ensure that the Transfer of Undertaking (Protection of Employment) (TUPE) issues are considered and obtain the advice of Human Resources or Legal Services before proceeding with inviting tenders or quotations.
- (i) Contract Regulations shall be strictly followed, as they lay down minimum requirements when contracting, however more thorough procedures may be appropriate for a particular contract.

(For example, if Regulation 8.1 would normally require that 3 quotes be obtained, it might be appropriate in particular circumstances to seek additional quotations in writing or tender submissions. Equally it may not always be appropriate to make use of an exemption under Regulation 3 even if one might apply or be granted.)

- (j) The Council declared a Climate Emergency on 28 November 2019 and pledged to ensure all strategic decisions and budgets are in line with a shift to zero carbon. Procurement is a key mechanism by which SCDC can influence carbon emissions.

The Council's procurement activity is focussed towards selecting suppliers that are pursuing carbon reduction to achieve Net Zero Carbon emissions, whilst also actively decarbonising the services provided to SCDC throughout the supply chain.

For all existing contracts or when issuing a tender or quotation document. Officers shall ask suppliers the following questions:

- confirmation that the supplier monitors their existing emissions;
- the supplier's plans to achieve Net Zero Carbon emissions; and
- clear commitments from the supplier to achieve supply chain Decarbonisation with timescales.

2.2 Heads of Service

Heads of Service shall:

- (a) ensure that their staff comply with Regulation 2.1;
- (b) ensure that all staff complete an approved Evaluation Report Form to record all contracts and where seeking an exemption complete an Exemption Request Form in Regulation 2.2(c);
- (c) ensure that:
- (i) **contracts** are completed by signature or under the Council's seal, as appropriate (see Regulation 15.8) and that arrangements are made for their safekeeping on Council premises; or
 - (ii) **exemptions** recorded under Regulation 3.3 and ensure the Procurement Officer receives a copy of the exemption form.

3. Exemptions

- 3.1 In most cases an exemption for a Level 1 (0 to £5k) shall not be required as it is sufficient to proceed with one quotation.
- 3.2 Exemptions are provided for in the Constitution (in the Financial Regulations) but are subject to the detailed requirements set out in this Regulation 3. An

exemption under this Regulation 3 allows a contract to be placed by direct negotiation with one or more suppliers rather than in accordance with Regulation 8. For above EU Threshold Contracts, only Exemptions detailed within The Public Contract Regulations 2015 can apply.

- 3.3 All exemptions, and the reasons for them, shall be recorded using the Exemptions Form. Advice should be sought from the Procurement Officer or Legal Services before applying for an exemption. Exemptions shall be authorised by:

Value	Levels	Who can authorise?
£0 to £25k	1 to 2	Service Manager
£25k to £120k	3 to 4	Heads of Service
£120k to EU	Over 4 to EU	Heads of Service or Chief Officers
EU Threshold	EU	EU procedures apply. Only Exemptions detailed within The Public Contract Regulations 2015 can apply. Heads of Service or Chief Officers

- 3.4 The following are allowable exemptions:

- (a) the subject matter of the contract can only be supplied by one specialist firm;
- (b) an exemption is necessary because of unforeseen emergency involving immediate risk to persons, property or serious disruption to Council services; or
- (c) collaborative procurement arrangements;

In order to secure value for money the Council may enter into collaborative procurement arrangements:

- (i) The Procurement Officer or Legal Services shall be consulted where the purchase is to be made using collaborative procurement arrangements with another Local Authority, Government department or statutory undertaker;
 - (ii) All purchases from any Government or Local Authority Purchasing Consortium are deemed to comply with Contract Regulations. An exemption is only required to formally record the decision to use the Framework Contract. The Framework Contract must comply with legal requirements and let in accordance with EU Procedures. If there is any doubt, then you should seek the guidance from Legal Services or the Procurement Officer;
 - (iii) Any contracts entered into through collaboration with other Local Authorities or other public bodies, where a competitive process has been followed that complies with the Contract Regulations of the leading organisation (but does not necessarily comply with these Contract Regulations), will be deemed to comply with our Contract Regulations and an exemption is only required to formally record the decision to use the collaborative contract. However, advice must be sought from the Procurement Officer or Legal Services; or
 - (iv) Shared services are a complex procurement and will require a thorough investigation of the options, the risks, the costs and the impacts. Advice will need to be obtained from Human Resources, Legal Services, the Chief Finance Officer, as well as the Head of Service of any team that the Shared Service will impact upon.
- (d) There is a Corporate Contract in existence for this type of service / product but it is unsuitable, in which case:
- (i) The Procurement Officer or Legal Services must be consulted before applying for any exemption for an existing Corporate Contract;
 - (ii) There needs to be clear and concise documentary evidence confirming that the Corporate Contract cannot meet this requirement because of:
 - a. Technical reasons;
 - b. Capacity / availability; or
 - c. Conflict of interest.
- (e) The product is for the supply of Electricity or Gas and is subject to significant and rapid changes in market forces, which gives only hours to respond and accept prices.

To proceed using this exemption the exemption form shall clearly demonstrate:

- (i) the Head of Service for the budget has provided consent to proceed;
 - (ii) the regular procedure in these Contract Regulations are unable to facilitate this type of purchase;
 - (iii) the values will not exceed EU thresholds and
 - a. is not an act to purely circumnavigate EU Procedures; or
 - b. that longer contract periods (that necessitate an EU process) would not provide a better deal for the Council (better price, terms, certainty or less risks).
 - (iv) a competitive process will be undertaken;
 - (v) the award criteria that is to be used;
 - (vi) that bids will be invited from at least 3 suppliers;
 - (vii) sufficient time will be allowed for suppliers to respond; and
 - (viii) that the contract will be advertised appropriately.
- (f) Extension to an existing contract.

Contract extensions can contribute to problems for example through contractor complacency or where Officers find themselves unwittingly contravening EU Regulations. In order to avoid such problems:

- (i) where a contract has the provision within the existing contract for an extension, the Officer may extend with the permission of their manager;
- (ii) where there isn't the provision within the existing contract for an extension, the Chief Finance Officer shall agree and sign off the exemption on the grounds of:
 - a. disproportionate technical difficulties;
 - b. disproportionate effect on the Council's resources or finances;
or
 - c. significant disruption to the delivery of Council services.

- 3.5 **In exceptional circumstances** the Chief Executive / Chief Operating Officer or the Chief Finance Officer also has the power, under the Scheme of Delegation in the Constitution to dispense with any provision of these Contract Regulations, provided that where the contract exceeds level 4 (£120,000), the relevant lead Cabinet member is consulted.

Where the contract exceeds the EU Threshold, only Exemptions detailed within The Public Contract Regulations 2015 can apply and where they do then the Chief Executive Officer or Chief Operating Officer, can approve. Where exemptions do not apply then the matter has to be determined by the Cabinet or Council (see Regulation 3.6).

- 3.6 **In exceptional circumstances**, the Council and its Cabinet have power to dispense with any provision of these Contract Regulations. Any such decision may be a Key Decision.
- 3.7 All exemptions will be appropriately time bound and attached to the specific contract. Overly long time periods and blanket exemptions are contrary to the Public Contract Regulations 2015.
- 3.8 The Chief Finance Officer must be kept informed of all authorised exemptions and provide an annual report to the Audit and Corporate Governance Committee.
- 3.9 The use of e-procurement technology does not negate the requirement to comply with all elements of Contract Regulations, particularly those relating to competition and value for money.

4. Relevant Contracts

- 4.1 Every purchase or contract made by or on behalf of the Council (every department, team, [including DLO], member, officer, consultant or contracted company) shall comply with the Financial Regulations of the Council and with these Contract Regulations will be considered a Relevant Contract.
- 4.2 Relevant Contracts do not include:
- (a) Contracts of employment making an individual a direct employee of the Council; or
 - (b) agreements regarding the acquisition, disposal or transfer of land (for which Financial Regulations shall apply).

Section 2 – Common Requirements for all Contracts

5. Steps Prior to Purchase

- 5.1 Before beginning a purchase, the Officer responsible for it shall appraise the purchase by working through the following criteria. If the Total Value exceeds £25,000 then the Officer shall complete this as a checklist before commencing. The appraisal tasks shall be proportionate to the complexity and value of the purchase and take into account any guidance provided by the Procurement Officer.
- 5.2 The Officer **shall** appraise the purchase by:
- (a) ensuring that they have the budget and permissions to carry out this type of purchase;
 - (b) making sure there is not a Corporate Contract or Consortium Framework Contract already in place before proceeding with any procurement exercise;
 - (c) taking into account the requirements from any relevant service review;
 - (d) appraising the need for the expenditure and its priority;
 - (e) defining the objectives of the purchase;
 - (f) assessing the risks associated with the purchase and how to manage them;
 - (g) considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing or sourcing through a purchasing consortium, a joint contract and collaboration with other purchasers;
 - (h) consulting users as appropriate about the proposed procurement method, contract standards, and also performance and user satisfaction monitoring;
 - (i) selecting the most appropriate procurement method;
 - (j) assess the relevance of Health & Safety and Equalities and ensure that these elements are included in any enquiry or tender;
 - (k) taking into account Net Zero Carbon, Decarbonisation, Sustainable Purchasing factors such as environmental accreditation (e.g. EMAS or

ISO 14001), consumption, waste management, recycled, reclaimed or managed sources (e.g. forests for timber), biodegradability, ease of repair, packaging, transportation, toxicity, ethical sourcing and fair-trade;

- (l) explore the potential for future savings within any quotation or tender documents and ensuring that where a bid is accepted and it contains ongoing cost savings proposals, that these are agreed and reflected within the contract documentation; and
- (m) investigate the options for Collaborative Contracts, Shared Services and whether the contract can be written to allow other Local Authorities to utilise it.

5.3 The Officer shall confirm that:

- (a) the purchase accords with the approved policy framework and scheme of delegation as set out in the Constitution;
- (b) if the purchase is a Key Decision, all appropriate steps have been taken;
- (c) Prior Information Notices, required for the EU Procedure, have been placed in the Official Journal of the European Union and copied to the Procurement Officer.

5.4 Officers shall ensure that where proposed contracts, irrespective of their Total Value, are likely to be of interest to potential Candidates located nationally and in other member states of the EU, appropriate accessible advertising takes place. Generally, the greater the interest of the contract to such potential Candidates the wider should be the coverage of the advertisement. Advertisements for contracts above £25,000 must always be placed on Contracts Finder and contracts above the EU Threshold must be placed in the Official Journal of the European Union (OJEU) / Tenders Electronic Daily (TED).

6. Records and Debriefing Candidates

6.1 Where the value is less than £5000:

- (a) The officer shall keep the quotation for a minimum of 18 months after the year end (to enable internal or external audit scrutiny). Telephone quotations should be followed up with a hard copy in the post with any other information from the supplier;
- (b) There is no need to debrief candidates or enter the record in the Contracts register; and

- (c) An Exemption is unlikely to be required (as a single quote is sufficient), but where an Exemption has been applied ensure that it is recorded in the central archive.

6.2 The Procurement Officer will hold the centralised records of Contracts and Exemptions. Any authorised Exemption must be copied to the Procurement Officer detailing the exemption and the reasons for it.

6.3 All contracts that exceed £5,000 shall be recorded in the central archive (note: the original documents may need to be made available for scanning).

6.4 Where the Total Value is £25,000 or less, Officers should use the nominated electronic tendering portal to undertake quotes and make sure that the same principles of fairness, transparency and competition are being applied to quotations.

The following documents shall be kept:

- (a) invitations to quote and Quotations. Remember 3 quotations shall be obtained;
- (b) the reason if the lowest price is not accepted; and
- (c) written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.

6.5 Where the Total Value exceeds £25,000, Officers should use the nominated electronic tendering portal to undertake tenders.

The Officer shall record Pre-tender market research;

- (a) any exemption under Regulation 3 together with the reasons for it;
- (b) the method for obtaining bids (see Regulation 8.1);
- (c) the Award Criteria in descending order of importance;
- (d) tender documents sent to and received from Candidates;
- (e) the responses to any Net Zero Carbon, Decarbonisation, Sustainable Procurement and Health & Safety requirements;
- (f) any clarifications undertaken;
- (g) any Contracting Decision and the reasons for it;

- (h) the contract documents;
- (i) written records of communications with Candidates and with the successful contractor throughout the period of the contract;
- (j) records of cost savings achieved throughout the life of the contract with supporting evidence; and
- (k) post-contract evaluation and monitoring (including Net Zero Carbon, Decarbonisation, Sustainable Procurement, Health & Safety and Equalities).

6.6 Written records required by this Regulation (6.2 above) shall be kept for six years after the end of the contract. Documents which relate to unsuccessful Candidate shall be retained for 12 months and then may be destroyed, provided there is no dispute about the award. However, the documents which relate to unsuccessful Candidates may be electronically scanned. (See 15.9 regarding record storage). All contracts once scanned should be stored within the service area, with an electronic copy held in the Central Contracts Archive.

6.7 Candidates shall be notified simultaneously and as soon as possible of any Contracting Decision.

- (a) The notification shall be in writing where the Total Value exceeds £25,000; and
- (b) If a Candidate requests in writing the reasons for a Contracting Decision, the Officer shall give the reasons in writing within 10 working days of the request (see further Regulation 14.4).

7. Framework Agreements

7.1 The term of framework agreements shall not exceed 4 years, except in cases duly justified by Contracting Authorities.

7.2 Where the framework agreement is concluded with several organisations contracts may be awarded either:

- (a) By applying the terms laid down in the framework agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition;
- (b) Where the terms laid down in the framework agreement are not precise enough or complete for the particular call-off, by holding a mini competition in accordance with the following procedure:
 - (i) Inviting the organisations within the framework agreement who are capable of executing the subject of the contract to submit written

tenders which should be submitted electronically via the tendering portal;

- (ii) Taking the complexity and the subject matter into account, setting a suitable end date and time for tender responses; and
- (iii) Keeping the tenders sealed until after stipulated end date and time for reply has expired. Contracting authorities shall award each contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the specifications of the framework agreement.

Section 3 – Conducting a Purchase

8. Competition Requirements for Purchase and Partnership Arrangements

The Officer shall calculate the Total Value. The following procedures apply where there are no other procedures that take precedence. Other procedures may include agency agreements with government. If in doubt, Officers shall seek the advice of Legal Services or the Procurement Officer.

8.1 Purchasing – Minimum Competition Requirements £0 to £5,000

- (a) Obtain one estimate in writing;
- (b) Officer can short list; and
- (c) The award shall be approved by the appropriate authoriser as detailed in the Officer Financial Scheme of Delegation.

£5,001 – £25,000

- (a) Three written Quotations and response to our Equalities Questionnaire;
- (b) Contracts over £25,000 that are advertised shall be advertised on Contracts Finder, see Para 5.4 regarding requirements for advertising;
- (c) Officer and Line Manager can shortlist; and
- (d) The Evaluation form shall be sent to the appropriate authoriser as detailed in the Officer Financial Scheme of Delegation.

£25,001 – EU Threshold

- (a) Undertake full tender process;
- (b) Invitation to Tender (that includes our response to our Equalities Questionnaire) See Para 5.4 regarding requirements for advertising; and
- (c) The award decision – The evaluation form shall be sent to the appropriate authoriser as detailed in the Officer Financial Scheme of Delegation.

Above EU Threshold

- (a) Undertake full tender process;
- (b) Procedures set out in PCR2015;
- (c) Invitation to Tender by Advertisement;
- (d) The procedures described in PCR2015 must be followed. Consult with Legal Services and the Procurement Officer – see Regulation 8.4; and
- (e) The award decision – The evaluation form shall be sent to the appropriate authoriser as detailed in the Officer Financial Scheme of Delegation.

8.2 In addition, other steps shall be taken as necessary to obtain adequate competition and Value for Money.

8.3 An Officer shall not enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these Contract Regulations.

8.4 Where the EU Procedure is required, the Officer shall consult with Legal Services or the Procurement Officer to determine the method of conducting the purchase.

8.5 Assets for disposal shall be sent to public auction except where better value for money is likely to be obtained by inviting Quotations and Tenders unless the time commitment and costs outweigh the benefits of selling off the equipment. In any event, the method of disposal of surplus or obsolete stocks / stores or assets other than land is determined in the Financial Regulations in the Constitution.

8.6 Providing services to external purchasers

The Financial Regulations, Legal Services and the Procurement Officer shall be consulted where contracts to work for organisations other than the Council are contemplated.

8.7 Collaborative and partnership arrangements are subject to all UK and EU Procurement legislation and should follow the usual principles in Contract Regulations. The advice of Legal Services and the Procurement Officer shall be taken.

9. Pre-tender Market Research and Consultation

9.1 The Officer responsible for the purchase:

- (a) may consult potential suppliers prior to the issue of the Invitation to Tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters provided this does not prejudice any potential Candidate; but
- (b) shall not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in it, if this may prejudice the equal treatment of all potential Candidates or distort competition; and
- (c) shall seek advice from Legal Services or the Procurement Officer.

10. Standards and Award Criteria

10.1 The Officer shall ascertain which British, European or International standards apply to the subject matter of the contract. The Officer must include these standards to describe the required quality. The Head of Legal Practice must be consulted if the Officer proposes to use standards other than European standards.

10.2 The Officer shall define Award Criteria appropriate to the purchase. Award Criteria must be designed to secure an outcome giving Value for Money for the Council. The basic criteria shall be:

- (a) The preference is the use of "most economically advantageous" offer (where considerations other than price also apply).
 - (i) "lowest price" where payment is to be made by the Council;
 - (ii) "highest price" if payment is to be received; or

If the first criterion is adopted, it shall be further defined by reference to sub-criteria. Sub-criteria may refer only to relevant considerations. These may include: resources, service, quality of goods, running costs, technical merit, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), health & safety, after-sales services, technical assistance and any other relevant matters.

10.3 The Award Criteria shall take into account:

- (a) the ability of the firm to make ongoing future savings over the life of the contract; and
- (b) Net Zero Carbon, Decarbonisation and Sustainable Procurement.

10.4 Award Criteria shall not include:

- (a) Non-Commercial Considerations; or
- (b) matters that discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement.

11. Invitations to Tender / Quotations

11.1 The Invitation to Tender or Quote shall include a specification. The specification shall describe clearly the Council's requirements in sufficient detail to enable the submission of competitive offers. In preparing specifications the Officer shall have regard to any guidance from the Procurement Officer.

11.2 The Invitation to Tender or Quote shall state that the Council is not bound to accept any Quotation or Tender.

11.3 All Candidates invited to tender or quote shall be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.

11.4 The Invitation to Tender shall specify the Award Procedure.

11.5 Invitations to Tender shall state the Award Criteria in objective terms.

11.6 The Invitation to Tender shall include a form of tender and instructions to tenderers (see the Procurement Officer or Legal Services for the Council's Invitation to Tender template).

11.7 The Invitation to Tender should normally include the contract terms (see Regulation 15).

12. Submission, Receipt and Opening of Tenders

12.1 Period for Candidates' response:

Candidates invited to respond shall be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the urgency of the contract requirement. Normally at least four weeks shall be allowed for submission of Tenders. In exceptional circumstances a period of five calendar days may be allowed after seeking the permission of the Procurement Officer.

The EU Procedure lays down specific time periods (see the Procurement Officer for further guidance).

12.2 Tenders shall normally be submitted using an approved electronic method as approved by the procurement officer. Where manual submission methods are used, Tenders shall be clearly identified with the name of the Tender exercise and have an envelope that has 'Tender' clearly written on it and addressed and returned c / o Reception, South Cambridgeshire District Council, Cambourne Business Park, Cambourne CB23 6EA. The envelope shall not carry any distinguishing marks. Tenders arriving by hand shall be given a receipt.

12.3 The Officer conducting a manual tender exercise (or their nominated representative) shall inform the Reception desk at Cambourne Offices of the tender return date. On receipt of any tenders the Reception will store these in a secure place until the time of opening.

12.4 Late Tenders received after the specified time for submission shall be endorsed with the date and time of receipt (by reception for a manual tender exercise) and returned promptly to the tenderer by the Officer concerned. The tender may be opened to ascertain the name of the tenderer.

12.5 Tenders received not using the approved receipt method, shall be rejected.

12.6 Reception shall record the details in a Tender Receipt Log (they must ensure that they do not disclose the names of Candidates to any staff involved in the tender process). The tender shall be:

(a) date-stamped;

(b) recorded in the Tender Receipt Book; and

- (c) Stored in a central secure location and kept in safe custody until the date and time of opening.
- 12.7 The Officer shall ensure that all Tenders are opened at the same time when the period for their submission has ended. The Officer or his representative shall be present. Tenders shall be opened in the presence of two officers one representing the service and the other from Procurement or Legal Services (If either is unavailable then a Head of Service is acceptable).
- 12.8 Upon opening, a summary of the main terms of each Tender shall be recorded in the Tender Book. The information on each Tender containing prices shall be initialled by each Officer and the summary of the main terms of each tender entered into the Tender Book such as:
- (a) The details of the company name;
 - (b) The Tender sum;
 - (c) The order in which the tenders were opened; and
 - (d) A signature from the Officers present confirming that the information is correct.
- 12.9 If there appears to be an error in a bid or supporting information, the Candidate shall be invited to confirm or withdraw the bid. Where the error relates to the tender total as calculated from tendered rates and variable quantities, the bid shall be regarded as the tender total bid and the rate adjusted accordingly. The tenderer shall be invited to confirm or withdraw the bid and resulting rate.

13. Clarification Procedures

- 13.1 Providing clarification of an Invitation to Tender to potential or actual Candidates or seeking clarification of a Tender whether in writing or by way of a meeting is permitted. However, the Procurement Officer or Legal Services shall be consulted.
- 13.2 Post-tender clarifications mean clarifications with any tenderer after submission of a Tender and before the award of the contract with a view to clarifying information about the content of the bidder's submission. Care shall be taken where clarifications may distort competition.
- 13.3 Where post tender clarification results in a fundamental change to the specification (or contract terms) the contract shall not be awarded but re-tendered.

14. Evaluation and Award of Contract

- 14.1 Apart from the debriefing required or permitted within this section (Regulation 14)
- (a) confidentiality of Quotations, Tenders and the identity of Candidates shall be preserved at all times; and
 - (b) information about one Candidate's response shall not be given to another Candidate.
- 14.2 Contracts shall be evaluated and awarded in accordance with the Award Criteria.
- 14.3 Before accepting any tender or quotation a Contract Award Form shall be completed.
- 14.4 Where the Total Contract Value is over £25,000
- (a) All contracts;
 - (i) The Officer shall inform all Candidates of their Intention to Award the contract to the successful Candidate and provide the unsuccessful Candidate with their scores and the scores of the winning bidder.
 - (b) Contracts below the EU Threshold
 - (i) The Officer needs only to provide useful feedback at their discretion; and
 - (ii) A 10-day standstill period shall not apply.
 - (c) Contracts above the EU Threshold:
 - (i) The officer shall provide detailed feedback automatically;
 - (ii) The officer shall allow a standstill period of not less than 10 days after announcing their Intention to Award. This is to provide unsuccessful Candidates with a period in which to challenge the decision before the Officer awards the contract; and
 - (iii) If the decision is challenged by an unsuccessful Candidate then the Officer shall not award the contract and shall immediately seek the advice of Legal or the Procurement Officer.

14.5 The Officer shall debrief in writing all those Candidates who submitted a bid about the characteristics and relative advantages of the leading bidder. This should normally include:

- (a) how the Award Criteria were applied; and
- (b) the prices or range of prices submitted (in percentage analysis form), in either case not correlated to Candidates' names (anonymised);

No other information should be given without taking the advice of Legal Services.

14.6 If requested, the Officer may also give the debriefing information required by Regulation 14.4 to Candidates who were deselected in a pre-tender short-listing process.

Section 4 – Contract and Other Formalities

15. Contract Documents

15.1 Every Relevant Contract shall be recorded on a Contract Award Form (or the approved electronic version of this form).

15.2 Every Relevant Contract shall be recorded in writing or through an order placed using a Purchase Order/Works Order, and shall state clearly:

- (a) what is to be supplied (description and quality);
- (b) roles and responsibilities of the supplier (where appropriate); and
- (c) payment provisions (amount and timing).

15.3 Every Relevant Contract up to £25,000 shall state clearly:

- (a) when the Council will have the right to terminate the contract;
- (b) that the contract is subject to the law as to the prevention of corruption (Regulation 17); and
- (c) the Council's Order Form or standard terms and conditions shall be used where possible.

15.4 Every Relevant Contract over £25,000 shall state clearly:

- (a) that the contractor may not assign or sub-contract without prior written consent;
- (b) any insurance requirements;
- (c) health and safety requirements;
- (d) ombudsman requirements;
- (e) requirements under the Data Protection Act 1998;
- (f) that charter standards are to be met (if relevant);
- (g) Equalities and race relations requirements;
- (h) Disability Discrimination Act requirements;
- (i) Freedom of Information Act requirements;
- (j) (where agents are used to let contracts) that agents must comply with the Council's Contract Regulations relating to contracts;
- (k) a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant;
- (l) any provision for Ongoing Savings; and
- (m) Net Zero Carbon, Decarbonisation and Sustainable Procurement requirements.

15.5 The advice of Legal Services shall be sought for the following contracts:

- (a) those involving leasing arrangements;
- (b) where it is proposed to use the supplier's own terms;
- (c) where the Total Value exceeds £25,000; or
- (d) those that are complex in any other way.

15.6 Contract Agreements shall be completed as follows:

Total Value	Method of Completion	By
Level 1 £0 to £5,000	Due to the low values it is unlikely there will be no need for a written document. In cases where one is necessary use a Purchase Order/Works Order and include our terms and conditions.	N/A
Level 2 £5,001 to £25,000	Completion of a Contract Award Form and a Purchase Order/Works Order and include our terms and conditions.	N/A
Level 3 to above Level 4 £50,001 to above £120,001	Completion of an Award Form and written agreement followed by a signature.	Written contract signed by Legal Services and Head of Service.

A practical approach to contracting should be adopted. Level 1 & 2 contracts A Purchase Order/Works Order accompanied by our terms and conditions will be sufficient.

All contracts in excess of Level 2 shall be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances.

15.7 Signature

The Officer responsible for securing signature of the contract shall ensure that the person signing for the other contracting party has authority to bind it.

15.8 Sealing

Where contracts are completed by each side adding their formal seal, the fixing of the Council's seal shall be witnessed by the Head of Legal Practice or their nominated representative. A decision of the Council, or any part of it, shall be sufficient authority for sealing any document necessary to give effect to the decision. Every Council sealing shall be consecutively numbered, recorded and signed by the person witnessing the seal. The seal shall not be affixed without the authority of the Head of Legal Practice. A contract shall be sealed where:

- (a) the Council may wish to enforce the contract more than six years after its end; or
- (b) where there is any doubt about the authority of the person signing for the other contracting party.

15.9 Archiving and lodgement of records

Any original signed or sealed contract that is considered high risk or is at or above EU value shall be stored in Legal Services. All other contracts shall be held within the relevant service department. The Officer shall also ensure that a copy of the contract has been scanned into the central Contracts Archive held by the Procurement Officer.

16. Bonds and Parent Company Guarantees

16.1 The Officer shall consult the Chief Finance Officer:

- (a) when a Candidate is a subsidiary of a parent company, the Officer does not think a Parent Company Guarantee is necessary and any of the following conditions are satisfied:
 - (i) the total value exceeds £120,000;
 - (ii) award is based on evaluation of the parent company; or
 - (iii) there is some concern about the financial stability of the Candidate.
- (b) about whether a Bond is needed
 - (i) where the Total Value exceeds £120,000; or
 - (ii) where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract.

17. Corruption

17.1 The Council's Code of Conduct:

- (a) The Officer shall comply with the Code of Conduct and shall not invite or accept any gift or reward in respect of the award or performance of any contract.
- (b) It will be for the Officer to prove that anything received was not received corruptly.
- (c) High standards of conduct are obligatory. Corrupt behaviour shall lead to dismissal and is a crime under the statutes referred to in Regulation 17.2.

17.2 The following clause shall be put in every written Council contract:

"The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf does any of the following things:

- (a) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done);
- (b) commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972; or
- (c) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees.

Any clause limiting the Contractor's liability shall not apply to this clause."

17.3 The Bribery Act 2010 details both general offences in relation to bribing another person or being bribed and also introduces a specific corporate offence of failing to prevent bribery. SCDC can now be held responsible for failing to prevent bribery committed on their behalf by employees, agents or subsidiaries. Officers shall therefore ensure that they do not commit an offence under the act and also where they suspect an offence, report the activity to their Line Manager or the Chief Finance Officer.

Section 5 – Contract Management

18. Managing Contracts

- 18.1 Contract management is the ongoing monitoring and management of the provision of services in line with the agreed terms and conditions of the contract. It ensures that the contract delivers value for money by meeting its performance targets throughout the contract's lifetime.
- 18.2 Heads of Service in each department shall appoint Contract Managers for all new contracts. All Contracts shall have a named SCDC Contract Manager for the entirety of the contract.
- 18.3 Contract Managers shall follow the procedures set out by the Procurement Officer and the advice of Legal Services.

19. Contract Monitoring, Evaluation and Review

- 19.1 All contracts which have a value higher than the EU Threshold limits, or which are high-risk, are to be subject to formal review with the contractor. The minimal requirements are to conduct a review quarterly however more frequent reviews may be appropriate on large, complex or high-risk projects. It is important that during these reviews formal minutes are taken and agreed by both parties. Where no action is necessary that the need for no action is noted.
- 19.2. A service developed review process must be applied to all contracts deemed either high risk, high value or high profile. This process must be applied at key stages of major procurement projects.
- 19.3. During the life of the contract the Officer shall:
- (a) monitor:
 - (i) performance;
 - (ii) compliance with specification and contract;
 - (iii) cost;
 - (iv) any value for money requirements;
 - (v) user satisfaction and risk management;

- (vi) Ongoing Savings;
 - (vii) improvements in working practices and efficiency; and
 - (viii) Net Zero Carbon, Decarbonisation and Sustainable Procurement requirements.
- (b) act in accordance with any guidance in the Procurement Strategy or from the Procurement Officer.

20. Risk Assessment & Contingency Planning

20.1 A Business case shall be prepared for all procurement with a potential value over the EU Threshold. Provision for resources for the management of the contract, for its entirety, shall be identified in the business case.

20.2 For all contracts where the value exceeds Level 2 (£25,000), Contract Managers shall:

- (a) Maintain a risk register during the Contract period;
- (b) Undertake appropriate risk assessments;
- (c) For identified risks, ensure contingency measures are in place; and
- (d) Ensure critical support and maintenance arrangements are documented in the Specification.

Section 6: General

21. Amendments

21.1 In accordance with the Constitution, The Chief Finance Officer shall have the power to make amendments from time to time to these contract procedure rules after consultation with the Head of Legal Practice, the Procurement Officer, Audit and Risk Management.

21.2 All such amendments shall be recorded and notification made to the Civic Affairs Committee so that the changes can be incorporated into the Constitution by the Full Council.

22. Breaching Contract Regulations

22.1 Contract Regulations form part of the Council's Constitution. A breach of these regulations may lead to disciplinary action. A breach is defined as any non-compliance or failure to evidence compliance with any part of these regulations.

23. Transfer of Contracts

23.1 Responsibility for a contract cannot be transferred to another party without agreement in writing of the existing parties to the contract. The agreement is called a Novation Agreement.

Definitions Appendix

Agent	A person or organisation acting on behalf of the Council or on behalf of another organisation.
Award Criteria	The criteria by which the successful Quotation or Tender is to be selected (see further Regulation 10 and 11.5).
Award Procedure	The procedure for awarding a contract as specified in Regulation 8.
Bond	An insurance policy: if the contractor does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the Bond (often 10% of the contract value). A Bond is intended to protect the Council against a level of cost arising from the contractor's failure.
Cabinet	The Council's Cabinet as defined in the Constitution.
Candidate	Any person who asks or is invited to submit a Quotation or Tender.
Chief Officer	The officers defined as such in Article 12 of the Constitution.
Code of Conduct	The Officers' Code of Conduct regulating conduct of Officers as set out in Part 5 of the Constitution.
Committee	A committee, which has power to make decisions for the Council (including a joint committee with another local authority but not a scrutiny committee).
Constitution	The constitutional document approved by the Council which:

- (a) allocates powers and responsibility within the Council and between it and others
- (b) delegates authority to act to the Cabinet, committees, lead cabinet members and officers; and
- (c) regulates the behaviour of individuals and groups through rules of procedure, codes and protocols.

Contracting Authority The organisation which is letting the contract in question.

Contracting Decision Any of the following decisions:

- (a) composition of Approved Lists
- (b) withdrawal of Invitation to Tender
- (c) whom to invite to submit a Quotation or Tender
- (d) award of contract
- (e) any decision to terminate a contract.

Contracts Finder A national government portal for advertising public contracts.

Corporate Contract A contract let by the Officer to support the Council's aim of achieving Value for Money. Where a Corporate Contract is in place, the Officer is obliged to use it unless an exemption has been granted under Section 3 of Contract Regulations.

Council For the purposes for these Regulations, "Council" refers to South Cambridgeshire District Council (SCDC).

Chief Executive As defined in Article 12 of the Constitution.

Chief Finance Officer As defined in Article 12 of the Constitution.

Decarbonising/ Decarbonisation	Means reducing the carbon dioxide intensity of the emissions expressed in grams of (CO ₂). Decarbonising/Decarbonisation the supply chain is necessary to respond to the Climate Emergency declared by SCDC on 28 November 2019.
Chief Officers	The Chief Executive, Chief Finance Officer, Monitoring Officer and Joint Director of Planning and Economic Development, as defined in Article 12 of the Constitution.
Chief Operating Officer	As defined in Article 12 of the Constitution.
E-Procurement or EBIS	The Council's Information Technology system including financial and self-service purchasing modules, and any others that may be added in future.
Consortium Framework Contract	A contract let by a Local Authority or other Government body that the Council is entitled to use to support the Council's aim of achieving Value for Money. Where a suitable Consortium Framework Contract exists, the Officer should use it unless there are auditable reasons for going elsewhere. See also "Framework Agreement"
EU Procedure	The procedure required by the EU where the Total Value exceeds the EU Threshold (see the Purchasing Guide for the tendering rules).
EU Threshold	The contract value at which the EU public Procurement Officer directives must be applied. See the Purchasing Guide for current values.
European Economic Area	The 15 members of the European Union, and Norway, Iceland and Liechtenstein.
Evaluation Report Form	A report produced by the Officer detailing the outcome of the evaluation process undertaken, from which a recommendation is put forward for the acceptance of a tender or quotation. One approved it will be forwarded to Procurement to update the contracts register.

Equalities	Ensuring fairness and promotion of equalities and covers race, sex, employment equality, disability, sexual orientation, religion and beliefs.
Equalities Questionnaire	The Council's questionnaire that addresses the procurement aspects of equalities.
Financial Regulations	The financial regulations outlining Officer responsibilities for financial matters issued by the Chief Finance Officer in accordance with the Constitution.
Full Council	As defined in the Constitution.
Framework Agreement	<p>An agreement between one or more contracting authorities and one, three or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.</p> <p>(EU law allows contracts with 1 contractor or more).</p>
Government or Local Authority Purchasing Consortium	A Government department, body or owned organisation or a Local Authority owned organisation that lets competitively Framework Agreements that entitle Local Authorities such as ours to use these contracts without negating the need for the Council to undertake an enquiry or a tender exercise. Examples of these organisations are Eastern Shires Purchasing Organisation (ESPO), Crown Commercial Service, (CCS), Department for Work and Pensions (DWP), HM Prison Service (HMPS) and the Central Buying Consortium (CBC).
Government Procurement Agreement	The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.

Head of Service	Senior officers who report to the Chief Executive and Chief Operating Officer and are responsible for the effective management, delivery and performance of the services and functions within their specific corporate areas of responsibility.
High Profile	A high-profile purchase is one which could have an impact on functions integral to Council service delivery should it fail or go wrong.
High Risk	A high-risk purchase is one which presents the potential for substantial exposure on the Council's part should it fail or go wrong.
High Value	A high-value purchase is one where the value is greater than that of the EU Threshold values.
Invitation to Tender	Invitation to tender documents in the form required by Contract Regulations.
Invitation to Tender by Advertisement / List	<p>An Invitation to Tender sent to Candidates shortlisted from among either</p> <p>those responding to advertisement of the contract inviting proposals placed in such publications as shall secure widest publicity among relevant suppliers; or</p> <p>those included on an Approved List in respect of the type of purchase which is the subject of the Invitation to Tender.</p>
Irregular Tender	An Irregular Tender is a Tender, which is received after the appointed time for receipt or contains a mark of identification.
Key Decision	As defined in the Constitution.
Lead Cabinet Member	A member of the Cabinet to whom political responsibility is allocated in respect of specified functions.

Line Manager	The Officer's immediate superior or the Officer designated by the Chief Executive Officer to exercise the role reserved to the Line Manager by these Contract Regulations.
Net Zero Carbon	Net Zero Carbon relates to how the impact of the production of carbon dioxide (CO ₂) can be cancelled by other activity (e.g. planting trees or clean generation of power).
Nominated Suppliers and Sub-contractors	Those persons specified in a main contract for the discharge of any part of that contract.
Non-Commercial Considerations	<p>Except as provided below, the following matters are non-commercial considerations:</p> <ul style="list-style-type: none">(a) the terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces (“workforce matters”);(b) whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only;(c) any involvement of the business activities or interests of contractors with irrelevant fields of Government policy;(d) the conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons (“industrial disputes”);(e) the country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors;(f) any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees;

- (g) financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support;
- (h) use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.

Workforce matters and industrial disputes, as defined above in paragraphs (a) and (d) of this definition, cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which the Transfer of undertakings (Protection of Employment) Regulations 1981 (“TUPE”) may apply.

Officer	The Officer , who for the purposes of these Rules, is authorised to deal with the contract in question.
Ongoing Savings	Ongoing Savings are those that occur during the lifetime of the contract and are necessary to achieve both the Council’s financial aspirations and the targets set by the Government.
Open Procedure	All Candidates are invited to bid in response to advertisement.
Parent Company Guarantee	A contract which binds the parent of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, they can require the parent company to do so instead
Head of Legal Practice	The Council’s Head of Legal Practice who manages Legal Services.
Priority Services	Those services required to be tendered as defined in the EU public Procurement directives.

Procurement Officer	The Council's Procurement Officer charged with providing strategic direction and advice to secure value for money in the Council's procurement activities. In the absence of a dedicated Procurement Officer this role will be fulfilled by the Chief Finance Officer's nominated representative
Procurement Strategy	The document setting out the Council's approach to Procurement taking into account the Council's key priorities for the next few years.
Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Relevant Contract	Contracts to which these Contract Regulations apply (see Regulation 4).
Short-listing	Where Candidates are selected: (a) to quote or bid or (b) to proceed to final evaluation.
Supervising Officer	The Line Manager's immediate superior.
Sustainable Procurement	Approach for reducing the environmental impact of procurement. The Council needs to ensure that it purchases goods that have a recycled content, use less energy, use less raw material or produce less waste during their life cycle than alternatives.
Tender	A Candidate's proposal submitted in response to an Invitation to Tender.
Tender Record Book	The log kept by the Chief Executive to record details of Tenders (see Contract Regulations 12).

- Total Value
1. the whole of the value **or estimated** value (in money or equivalent value) for a single purchase or disposal
 2. whether or not it comprises several lots or stages
 3. to be paid or received by the Council or a Discrete Operational Unit within the Council.

The Total Value shall be calculated as follows:

- (a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period;
- (b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months;
- (c) where the contract is for an uncertain duration by multiplying the monthly payment by 48;
- (d) for feasibility studies: the value of the scheme or contracts which may be awarded as a result;
- (e) for nominated suppliers and sub-contractors: the Total Value shall be the value of that part of the main contract to be fulfilled by the nominated supplier or sub-contractor.

TUPE –
Transfer of
Undertakings
(Protection of
Employment)

TUPE refers to the Transfer of Undertaking (Protection of Employment) Regulations, 1981. These regulations were introduced to ensure the protection of employees when, for example, a business is taken over by another organisation. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.

Value for Money

The established definition of Value for Money (VFM) is the relationship between economy, efficiency and effectiveness.

VFM should not be judged on the basis of the cheapest initial price, but on the lowest whole life cost to GENERIC. This means that, in anticipating the price to pay, we should consider aspects such as maintenance, support costs, buy back values, design, delivery, and reliability. Factors such as these may justify a higher initial cost in the expectation of lower whole life costs. In major purchases or projects this may include preliminary business cases and discounted cash flow calculations. VFM can be achieved through:

- (a) competition;

- (b) improved supply chain management;
- (c) supplier partnership working;
- (d) group purchasing by aggregating the organisations spend for structured discounts; and
- (e) for low value items spot purchasing.

The method used is very much determined by your level of delegated authority, the organisations Financial Directions and the assessed risk a poor procurement route poses to the organisation.

Workforce Matters

Authorities cannot focus on matters classed as 'non-commercial' considerations as part of the contractual process. However, the restrictiveness of the original definitions was considered too great, and so from 2001 authorities may consider the following matters to the extent that they are relevant to the delivery of best value or for the purposes of a TUPE transfer.

- (a) the terms and conditions of employment by suppliers of their workers or the composition of, the arrangements for the promotion, transfer or training of or other opportunities afforded to, their workforces (section 17(5)(a) of the Local Government Act 1988)
- (b) the conduct of suppliers or workers in industrial disputes between them (section 17(5) (d) of the Local Government Act 1988).

Save for the above restrictions on other non-commercial considerations listed in Section 17 of the Local Government Act 1988 remain in place.

H. Officer Employment Procedure Rules

Contents

1. Recruitment and Appointment
2. Recruitment of Head of Paid Service and Chief Officers
3. Appointments
4. Dismissals
5. Disciplinary Action
6. Supplementary

1. Recruitment and Appointment

1.1. Declarations

- (a) The Council shall draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are closely connected to any existing councillor or officer of the Council; or to any partner of those persons.
- (b) No candidate so closely connected to a councillor or an officer shall be appointed without the authority of the relevant chief officer or an officer nominated by them.

1.2. Seeking support for appointment.

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

2. Recruitment of Head of Paid Service and Chief Officers

2.1 Where the Council proposes to appoint a Head of Paid Service, or a Chief Officer, and (where equal opportunities policies allow) it is not proposed that the appointment shall be made exclusively from among their existing officers, the Council shall:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

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

3. Appointments

3.1 Head of Paid Service, Chief Finance Officer and Monitoring Officer

The full Council shall approve the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer following the recommendation of such appointments by the Employment and Staffing Committee or a panel of the committee. That committee or panel shall include at least one member of the Cabinet.

3.2 Chief Operating Officer

The Employment and Staffing Committee, or a panel of that committee, shall appoint the Chief Operating Officer. That committee or panel shall include at least one member of the Cabinet

3.3 Joint Director of Planning and Economic Development

The Employment and Staffing Committee, or a panel of that committee, or a joint panel appointed specifically for the purpose, shall appoint the Joint Director of Planning and Economic Development. That committee or panel shall include at least one member of the Cabinet.

3.3 Other Employees

Appointment of officers at Head of Service level or below (other than assistants to political groups) is the responsibility of the Head of Paid Service, or their nominee, and shall not be made by councillors.

3.4 Assistants to Political Groups

In the event of an appointment of an assistant to a political group, such appointment shall be made in accordance with the wishes of that political group.

3.5 Cabinet Notification

An offer of appointment as Head of Paid Service or Chief Officer, shall not be made until:

- (a) The Council or committee or panel, or other appointer, as appropriate, has supplied the Head of Paid Service (or the Monitoring Officer in the case of the appointment of the Head of Paid Service) with details of the proposed appointment;

- (b) The Head of Paid Service has supplied members of the Cabinet with details of the proposed appointment and allowed a period for objection to the offer by the Leader of the Council on behalf of the Cabinet; and
- (c) The Leader has informed the Head of Paid Service that there is no objection to the offer, such an objection has not been received within the requisite period or the Council or committee panel or other appointer are satisfied that any objection is not material or well-founded.

4. Dismissals

4.1 Head of Paid Service, Chief Finance Officer, Monitoring Officer

- (a) The Head of Paid Service, Chief Finance Officer or Monitoring Officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
- (b) The Council shall invite relevant independent persons to be considered for appointment to an independent panel [“the Independent Panel”], with a view to appointing at least two such persons to the Independent Panel.
- (c) The Council may appoint more than two relevant independent persons if it wishes.
- (d) In paragraph 4.1(c) “*Relevant independent person*” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
- (e) Subject to paragraph 4.1(c), the authority shall appoint to the Independent Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 4.1(b) in the following priority order:
 - (i) a relevant independent person who has been appointed by the authority and who is a local government elector;
 - (ii) any other relevant independent person who has been appointed by the authority;
 - (iii) a relevant independent person who has been appointed by another authority or authorities.
- (f) The authority shall appoint any Independent Panel at least 20 working days before the relevant meeting.

- (g) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority shall take into account, in particular:
 - (i) any advice, views or recommendations of the Independent Panel;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations from the relevant officer.
- (h) Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Independent Panel shall not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

4.2 Chief Operating Officer and Joint Director of Planning and Economic Development

The Employment and Staffing Committee, or a panel appointed for that purpose, may approve the dismissal of the Chief Operating Officer or the Joint Director of Planning and Economic Development. That committee or panel shall include at least one member of the Cabinet.

4.3 Cabinet notification

- (a) A notice of dismissal of the Head of Paid Service, Chief Finance Officer, Monitoring Officer, Chief Operating Officer, Joint Director of Planning and Economic Development or Head of Service shall not be given until:
 - (i) The Council or committee or panel, or other dismissor as appropriate, has supplied the Head of Paid Service (or Monitoring Officer in the case of the proposed dismissal of the Head of Paid Service) with the details of the proposed dismissal;
 - (ii) The Head of Paid Service has supplied members of the Cabinet with details of the proposed dismissal and allowed a period for objection to the dismissal by the Leader of the Council on behalf of the Cabinet; and
 - (iii) The Leader has informed the Head of Paid Service that there is no objection to the dismissal, such an objection has not been received within the requisite period or the Council or committee or panel or other dismissor are satisfied that any objection is not material or well-founded.

4.4 Other Employees

Officers at Head of Service level and below Dismissal of officers at Head of Service or below (other than assistants to political groups) is the responsibility of the Head of Paid Service or an officer nominated by them, and may not be made by councillors.

4.5 Interpretation

In Rule 4 above:

- (a) **“the 2011 Act”** means the Localism Act 2011(b);
- (b) **“Chief Finance Officer”, “disciplinary action”, “Head of the ‘Authority’s Paid Service” and “Monitoring Officer”**, have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) **“independent person”** means a person appointed under section 28(7) of the 2011 Act;
- (d) **“local government elector”** means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
- (e) **“the Panel”** means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) **“relevant meeting”** means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) **“relevant officer”** means the Chief Finance Officer, Head of the Authority's Paid service or Monitoring Officer, as the case may be.

5 Disciplinary Action

5.1 Investigation and determination:

The Employment and Staffing Committee has responsibility for disciplinary action (subject to the following provisions of this paragraph)

5.2 Head of Paid Service, Chief Finance Officer and Monitoring Officer

Suspension: The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged

misconduct. That suspension shall be on full pay and shall normally last no longer than two months. The continuance of a suspension shall be reviewed after it has been in place for two months

5.3 Chief Operating Officer and Joint Director of Planning and Economic Development

Disciplinary action against the Chief Operating Officer and Joint Director of Planning and Economic Development shall be dealt with under the Council's disciplinary policy and procedures and their terms and conditions of service. The Employment and Staffing Committee shall have powers of disciplinary action [including dismissal].

5.4 Other Employees

Responsibility for investigating and taking disciplinary action against officers at Head of Service level or below lies with the Head of Paid Service, or an officer nominated by them. Councillors shall only be involved in cases where an officer submits an appeal against dismissal and, in those circumstances, they may sit on the Employee Appeals panel to hear appeals by those officers (where such a right is exercisable) against their dismissal.

6 Supplementary

In the event of the above rules applying to a case involving an appointment or dismissal in relation to the Head of Paid Service, the references relating to the action to be taken in these Rules by the Head of Paid Service shall be undertaken by the Monitoring Officer.

Part 5: Codes and Protocols

A. Members' Code of Conduct

Contents

1. Application
 2. Meeting
 3. General Conduct
 4. Disclosable Pecuniary Interests
 5. Other Interests
 6. Gifts and Hospitality
 7. Work programme
- Appendix A: Disclosable Pecuniary Interests
- Appendix B: The Nolan Principles

A. Members' Code of Conduct

Introduction

South Cambridgeshire District Council (the Authority) has adopted this Code of Conduct pursuant to Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the Authority or when they claim to act or give the impression of acting as a representative of the Authority.

This Code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership ("the Nolan Principles") which are appended to this Code (Appendix B"). This Code of Conduct will be interpreted by reference to these Principles.

1. Application

This Code of Conduct applies to you whenever you are acting, claim to act or give the impression you are acting in your capacity as a Member of the Authority, including:

- 1.1 at formal meetings of the Authority;
- 1.2 when acting as a representative of the Authority;
- 1.3 in taking any decision as a Cabinet member or a Ward councillor;
- 1.4 in discharging your functions as a Ward councillor;
- 1.5 when corresponding with the authority other than in a private capacity.

2. Meeting

In this Code "Meeting" means any meeting organised by or on behalf of the Authority, including:

- 2.1 any meeting of the Council, or a committee or sub-committee of Council;
- 2.2 any meeting of the Cabinet and any committee of the Cabinet;
- 2.3 at any briefing by Officers; and

2.4 at any site visit to do with the business of the Authority.

3. General Conduct

You must:

- 3.1 provide leadership to the authority and communities within its area, by personal example;
- 3.2 respect others and not bully or threaten or attempt to bully or threaten any person;
- 3.3 respect the confidentiality of information which you receive as a member by:
 - (a) not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - (b) not obstructing third parties' legal rights of access to information
- 3.4 not conduct yourself in a manner which is likely to bring the Authority into disrepute;
- 3.5 use your position as a member in the public interest and not for personal advantage;
- 3.6 comply with the Authority's reasonable rules on the use of public resources for private and political purposes;
- 3.7 exercise your own independent judgement, taking decisions for good and substantial reasons by:
 - (a) attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - (b) paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and
 - (c) stating the reasons for your decisions where those reasons are not otherwise apparent
- 3.8 do nothing that causes the Authority to act unlawfully.

4. Disclosable Pecuniary Interests

4.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either:

- (a) it is an interest of yours, or
- (b) it is an interest of:
 - (i) your spouse or civil partner; or
 - (ii) a person with whom you are living as husband and wife; or
 - (iii) a person with whom you are living as if you were civil partners;

and you are aware that other person has the interest.

4.2 You must:

- (a) comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest;
- (b) ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests;
- (c) make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent;
- (d) Where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not (unless you have obtained a dispensation from the Authority's Monitoring Officer):
 - (i) participate, or participate further, in any discussion of the matter at the meeting; or
 - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

5. Other Interests

- 5.1 In addition to the requirements of Paragraph 4, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.
- 5.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where:
- (a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the Ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
 - (b) it relates to or is likely to affect any of the interests listed in the Table in Appendix A to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

6. Gifts and Hospitality

- 6.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.
- 6.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

NOTE: Members must also comply with the relevant Codes and Protocols contained in Part 5 of the Constitution and in the Ethical Handbook.

Appendix A

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

Interest	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) That body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either: (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means a member of a relevant authority;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

"relevant person" means M or any other person referred to in section 30(3)(b) of the Act;

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

Appendix B

The Nolan Principles

Selflessness	Holders of public office should act solely in terms of the public interest.
Integrity	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	Holders of public office should be truthful.
Leadership	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

B. Officers' Code of Conduct

Contents

1. Standards
2. Disclosure of information
3. Political neutrality
4. Relationships
5. Appointment and other employment matters
6. Outside commitments
7. Officers' interests in contracts, decisions etc.
8. Pecuniary interests
9. Non-pecuniary interests
10. Equality issues
11. Separation of roles during tendering
12. The Bribery Act 2010
13. Use of financial resources
14. Hospitality

1. Standards

Local Government employees are expected 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. All employees are expected to uphold the seven principles of public life; selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Full details are appended to the Members' Code of Conduct in Part 5 of the Constitution. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees should report to the appropriate manager any impropriety or breach of procedure.

2. Disclosure of Information

- 2.1 It is generally accepted that open government is best. The law requires that certain types of information shall be available to members, auditors, government departments, service users and the public. The Authority itself may decide to be open about other types of information. Employees must be aware of which information their authority is, and is not, open about, and act accordingly.
- 2.2 Employees shall not use any information obtained in the course of their employment for personal gain or benefit, nor shall they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the Authority shall not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

3. Political Neutrality

- 3.1 Employees serve the Authority as a whole. It follows they shall serve all councillors and not just those of the controlling group and shall ensure that the individual rights of all councillors are respected.
- 3.2 Subject to the Authority's conventions, employees may also be required to advise political groups. They shall do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, shall follow every lawful expressed policy of the Authority and shall not allow their own personal or political opinions to interfere with their work.

- 3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

4. Relationships

4.1 Councillors

Employees are responsible to the Authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the Authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided. Employees should also refer to the Protocol on Member / Officer Relations in Part 5 of this Constitution.

4.2 The Local Community and Service Users

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

4.3 Contractors

- (a) All relationships of a business or private nature with external contractors, or potential contractors, shall be made known to the appropriate manager. Orders and contracts shall be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community shall be discriminated against.
- (b) Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had, or currently have, a relationship in a private or domestic capacity with contractors shall declare that relationship to the appropriate manager.

5. Appointment and other Employment Matters

- 5.1 Employees involved in appointments shall ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees shall not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with them.
- 5.2 Similarly, employees shall not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

6. Outside Commitments

- 6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and shall not take outside employment which conflicts with the Authority's interests.
- 6.2 Employees shall follow their Authority's rules on the ownership of intellectual property or copyright created during their employment.

7. Officers' Interests in Contracts, Decisions, etc.

- 7.1 There may be occasions when officers have a personal interest in the Council's activities and the outcome of Council decisions. Interests in contracts are covered by statute but there are many other kinds of interests which may arise during the course of your duties. Employees shall declare to an appropriate manager any financial or non-financial interests which could conflict with the Authority's interests and shall register those interests on a database maintained by the Council's Monitoring Officer. The register is checked monthly and a reminder sent to all staff to consider the issue.
- 7.2 The most important thing is that officers behave with integrity. To achieve this, conflicts of interest shall be avoided and the Council shall stop them arising.

8. Pecuniary Interests

- 8.1 Section 117 of the Local Government Act 1972 requires officers to give the Council written notice of any contract or proposed contract in which the officer has any pecuniary interest (direct or indirect) as soon as the officer becomes aware of it. Also, an officer of a local authority shall not, by virtue of their office or employment, accept any fee or reward whatsoever other than their proper remuneration. Any person who contravenes the provisions above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- 8.2 If you are in any doubt you should seek advice from the Monitoring Officer, who shall maintain a record of all declarations under s117. The Register of Declarations under s117 may be inspected by councillors and Chief Officers only.

9. Non-Pecuniary Interests

- 9.1 There is no legislation governing non-pecuniary interests. It is impossible to list everything that constitutes a non-pecuniary interest. The Authority expects officers to be sensitive to the possibility of them arising. Any decision taken by an officer who has a non-pecuniary interest in the outcome could be quashed by a court, and disciplinary action could follow.
- 9.2 You must never allow a situation to appear as though you are using your position to promote any interest other than the public interest.
- 9.3 This includes your own interests, those of your family and friends, those of another employer, those of another association or organisation (including a Trade Union) and those of your fellow employees.
- 9.4 If such an interest arises you shall declare it at once to your Line Manager, who will advise you and record the interest in a register kept for the purpose by the Monitoring Officer.
- 9.5 There are limitless numbers of ways in which such an interest can arise. The question to ask yourself is:
If a reasonable person knew that I was involved in making this decision and had this interest in its outcome then would they think that any decision made would be at risk of being biased? (e.g. You should not inspect your friend's factory, decide your neighbour's planning application or grant your brother's licence).
- 9.6 Employees shall also declare to an appropriate manager, membership of any organisation which is not open to the public without formal

membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

- 9.7 Guidance is available from the Monitoring Officer. Again, you are urged to err on the side of caution in this matter.

10. Equality Issues

All local government employees shall ensure that policies relating to equality issues as agreed by the Authority are complied with, in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

11. Separation of Roles During Tendering

- 11.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees who have both a client and contractor responsibility shall be aware of the need for accountability and openness.
- 11.2 Employees in contractor or client units shall exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 11.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors shall not disclose that information to any unauthorised party or organisation.
- 11.4 Employees contemplating a management buyout shall, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 11.5 Employees shall ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

12. The Bribery Act 2010

- 12.1 The Bribery Act 2010 replaces the offences at common law and the Prevention of Corruption Acts with two general offences and prohibits

the offering, giving, soliciting and acceptance of money or other advantage in order to induce or reward the improper performance of public and other functions.

- 12.2 The first offence covers the offering, promising or giving of an advantage (broadly, offences of bribing another person).
- 12.3 The second deals with the requesting, agreeing to receive or accepting of an advantage (broadly, offences of being bribed).
- 12.4 If the matter is dealt with in the Magistrates' Court and a person is found guilty of an offence under the Act, they are liable to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum, or to both
- 12.5 If the matter is so serious that it can only be tried before a jury and a person is found guilty of an offence under the Act, they are liable to imprisonment for a term not exceeding ten years, or to a fine, or to both.

13. Use of Financial Resources

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

14. Hospitality [See Gifts, Hospitality and Sponsorship Policy for Officers]

Employees shall comply with the Gifts, Hospitality and Sponsorship Policy which is contained in the Ethical Handbook.

C. Protocol on Member / Officer Relations

Contents

1. Introduction
2. Roles of Members and Officers
3. Expectations
4. Potential issues
5. Accountability of Members/Officers under scrutiny arrangements
6. Local Members
7. Members' enquiries
8. Political groups
9. Ceremonial events
10. Access to information and documentation
11. Correspondence
12. Support services to Member and party groups
13. Publicity and media
14. When things go wrong
15. Interpretation

1. Introduction

- 1.1 The Nolan Committee's Report on Standards of Conduct in Local Government in 1997 recommended that every Council should adopt a formal protocol setting out guidance for appropriate relationships between officers and members. The relationship between members and officers is an essential ingredient that goes to the very heart of the successful working of the Council. This relationship should be characterised by mutual trust, respect and courtesy. These are essential for good local government and serve to enhance local democracy. Members and officers should feel free to speak to one another openly and honestly. Nothing in this protocol is intended to change this relationship. The purpose of this protocol, rather, is to help members and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The protocol aims to serve as a guide to dealing with those issues that most commonly arise or which cause concern.
- 1.2 This protocol seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. It should be read and operated in the context of any relevant legislation, national and local Codes of Conduct and guidance on effective corporate governance, the Council's Constitution, and any other relevant Council policies. If a member is unsure about any matter, they should contact the Monitoring Officer for appropriate advice or guidance. If any officer is unsure about any matter, they should contact their line manager, Head of Service or Chief Officer.

2. Roles of Members and Officers

- 2.1 The respective roles of members and officers can be summarised as follows:

Both members and officers are servants of the public and they are indispensable to one another. Their individual responsibilities are, however, distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are employees of the Council and their job is to give advice to members and the authority, and to carry out the Council's work under the direction and control of the Council, the Cabinet and relevant committees, panels etc. Officers shall act in the best interests of the Council as a whole and shall not give partisan political advice. Mutual respect between members and officers is essential to good local government.

Members

- 2.2 Members have three main areas of responsibility: (1) determining the policy of the Council and giving it political leadership, (2) representing the Authority externally, and (3) acting as advocates on behalf of their constituents. It is not the role of members to involve themselves in the day-to-day management of the Council's services. Members should be careful to avoid involvement in internal office management, discipline and other employment related issues, as the actions of a member may be held to be the actions of the Council as an "employer".

Members of the Cabinet, Chairs and Vice-Chairs

- 2.3 Members of the Cabinet and chairs and vice-chairs of committees and panels have additional responsibilities. Their relationships with officers may be different from, and more complex than, those of members without those responsibilities and this is recognised in the expectations they are entitled to have.

Opposition Members

- 2.4 As individual members of the Council, all members have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of scrutiny and overview. Where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between officers (particularly those at a senior level in the Council) and the administration will differ from that with opposition groups. However, members in opposition still have the same rights and obligations in their relationships with officers and should be treated equally.

Officers

- 2.5 The role of officers is to give advice and information to members and to implement the policies determined by the Council.
- 2.6 Certain employees (i.e., the Head of Paid Service, Monitoring Officer and Section 151 Officer [Chief Finance Officer]) have responsibilities in law over and above their obligations to the Council and its members that they must be allowed to discharge.

3. Expectations

- 3.1 Members can expect from officers:

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- (a) a commitment to the Authority as a whole, and not to any political group;
- (b) a working partnership;
- (c) an understanding of, and support for, respective roles, workloads and pressures;
- (d) a timely response to enquiries and complaints;
- (e) professional advice, not influenced by political views or preference, which does not compromise the political neutrality of employees;
- (f) regular up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- (g) awareness of, and sensitivity to, the political environment;
- (h) respect, dignity and courtesy;
- (i) training and development in order to carry out their role effectively;
- (j) integrity, mutual support and appropriate confidentiality;
- (k) not to have personal issues raised with them by employees outside the agreed procedures;
- (l) that employees shall not use their relationship with members to advance their personal interests or to influence decisions improperly;
- (m) that employees shall at all times comply with the Officers' Code of Conduct.

3.2 Officers can expect from members:

- (a) a working partnership;
- (b) an understanding of, and support for, respective roles, workloads and pressures;
- (c) political leadership and direction;
- (d) respect, dignity and courtesy;

- (e) integrity, mutual support and appropriate confidentiality;
- (f) not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between members and officers, and the potential vulnerability of officers, particularly at junior levels;
- (g) that members shall not use their relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- (h) that members shall at all times comply with the local Code of Conduct.

4. Potential Issues

Working Relationships

- 4.1 It is clearly important that there should be close working relationships between all officers and members. However, such relationships should never be allowed to become so close or appear so close as to bring into question the individual's ability to deal impartially with others. Close personal familiarity between individual members and officers can damage professional relationships and can prove embarrassing to other members and officers. Situations should be avoided, therefore, that could give rise to suspicion and / or appearance of improper conduct or behaviour. This includes excessive socialising between members and officers, for example meeting on a social basis more than once per week. Provided these guidelines are observed, there is no reason why there should not be an informal atmosphere between members and officers outside formal meetings and events.
- 4.2 Any dealings between members and officers should be conducted with mutual trust, respect and courtesy and neither party should seek to take unfair advantage of their position. An employee who is one of their constituents may ask a member for advice and support. Employees are entitled to seek such assistance in the same way as any other member of the public. However, members should be careful not to prejudice the District Council's position in relation to disciplinary procedures or employment matters in respect of any employee. A member approached for help in such circumstances should first seek advice from the Monitoring Officer.
- 4.3 In seeking advice and support, members should have due regard to the seniority of the officer with whom they are dealing and recognise that, whilst officers owe an overriding duty to the Council as a whole, such duties are first owed to their respective line managers, Heads of Service and Chief Officers and not to any individual member. For this reason, members should not give

direct instructions to staff. In these circumstances, any requests should be given to the Head of Service or Chief Officer and not to a more junior officer.

- 4.4 Members shall also not pressurise any officer to change their professional opinion on any Council business matter or do anything that compromises, or which is likely to compromise, the impartiality of officers or those who work for, or on behalf of, the Council.

Constructive Criticism

- 4.5 It is an absolute requirement that councillors do not criticise officers personally or use, as councillors, intemperate language or conduct in public about reports or actions taken by officers. Officers are similarly constrained by their own code, by their employment provisions and by their requirement to maintain professional integrity. It is important that there should be mutual respect and courtesy between councillors and officers and that no councillor or officer should seek to take unfair advantage of their position
- 4.6 Councillors have the right to criticise reports or the actions taken by officers but they should always avoid personal attacks on officers and ensure that criticism is constructive, well-founded and likely to lead to improved performance in future, and does not seek to apportion blame

Appointments with Officers

- 4.7 Where possible, members should endeavour to make appointments to speak to all levels of officers so that workloads can be organised around such appointments. This also avoids encroaching on the officer's colleagues' time in dealing with queries they are not best placed to assist with in the absence of that officer. Equally, members should try to ask questions via e-mail or telephone rather than face-to-face meetings where possible. Members should also appreciate that responses to such queries may not always be immediate depending on the particular officer's work priorities. There should be no expectation among members that member queries will always be given priority over an officer's other work commitments. (See also paragraph 7 of this protocol (Members' enquiries)).
- 4.8 Members should ensure, where possible, that they speak to the correct level of officer for their query in the first instance and should avoid speaking to Chief Officers about issues that should be dealt with at a lower level. This is vital if Chief Officers are to be allowed the time to focus on their more strategic work. Members should speak to the contact centre in the first instance in order to be referred to the officer / service they need to speak to. Members should advise their residents to do the same, and only themselves get involved if there is a failure of service. Members may also refer to the intranet to establish which officer they need to speak to.

5. Accountability of Members / Officers under Scrutiny Arrangements

A scrutiny and overview committee may scrutinise and review decisions made by the Cabinet or actions taken by or on behalf of the Cabinet. As well as reviewing documentation, in fulfilling the scrutiny role, a scrutiny and overview committee may require the Leader, lead cabinet member, Chief Officer or Head of Service to attend before it as provided in the Scrutiny and Overview Procedure Rules.

6. Local Members

- 6.1 Local members have an important role to play in representing the District Council in the electoral Wards, responding to the concerns of their constituents, in meetings with partners and serving on external bodies and organisations.
- 6.2 It is essential for the proper running of the Council that there should be full consultation with local Ward members before decisions are taken which affect their electoral Wards. It is the duty of each Chief Officer and Head of Service to ensure that all relevant staff are aware of the requirements to consult, as set out in the Scheme of Delegation (Part 3 of the Constitution), and to keep local members informed and that the timing of such information allows members to contribute to those discussions. Local members should also be fully consulted and kept informed about matters affecting their Wards during the formative stages of policy development. Issues may affect a single electoral Ward but others may have a wider impact in which case numerous members will need to be consulted and kept informed.
- 6.3 Wherever a public meeting is organised by the Council to consider a local issue, all members representing the electoral Ward(s) affected should, as a matter of course, be invited to attend. Similarly, whenever the Council undertakes any form of consultation exercise, the local member(s) should be notified at the outset of the exercise.
- 6.4 If a local member is not sure how to handle a problem that has arisen in their Ward they may, if appropriate, seek guidance from their Group Leader or member colleagues before seeking advice from officers.

7. Members' Enquiries

- 7.1 The relationship between members and officers should be characterised by partnership, empowerment and trust. In order to ensure delivery of the Council's priorities and provision of high-quality public services it is essential that members and officers work in a collaborative and mutually supportive

manner. Officers should recognise the need for members to receive information in a timely manner in order to carry out their constituency roles. Members should likewise be appreciative of the competing demands on officer time.

- 7.2 Heads of Service are responsible for ensuring that members' enquiries are dealt with promptly and satisfactorily within their service areas.
- 7.3 Officers shall aim to provide a substantive response to members' enquiries within 2 working days of receipt. If a substantive response cannot be provided within that timescale, officers shall contact the member to explain the reason why and shall liaise with them regarding the timescale within which the full response shall be sent.
- 7.4 An officer shall raise with their Head of Service any enquiry which would impose a disproportionate burden on their work and, if necessary, further discussion shall then take place with the member concerned with a view to agreement of the approach to managing the response to the enquiry
- 7.5 Members' enquiries which fall within the remit of constituents' complaints shall be handled under the Council's Complaints Procedure.
- 7.6 The process outlined in this paragraph supplements members' statutory and common law rights to information as detailed in paragraph 10.

8. Political Groups

- 8.1 Political group meetings, whilst they form an important part in the preliminaries to Council decision-making, are not formal decision-making bodies of the District Council and, as such, 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 members and officers understand and interpret them accordingly.
- 8.2 Officer support to political groups shall not extend beyond providing information and advice in relation to Council business (not party-political business). It may be appropriate for officers to participate in discussions within political group meetings in relation to the professional advice they give. However, it is good practice for party political discussions and debates to take place and conclusions to be reached in the absence of officers, in order to avoid suspicion of impropriety or misunderstanding.
- 8.3 Officers shall respect the confidentiality of any political group discussions. Any breach of this part of the protocol shall be brought to the attention of the

Monitoring Officer for consideration. For the avoidance of doubt, it shall be recognised by all that, in discharging their duties, officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual members. Members shall, at all times, respect the political impartiality of officers and shall not expect or encourage officers to give a political view on any matter.

8.4 When an officer is requested to attend a political group meeting:

- (a) the request to attend shall be made through, and approved by, the appropriate Chief Officer;
- (b) such a request shall only be made in relation to Council business; and officers shall:
 - (i) provide relevant factual advice and assistance;
 - (ii) leave during the deliberations of the political group on the issues;
 - (iii) respect the confidentiality of any party group decisions at which they are present;
 - (iv) not champion, defend, action a request or spend any resources of the Council, or be held responsible for actioning in any way whatsoever the decisions of the political group(s), unless and until such decisions have become the formal decisions of the Council; and
 - (v) inform the other political groups, offering them the right of the same information.

9. Ceremonial Events

- 9.1 The Chair of the District Council, or in their absence the Vice-Chair, shall be the appropriate person to lead District Council ceremonial events and to represent the Council by invitation at ceremonial events of other organisations.
- 9.2 Local members should always be informed of, and where possible, invited to ceremonial events taking place within their own Wards.
- 9.3 Any member taking part in a ceremonial event shall not seek disproportionate personal publicity or use the occasion for party political advantage, bearing in mind that the member is representing the Council as a whole.

- 9.4 Members should always dress appropriately for a particular occasion, mindful of their community leadership role. The Chair of the Council shall oversee this obligation.

10. Access to Information and Documentation

- 10.1 The Access to Information Procedure Rules set out the rights of access for members.
- 10.2 Any member may request a private and confidential briefing from a senior officer on matters of policy, which have already been or may be discussed by the Council within its decision-making or advisory process. All such requests should be made to the appropriate Chief Officer or Head of Service and shall be subject to the exigencies of the service. Briefings should remain strictly confidential and are not to be shared with other members of the Council unless so permitted by the relevant member and officer.
- 10.3 Individual members may request any Chief Officer (or another senior officer) to provide them with factual information, which is necessary in pursuance of the proper performance of their duties. Such requests shall be reasonable and shall also recognise the need for officers to maintain the distinction between the cabinet and scrutiny processes.
- 10.4 As regards the legal rights of members to inspect Council documents, these are partly covered by statute and partly by common law. This is commonly known as the “need to know principle”.
- 10.5 Sometimes a member’s “need to know” will be presumed. For example, a member is unlikely to be refused an opportunity to inspect documents relating to the functions or activities of a member body on which they serve. At other times, for example when documents contain confidential information or personal information about a third party, the member will need to satisfy the relevant Chief Officer or Head of Service about their “need to know”.
- 10.6 If a Chief Officer or Head of Service considers the cost of providing the information requested, or the nature of the request to be unreasonable they should seek guidance from the Monitoring Officer as to whether the information should be provided. Where necessary, the Monitoring Officer shall determine whether the information should be provided.
- 10.7 Confidential information relating to casework should not normally be sought. If in exceptional circumstances members wish to discuss confidential aspects of an individual case then they shall first seek advice from the appropriate Chief Officer or Head of Service . If a member is already in possession of confidential information regarding a constituent then it is acceptable to discuss

this with the relevant officer in order to help bring about a satisfactory resolution to a situation.

- 10.8 Council information provided to a member shall only be used by the member for the purpose for which it was provided (i.e. in connection with the proper performance of the member's duties as a member of the District Council). Where confidential, personal or otherwise sensitive information is obtained by a member, they shall deal with that information in accordance with the Members' Code of Conduct.

11. Correspondence

- 11.1 E-mail relating to the Council shall be treated in the same way as formal business correspondence and its distribution considered accordingly. Members should restrict the distribution of e-mail correspondence to the intended recipients and refrain from using multi address distribution lists (for example e-mail replies copied to all members) unless there is good reason so to do. It should be noted that e-mail can be used for documentary evidence in matters such as disciplinary proceedings and libel cases even after it has been deleted.
- 11.2 Official correspondence on behalf of the Council shall normally be sent in the name of the appropriate officer, rather than in the name of a member. However, there are circumstances in which it is appropriate for correspondence to appear in the name of a member. For example, a local member may deal with correspondence with a local constituent in relation to a local matter in their name. Similarly, the Leader of the Council or a lead cabinet member may deal with correspondence concerning their area of responsibility in their name. Any member who receives correspondence should consider whether it is appropriate in the circumstances for it to be passed to an officer for a reply, or for them to reply in their name. The Chair of Council shall respond to correspondence addressed to them in consultation with the relevant officers. Any such correspondence should always have regard to the Council's policies, practices and procedures and any mechanisms, if appropriate, for changing them. A member is advised to seek advice, as necessary, from officers before sending any correspondence in their own name. Correspondence which creates legal obligations or gives instructions on behalf of the Council should never be sent out in the name of a member. Correspondence includes any communication by letter, fax or e-mail, texts, social media posts or other electronic means.

12. Support Services to Members and Party Groups

The only basis on which the Council can lawfully provide support services (e.g., stationery, typing, printing, photocopying and transport) to members is to assist them in discharging their duties as a district councillor. Such support services shall therefore only be used on Council business. They should never be used in connection with any party-political activity or self-promotion. Members are required to comply with the provisions of the Members' ICT User Agreement (inclusive of the Members' ICT and Information Security Policy) when accessing the Council's network and email systems and when using any ICT equipment provided by the Council.

13. Publicity and Media

Publicity

- 13.1 The Council wishes to encourage regular, open and two-way dialogue with its communities to ensure that the public are aware of the Council's activities, are informed about how to access services and are aware of opportunities for public participation in the democratic process.
- 13.2 The way information is publicised has changed significantly over time with online and social media being more prominent and instant. Messaging in publicity should be well considered as it is essential to ensure that local authority decisions on publicity are made in accordance with clear principles of good practice.
- 13.3 Officers and members of the Council shall, therefore, in making decisions on publicity, take account of the provisions of the national Code of Recommended Practice on Local Authority Publicity 2011. The Council's communications team can help to ensure publicity is timely, correct and targeted appropriately.
- 13.4 Particular care should be taken with Council publicity in the run-up to an election. Additional guidance is issued at these times to help members and officers. The guidance includes contacts in the Communications Team and Legal who can provide additional advice where necessary.

Media

- 13.5 Members wishing to publicise themselves or their political parties shall do so in an independent capacity without using Council resources.
- 13.6 When using Council email, or writing on behalf of the authority, correspondence should not include political comments or criticise Council

policy adopted by Full Council. If members wish to make political statements in correspondence, they shall not use Council communications channels or give the impression their views are those of the Council.

- 13.7 The Council's Communications Team provides a press office function on behalf of the Council. Press enquiries requesting information or a response on behalf of the Council should be referred to the Communications Team.

14. When Things Go Wrong

- 14.1 This protocol is designed to provide the framework within which members and officers work effectively together. However, the following process should be followed in the event of any difficulties arising.

Procedure for officers to follow when experiencing difficulties with members

- 14.2 From time to time the relationship between members and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or member, officers shall have recourse to a procedure whereby the complaint or grievance shall be referred to the Council's Monitoring Officer. An informal meeting shall then be arranged between the relevant member and officer, the member's group leader and the Chief Executive. The Chair of the Civic Affairs Committee may also be invited to attend where appropriate.

Procedure for members to follow when experiencing difficulties with officers

- 14.3 A member should not raise matters relating to the conduct, behaviour or capability of an officer in a manner that is incompatible with the objectives of this protocol. An officer has no means of responding to such criticism in public. If any member feels that they have not been treated with the proper mutual trust, respect or courtesy or have any concern about the conduct or capability of an officer, they should raise the matter, in private, with the relevant Head of Service. Any concerns with regard to a Head of Service or Chief Officer should be discussed in private with the Chief Executive. Where the officer concerned is the Chief Executive, the matter should be raised with the Chair of Council, Leader of the Council or Monitoring Officer, as appropriate to the circumstances. If the matter cannot be resolved informally it may be necessary to invoke the Council's Disciplinary Procedure.

Whistleblowing

14.4 Where an officer or councillor is concerned about potential unlawful conduct of an officer or councillor, the Council's whistle-blowing policy may also be relevant.

15. Interpretation

Questions of interpretation of this protocol shall be determined by the Monitoring Officer.

Part 6: Members' Allowances Scheme

Members’ Allowances Scheme

Contents

1. Introduction
2. Definitions
3. Basic Allowance
4. Special Responsibility Allowances
5. Renunciation
6. Part-year Entitlements
7. Dependants’ Carers’ Allowance
8. Travelling Allowances
9. Subsistence Allowances
10. Allowances for Independent Members
11. Pensions
12. Claims and Payments
13. Publicity
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Schedule 1 – Schedule of Allowances

Schedule 2 – Approved Duties

Members' Allowances Scheme 2019/20

1. Introduction

- 1.1 The South Cambridgeshire District Council, on 26 September 2019 agreed to increase the basic allowance by the equivalent percentage amount as the Council agreed to apply to the pay rates of council staff with effect from 1 April 2019. The Council also agreed amendments to special responsibility allowances effective from 26 September 2019. The Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) [and Amendment] Regulations 2003, hereby makes the following scheme:
- 1.2 This scheme may be cited as the South Cambridgeshire District Council Members' Allowances Scheme and shall have effect from 1 April 2019 in respect of the basic allowance and from 26 September 2019 for all other allowances.

2. Definitions

- 2.1 In this scheme,
 - (a) "councillor" means an elected member of the South Cambridgeshire District Council;
 - (b) "year" means the 12 months ending on 31 March 2020.

3. Basic Allowance

- 3.1 Subject to paragraph 6, for each year a basic allowance of £5,010 shall be paid to each councillor, which includes £692 towards expenses. This is intended to cover time spent in attendance at meetings and with constituents, parish council meetings and the cost of telephone / internet calls from home. It is assumed that some elements of the work of councillors are undertaken on a voluntary basis.

4. Special Responsibility Allowances

- 4.1 Each year, a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority as specified in schedule 1 to this Scheme.
- 4.2 No councillor may normally receive more than two special responsibility allowances.
- 4.3 Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in schedule 1 to this Scheme.

5. Renunciation

- 5.1 A councillor may, by notice in writing given to the Chief Executive, elect to forgo any part of their entitlement to an allowance under this scheme.
- 5.2 A councillor not wishing to receive their allowances may nominate a charity to which they may be paid.

6. Part-year Entitlements

- 6.1 The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic and special responsibility allowances or a member to co-optees' allowances where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility is payable, or the member's appointment begins or ends.
- 6.2 If an amendment to this scheme changes the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance or adds or deletes entitlement to a special responsibility allowance then, in relation to the period following the amendment, the entitlement to such an allowance shall be in the same proportion as that period bears to the relevant municipal year.
- 6.3 Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance shall be in the same proportion as the term of office bears to the relevant municipal year.
- 6.4 Where a councillor has during part of, but not throughout, a year such special responsibilities as entitles them to a special responsibility allowance, that

councillor's entitlement shall be in the same proportion as the period of special responsibility bears to the relevant municipal year.

- 6.5 Where the appointment of a member (a person not an elected member of the authority but a member of a committee or sub-committee of the authority) begins or ends otherwise than at the beginning or end of a year, the entitlement of that member to a co-optees' allowance shall be in the same proportion as the term of office as member bears to the relevant municipal year.

7. Dependants' Carers' allowance

- 7.1 A carers' allowance may be claimed by a councillor where additional expenditure is incurred on childcare or care for a sick or dependent relative to facilitate fulfilment of approved Council duties. Payments will cover the period of the qualifying duty and the travelling time to and from the councillor's home and the location of the duty.
- 7.2 Meetings or activities that qualify for the allowance will be those specified on the list of approved duties attached at schedule 2 to this Scheme; attended as of right or by invitation.
- 7.3 Reimbursement of expenditure will be restricted:
- (a) in the case of childcare to children up to their fourteenth birthday who normally reside with the councillor.
 - (b) in the case of a sick or dependent relative to care which would otherwise be carried out by the councillor.
 - (c) normally, to payments made to persons providing care other than a close relation or a person normally resident at the councillor's home.
- 7.4 It is the responsibility of the councillor employing the carer to ensure that they are suitably qualified to provide the care required.
- 7.5 Payments will reimburse actual expenditure up to a maximum hourly rate set by the Council. The maximum hourly rate set by the Council for the period up until to 31 March 2020 is £15.47.

8. Travelling Allowances

- 8.1 Travelling allowances may be claimed by councillors or independent members (with the meaning as in paragraph 10.1) for necessary travel from home to undertake approved duties as contained in the list at schedule 2 of this Scheme.

8.2 Details of rates and other provisions are listed in schedule 1 to this Scheme.

9. Subsistence Allowances

9.1 Subsistence allowances may be claimed by councillors or independent members (with the meaning in paragraph 10.1) where carrying out an approved duty involves an absence from home of more than 4 hours, including specified hours.

9.2 Details of rates and other provisions are listed in schedule 1 to this Scheme.

10. Allowances for Independent Members

10.1 Each year an allowance shall be paid to the Independent and Deputy Independent Members of Council, who have been appointed to help oversee that Council’s Code of Conduct.

10.2 Subject to paragraph 6, the allowances for the year shall be:

Independent Member	£1,060
Deputy Independent Member	£530

11. Pensions

Following a change in the law, councillors are no longer entitled to join the Local Government Pension Scheme.

12. Claims and Payments

12.1 Payments shall be made in respect of basic, special responsibility and co-optees’ allowances, subject to sub-paragraph 12.2, in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month, except that co-optees may select an alternative means of payment;

12.2 Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 6, they are entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which they are entitled.

12.3 Claims for dependants' carers' and travel and subsistence allowances under this Scheme will need to be submitted in writing no later than the 14th of the month in which they are to be paid and shall be submitted by one month of the end of the relevant financial year to which the claim applies. Claims for carers' allowance shall be accompanied by a receipt signed by the carer. Claims for travel and subsistence allowance shall be accompanied by relevant VAT receipts.

12.4 Claims may not be made from two bodies for the same meeting nor travel expenses claimed for the same journey from two or more bodies where different meetings are attended on the same day. Claims shall be accompanied by a statement that the councillor has not made and will not make any such other claim.

13. **Publicity**

As soon as practicable after the end of each year, arrangements will be made for the publication within the area of South Cambridgeshire of the total sum paid in that year under this Scheme to each member in respect of each of the following, namely, basic allowance, special responsibility allowance, dependants' carers' allowance, travelling and subsistence allowance and co-optees' allowance.

14. **Annual Review**

14.1 Annual adjustments may be indexed for up to four years, subject to an annual review by an independent remuneration panel of any changes in responsibilities.

14.2 The Council, at its meeting held on 26 September 2019, agreed that the basic allowance shall be increased annually in line with the Council's staff pay award to the end of the 2021/22 financial year and that special responsibility allowances shall also be increased annually in line with increases to the basic allowance to the end of that financial year.

Schedule 1: Schedule of Allowances

The following rates apply until 31 March 2020:

1. Basic Allowance

£4,318 plus expenses of £692 (£5,010 total) towards the cost of purchase of office sundries other than those provided by the Council, telephone calls etc.

2. Special Responsibility Allowances

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, and the amounts of those allowances:

Position with Special Responsibility Allowance	£	£
Leader of the Council	11,220	-
Deputy Leader (Statutory)	8,290	-
Cabinet Member	7,650	-
Major Opposition Group Leader	3,800	-

-	Chair	Vice-Chair
Council Allowances for Chair of Council	4,240	2,120
Committees Scrutiny & Overview Committee	3,800	1900
Planning Committee	6,360	3,180
Audit and Corporate Governance Committee	2,120	-
Licensing Committee	1,060	-
Civic Affairs Committee	1,060	-
Employment and Staffing Committee	1,060	-
Grants Advisory Committee	1,060	-
Climate Change & Environment Advisory Committee	1,060	-
Committee Members Planning	500	-
Scrutiny & Overview	250	-
Licensing*	250	-
Grants Advisory	125	-
Cambridgeshire and Peterborough Combined Authority Executive Board	5,010	-
Overview & Scrutiny	1,253	-
Audit and Governance	501	-
Greater Cambridge Partnership Executive Board Chair	2,505	-
Executive Board Member	2,505	-
Assembly Member	752	-
Independent Members' Allowances	-	-
Independent Member	1,060	-
Deputy Independent Member	530	-

*Must attend 4 or more panels per year to receive allowance

3. Dependants' Carers' Allowances

Reimbursement of actual cost up to a maximum hourly rate of £15.47. This allowance may be claimed for attendance as a district councillor at a parish council meeting.

4. Travel Allowances

4.1 Private transport rates

Motor Vehicles	cc of vehicle	rate per mile	without VAT receipt
-	All vehicles	45.0p	43.49p
Motorcycles	All vehicles	24.0p	22.64p
Bicycles	-	20.0p	20.0p

4.2 A supplement of not more than 5p per mile may be added for each passenger, payable to a maximum of four.

4.3 The Council will normally pay mileage for the most direct route between relevant points.

5. Public and other Transport

5.1 Travel by public transport will be reimbursed at the ordinary or any available cheap fare rate and tickets shall be attached to the claim form.

5.2 The cost of travel by taxi may be reimbursed in exceptional circumstances (e.g.: where there is no other useable alternative) and the Chief Executive or their nominee shall be advised (where practicable) in advance of the journey. Should prior approval not be practicable, actual reasonable costs may be met on the production of receipts but only with the approval of the Chief Executive (or their nominee).

6. Subsistence Allowances

6.1 Councillors may claim the actual amount spent up to the following sums:

Breakfast:£6.88

(more than 4 hours away from normal place of residence before 11am)

Lunch: £9.50

(more than 4 hours away from normal place of residence including the period 12 noon to 2pm)

Tea: £3.76

(more than 4 hours away from normal place of residence including the period 3pm to 6pm)

Evening meal: £11.77

(more than 4 hours away from normal place of residence ending after 7pm)

(Rates equivalent to the prevailing National Joint Council for local government employees)

- 6.2 Receipts are required in support of claims.
- 6.3 Where breakfast, lunch or evening meal is necessarily taken on a train and the other qualifying conditions are fulfilled, reimbursement may be made in full.
- 6.4 Refreshments may be purchased from the staff room. Where there is entitlement to reimbursement as above, the refreshments shall be ordered through an appropriate officer, in which case the Council will bear the cost directly.
- 6.5 Any claim will be reduced by an appropriate amount in respect of any meal provided free of charge by the Council or other body during the same period as the claim covers.

7. Overnight Subsistence

- 7.1 Where the total period of absence from home on approved duties, exceeds 24 hours, and the Council has booked or paid for the accommodation on behalf of the councillor, actual expenditure on bed and breakfast accommodation will be reimbursed, up to a maximum of £130 per night.
- 7.2 The maximum allowance is increased to £150 for an overnight stay in London.
- 7.3 An out-of-pocket allowance of £4 per night may be claimed in addition.
- 7.4 Subsistence for other meals may be claimed in accordance with the provisions for meal subsistence allowances above.

Schedule 2: Approved Duties

Members are eligible to claim travelling and subsistence allowances for all duties carried out for the purposes of, or in connection with, the discharge of the functions of the Council, the Cabinet or any of its committees or sub-committees and other duties as authorised by any two of the Chair of Council, the Chief Executive, Chief Finance Officer or Leader.

For guidance, claims will automatically be allowed for:

1. Attendance at all internal meetings, including seminars
2. Attendance as an authorised representative of the Council at meetings of outside bodies (except where that body pays expenses to representatives)
3. Attendance at meetings authorised by the Council
4. Attendance as the Council's representative at joint meetings of local authorities, government bodies or a local authority association
5. Attendance at approved conferences and training sessions
6. Authorised duties on behalf of the Council in relation to the inspection of premises
7. Duties carried out by Cabinet members and chairs and vice-chairs for the necessary exercise of the functions of the post
8. Duties carried out as a Ward member at the request of Council or one of its constituent parts
9. The Dependents' Carers' Allowance may be claimed for attendance as a district councillor at a parish council meeting.

The Council will not pay allowances for:

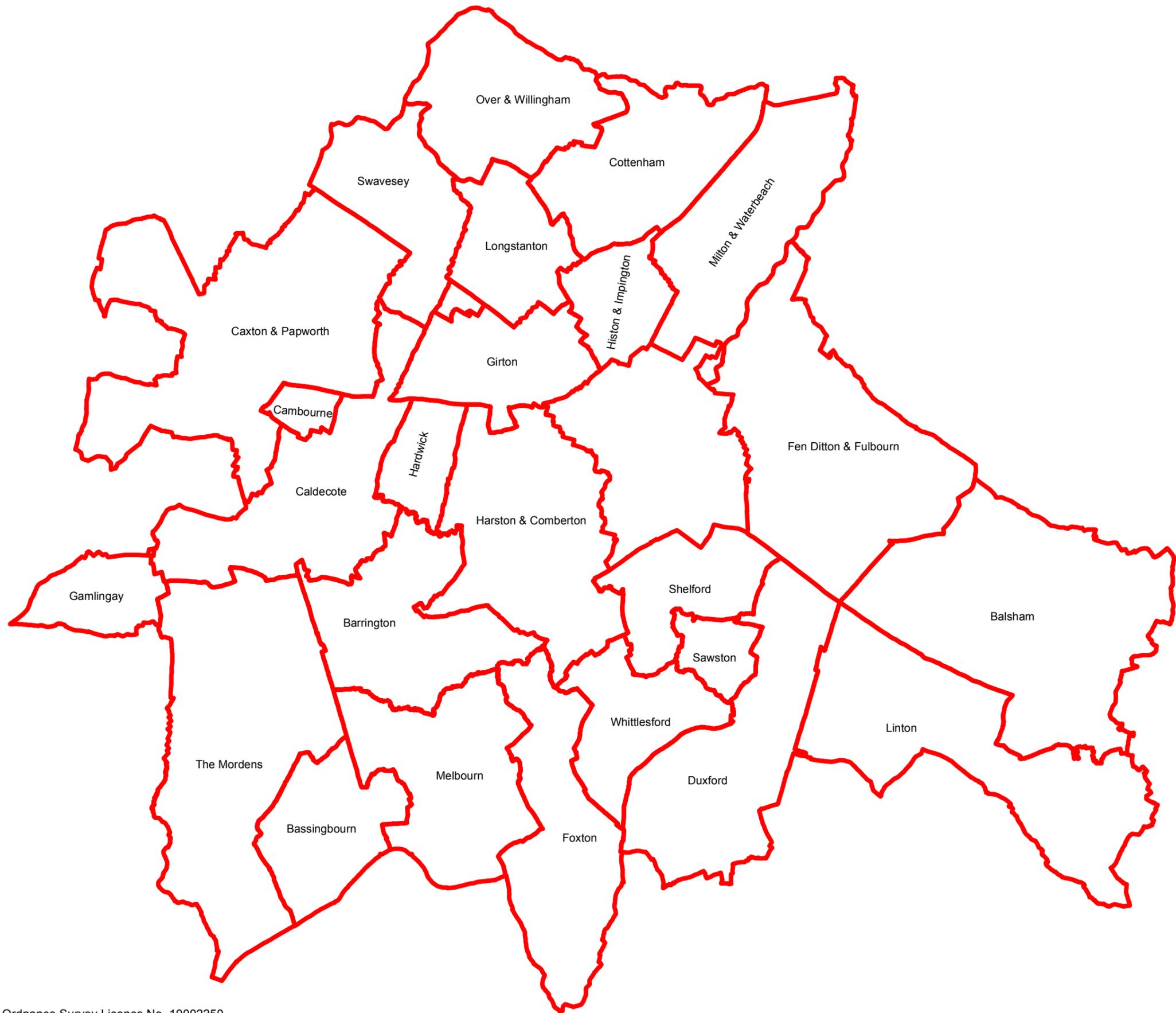
1. Attendance at meetings of a single political group
2. Attendance at the Chair's Reception and similar functions
3. Attendance at parish council meetings.

Part 7: Management Structure

The Council's management structure is published on our website and may be inspected via the following link:

[South Cambridgeshire District Council Management Structure](#)

Part 8: Map of South Cambridgeshire District



South Cambridgeshire Wards 2019



**CONSTITUTION
OF
SOUTH CAMBRIDGESHIRE
DISTRICT COUNCIL**

February 2020

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Commented [A1]: H, I, O, P, Q and T moved to Ethical Handbook

DEFINITIONS

In this Constitution, unless it appears to the contrary, the following words and phrases shall have the meanings set out below:

Commented [A1]: Replaced by glossary

~~“Closely connected” means related to or is maintaining or has maintained a friendship or personal relationship with a member, co-opted member or officer of any of the relevant authorities where a reasonable person would conclude that that relationship would influence his or her judgement, or to or with a person who has been appointed to any committee, sub-committee, joint committee or joint sub-committee of any of the relevant authorities (other than a Civic Affairs Committee or subcommittee).~~

~~“Level” means a monetary amount or value, adjusted from time to time by the Chief Finance Officer in line with inflation rates in accordance with Contract Standing Order 23. Different Levels may be designated with separate corresponding values. The following shall be the designated values of the respective levels until further notice of adjusted values is given to Council~~

Level 1	£5,000.00
Level 2	£25,000.00
Level 3	£50,000.00
Level 4	£120,000.00

~~A “key decision” is one which:~~

- ~~1. is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or~~
- ~~2. is likely to be significant in terms of its effects on communities living or working in an area of the District comprising two or more wards; or~~

~~“Policy” includes plan, strategy and, where the context admits, established practice or procedure whether or not formally prescribed or approved by the Council or the Executive. Where there is no formally prescribed or approved policy bearing upon any decision falling to be made it shall be deemed to have been made in accordance with policy if~~

- ~~(a) it complies with the rules of procedure, the principles of decision making set out in Article 13.02 and the corporate objectives of the Council set out in Article 1.04;~~
- ~~(b) it conforms with relevant Best Value service objectives and / or targets; and~~
- ~~(c) it is not inconsistent with any relevant decision of the Council or the Executive~~

~~Where there is doubt by any person making any decision whether these criteria are met, the Chairman of the Scrutiny and Overview Committee shall be consulted.~~

~~“Standing Orders Regulations” means The Local Authorities (Standing Orders) (England) Regulations 2001 [SI No.3384] or any statutory modification thereto.~~

~~“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 sanction by the group in respect of that councillor should he/she speak or vote on any particular matter.~~

~~A "**Decision**" is when an issue is ultimately decided by the appropriate decision-maker. A recommendation is not a decision.~~

~~PART~~Part 1: SUMMARY AND EXPLANATION

~~1.~~ Summary and Explanation

2.1. The Council's What is the Constitution?

2.1.1.1. The South Cambridgeshire District ~~Council~~Council's

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

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

What is in the Constitution?

~~Article 1 of the Constitution commits the Council to certain corporate objectives.~~

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

- ~~• Members of the Council (Article 2).~~
- ~~• Citizens and the Council (Article 3).~~
- ~~• The Council meeting (Article 4).~~
- ~~• Chairing the Council (Article 5).~~
- ~~• Overview and scrutiny of decisions (Article 6).~~
- ~~• The Executive (Leader and Cabinet) (Article 7).~~
- ~~• Regulatory and other committees (Article 8).~~
- ~~• The Civic Affairs Committee (Article 9).~~
- ~~• Area Committees / Area Forums (Article 10).~~
- ~~• Joint arrangements (Article 11).~~
- ~~• Officers (Article 12).~~
- ~~• Decision making (Article 13).~~
- ~~• Finance, contracts and legal matters (Article 14).~~
- ~~• Review and revision of Constitution (Article 15).~~
- ~~• Suspension, interpretation and publication of the Constitution (Article 16).~~

3.2. How the Council operates

3.1.2.1. The Council ~~is composed~~consists of 45 councillors elected every four years. ~~These matters are subject to periodical electoral review by the Electoral Commission.~~ Councillors are democratically accountable to residents of their ~~ward~~Wards. The overriding duty of councillors is to

the whole community, but they have a special duty to their constituents, including those who did not vote for them.

3.2.2.2. Councillors ~~have to~~must agree to follow a code of conduct to ensure high standards in the way they undertake their duties. ~~The Civic Affairs Committee trains and advises them on the code of conduct.~~

3.3.2.3. All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's ~~overall planning and other policies~~policy framework and set the budget each year. The Council elects the Leader of the ~~Executive Council~~ and the ~~Chairman~~Chair and Vice-~~Chairman~~Chair of the Council by secret ballot.

3.4.2.4. The remaining members of the Executive, or 'Cabinet', are appointed by the Leader, who ~~will~~must also appoint a Cabinet member to be the Deputy Leader.

3.5.2.5. Cabinet members hold office until they resign, are no longer councillors or are removed by the Leader. The Council ~~can~~may remove the Leader ~~or the whole Executive~~ under certain circumstances. (Article 7.3 refers)

2.6. ~~Many of the day-to-day functions of the Council are dealt with under powers delegated to the Executive and to officers but standing committees of the Council have specific responsibilities: Civic Affairs Committee has the overall responsibility of training members and officers in conduct in public life and encouraging highest standards and integrity; Planning Committee deals with conservation and planning applications and the enforcement of conservation and planning control (but not the formulation of conservation and planning policy); Licensing Committee discharges all the Council's statutory licensing functions. The~~ The Council also appoints committees, some of which carry out regulatory functions which by law may not be the responsibility of the Cabinet, for example planning and licensing.

~~Scrutiny and Overview Committee scrutinises all aspects of the work of the Executive and the delivery of Council services and also leads on the development on new policies and revisions to existing ones.~~

4.3. **How Decisions Are Made**

4.1.3.1. The ~~Executive is the part of the Council which~~Cabinet is responsible for most day-to-day decisions. The ~~Executive~~Cabinet is made up of ~~up to ten members comprising~~ the Leader and up to nine other councillors. When major decisions, known as key decisions, are to be discussed or made, these are published in the ~~Executive's forward plan~~Cabinet's Notice of Key Decisions in so far as they can be

anticipated. If these ~~major~~key decisions are to be discussed with council officers at a meeting of the ~~Leader and~~ Cabinet, this will generally be open for the public to attend, except where personal or confidential matters are being discussed. The ~~Executive has to~~Cabinet shall make decisions which are in line with the Council's overall ~~polices~~policy framework and budget. If it wishes to make a decision which is outside the budget or policy framework, this ~~must~~shall be referred to the Council as a whole to decide.

4. Scrutiny and Overview~~Meetings~~

~~The Council shall appoint at least one scrutiny and overview committee which may pre-scrutinise and review the decisions of the Council Cabinet. Scrutiny and the Council's overview committees are open to the may make reports and recommendations to the Cabinet and to the Council on policies, budget and service delivery. They may involve non-councillors from other public except where personal or confidential matters are being discussed.~~

Scrutiny and Overview

~~4.2.4.1. The Scrutiny and Overview Committee supports the bodies, voluntary and community groups in their work of the Leader and Cabinet and the Council as a whole. It allows citizens to have a greater say in Council matters by holding inquiries and undertake enquiries into matters of local concern. These lead to reports and recommendations which advise the Leader and Cabinet and the Council as a whole on its budget and service delivery. Scrutiny and overview committees also monitor the decisions of the Cabinet and can scrutinise targeted policies. The Scrutiny and Overview Committee also monitors the decisions of the Leader and Cabinet. The Chairman of the Scrutiny and Overview Committee or any 5 councillors can, in certain circumstances, request 'may call-in' of a decision which has been made by the Executive, but not yet implemented. This enables it them to consider whether the decision is appropriate. The Scrutiny and Overview Committee They may recommend that the Executive Cabinet reconsider the decision. #Scrutiny and overview committees may also be consulted by the Executive Cabinet or the Council on forthcoming decisions. The Partnerships Review Committee also sits under the Council's scrutiny and overview function and will scrutinise, challenge and hold decision-takers to account on those issues considered as external, which may or may not involve formal partnerships. The committee will therefore liaise with external organisations operating in the area of South Cambridgeshire, whether national, regional or local, to ensure that the interests of local people are best served.~~

5. The Council's Staff Officers

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

6. Citizens' Rights

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

Where members of the public use specific council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend all meetings of the Council and the Cabinet; most meetings of the Council committees except where, for example, personal or confidential matters are being discussed;
- speak at open meetings of the Partnerships Review Committee and Scrutiny and Overview Committee, subject to;
- at the discretion of the Chairman, ask of members of the Leader and Cabinet at Council meetings;
- petition to request a referendum;
- find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- attend meetings of the Executive where key decisions are being discussed or decided;
- complain to the Council about any matter concerning the delivery of any service, what the Council has done or not done or the way any citizen has been treated;
- complain to the Ombudsman if they think the Council has not followed its procedures properly; however, they should only do this after using the Council's own 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;
- inspect the Council's accounts and make their views known to the external auditor;
and

inspect and take copies of reports, agendas and minutes of meetings of the Council and its standing committees, and the Executive, unless they are exempt from disclosure or confidential. There will be a reasonable charge for copies.

~~PART 2: ARTICLES OF THE CONSTITUTION~~

Part 2: Articles

Article 1: The Constitution

~~1.01 — Powers of the Council~~

~~1 The Council will exercise all its powers and duties in accordance with the law and this Constitution having, at all times, regard to the corporate objectives of the Council set out in Article 1.04.~~

~~1.02 — The Constitution~~

~~This Constitution, and all its appendices, is the Constitution of the South Cambridgeshire District Council.~~

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no one ~~will~~shall 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 ~~;~~ and

- (i) set out the Codes and Protocols to ensure that the Council operates in accordance with the principles of public life (set out in Part 5, ~~Section E~~).

1.031.2 Powers of the Council

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

1.3 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council ~~will~~shall always choose that option which it thinks is closest to the purposes stated above. The Council shall monitor and evaluate the operation of the Constitution as set out in Article 15.

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

~~1.04 Corporate Objectives: Our Vision, Values, Corporate Aims and Objectives~~

~~The Council will agree, publicise and review its corporate objectives to which it shall have regard in exercising all its powers and duties.~~

~~Council has adopted the following Vision, Values and Corporate Aims:~~

~~Our Long-term Vision:~~

~~South Cambridgeshire will continue to be the best place to live, work and study in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment.~~

~~Our Values:~~

~~We will demonstrate our corporate values in all our actions. These are:~~

- ~~• Trust~~
- ~~• Mutual respect~~
- ~~• A commitment to improving services~~
- ~~• Customer service~~

~~Our Corporate Aims:~~

~~**Engagement** — We will engage with residents, parishes and businesses to ensure we deliver first class services and value for money.~~

~~**Partnerships** — We will work with partners to create opportunities for employment, enterprise, education and world-leading innovation.~~

~~**Wellbeing** — We will make sure that South Cambridgeshire continues to offer outstanding quality of life for our residents.~~

~~The Council has adopted specific actions that will deliver the aims and approaches.~~

Article 2: Members of the Council

2.011 Composition and Eligibility

- (a) **Composition.** The Council ~~will comprise~~consists of 45 ~~members, otherwise called~~ councillors; ~~one.~~ One or more councillors ~~will~~shall be elected by the voters of each ~~ward~~Ward in accordance with a scheme approved by the ~~Electoral~~Boundary Commission for England.
- (b) **Eligibility.** Only registered voters of the district or those living or working there ~~will~~shall be eligible to ~~hold~~stand for the office of councillor.

2.022 Election and Terms of Councillors

The ~~ordinary~~regular election of all councillors ~~will~~shall be held on the first Thursday in May every four years beginning in 2018, ~~subject to any regulation by the Electoral Commission arising from any periodic electoral review.~~ The terms of office of councillors ~~will normally~~shall 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.~~

A councillor shall cease to be a councillor if:

- (a) they resign by giving written notice to the proper officer (such resignation to take effect upon the receipt of such notice by the proper officer); or
- (b) they fail to attend meetings of the Council for a period of six months, unless the failure was due to a reason approved by the authority; or
- (c) they cease to be qualified to be a member of the authority or become disqualified from being a member of the authority; or
- (d) they come to the end of the term of office for which they were elected and have not been re-elected.

2.033 Roles and Functions of All Councillors

- (a) **Key roles.** All councillors ~~will~~shall:
- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and ~~bring their views into the Council's~~ encourage community participation and involvement in decision - making process, i.e., become the advocate of and for their communities;
 - (iii) deal with individual casework and act as ~~an advocate~~advocates for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within the ~~ward~~Ward and represent the ~~ward~~Ward as a whole;
 - ~~(v) be involved in decision-making;~~
 - (v) participate in the governance and strategic management of the Council;
 - (vi) be available to represent the Council on other bodies; and
 - (vii) maintain the highest standards of conduct and ethics.

~~Detailed role descriptions for all councillors can be found in Part 5, Section J below.~~

- (b) **Rights and duties**

- (i) Councillors ~~will~~shall have ~~such~~ rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors ~~will~~shall 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.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.044 Conduct

Councillors ~~will~~shall at all times observe the Members’ Code of Conduct and Protocol on Member-/Officer ~~relations~~Relations set out in Part 5 of this Constitution and ~~will~~shall have regard to the Procedural Guidance for members of Planning and Licensing Committees contained in the Ethical Handbook.

2.055 Allowances

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

2.066 Recognition of political groups

Members shall be entitled to join political groups. In accordance with the Local Government (Committees and Political Groups) Regulations 1990, a political group shall be treated as constituted when there is delivered to the ~~Chief Executive~~Proper Officer a notice in writing which:

- (a) is signed by two or more members of the Council who wish to be treated as a political group;
- (b) states that members of the Council who have signed wish to be treated as a political group;
- (c) states the name of the political group;

- (d) states the name of the member who shall be the Leader of the political group.

2.077 Definitions of Controlling and Opposition Groups

The political group or groups of the Council whose members have been appointed to the Cabinet by the Leader of the Council shall be identified as the Controlling Group or Groups. For the purposes of political control, the Cabinet shall collectively be identified as the Executive.

The political group with the largest number of seats on the Council and whose members have not been appointed to the Cabinet by the Leader of the Council shall be identified as the Major Opposition Group.

Other political groups with seats on the Council and whose members have not been appointed to the Cabinet by the Leader of the Council shall be identified as Minor Opposition Groups.

2.8 Leader of the Major Opposition Group's report to Council

The Leader of the Major Opposition Group may make a report to the Annual Meeting of Council ~~on his / her group's activities over the year.~~

Article 3: Citizens and the Council

3.011 Citizens' Rights

Citizens have the following rights. ~~Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.~~

(a) Voting and Petitions

- (i) Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for ~~an elected mayor form of~~ Constitutiona different form of governance and to vote in any local referendum in respect of an increase in the local authority's precept.

~~(ii) — Citizens have the right, subject to limitations set out in Petitions—
Procedural Guidance in Part 5: Codes and Protocols, to submit
petitions to the Council on matters of concern.~~

(b) **Information**— Citizens have the right to:

(i) attend meetings of the Council, Cabinet and ~~its~~ committees, except where confidential or exempt information is likely to be disclosed, and the meeting, or part of it, is therefore held in private. ~~If the Chairman agrees, questions may be asked of any member of the Executive at ordinary meetings of the Council;~~

~~(ii) — attend formal meetings of the Cabinet and most meetings of Council committees except when confidential or exempt information is likely to be disclosed;~~

~~(iii)~~(ii) find out from the ~~forward plan what~~on-line Notice of Key Decisions which key decisions ~~will~~are due to be taken by the ~~Executive~~Cabinet, or a Lead Cabinet member, and when;

~~(iv)~~(iii) see reports and background papers, and any records of decisions made by the Council, ~~standing committees and the Executive and ask for copies of these, but must pay a reasonable copying charge~~Cabinet or committees, except where they contain confidential or exempt information; and

~~(v)~~(iv) inspect the Council's accounts and make their views known to the external auditor.

(c) **Participation**— Citizens have a right to ~~contribute to investigations by~~submit petitions in accordance with the ~~Partnerships Review Committee or Scrutiny~~Council's petitions scheme and ~~Overview Committee and a right to speak at these meetings with~~to ask questions or make statements in accordance with the framework set out in the ~~Scrutiny and Overview Procedure Rules in Part 4 and the Guidelines for~~Council's public addressing the ~~Partnerships Review Committee and Scrutiny and Overview Committee in Part 5: Codes and Protocols~~speaking scheme.

(d) **Complaints**. Citizens have the right to complain to:

(i) the Council itself under its complaints scheme;

- (ii) the Ombudsman after using the Council's own complaints scheme:
- (iii) the Monitoring Officer about a breach of the Members' Code of Conduct.

3.02 — Citizens' Responsibilities

~~Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the council, councillors or officers.~~

~~(Citizens' rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.)~~

3.2 Citizens' Conduct

~~Citizens are expected to treat councillors, officers and others providing services with respect. The Council will not tolerate abusive or threatening behaviour or damage to Council property. The Council asks that citizens remain polite and patient and use the complaints procedure if aggrieved.~~

Article 4: The Full Council

4.1 The Full Council

~~The Full Council is a quorate meeting of the 45 councillors representing Wards in South Cambridgeshire District Council. It is chaired by the Chair of the Council and managed in accordance with the formal Standing Orders in Part 4 of this Constitution. The quorum required for a meeting of the Full Council is specified within the Council Standing Orders.~~

4.2 Functions of the Full Council

~~Only the Full Council shall exercise the following functions:~~

- ~~(a) adopting and changing the Constitution, other than Tables 4 and 5 in Part 3;~~

(b) approving or adopting the **policy framework**, the **budget** with the exception of the calculation and approval of the council tax base, which is delegated to the Chief Finance Officer, and any application to the Secretary of State in respect of any **Housing Land Transfer**;

~~4.01~~ **Meanings**

For the purposes of (b) above,

(i) **Policy Framework.** The policy framework means the following plans and strategies:

- i. Annual Pay Policy Statement;
- ii. Corporate plan, setting out the Council's key objectives;
- iii. Climate Change Action Plan (or equivalent strategic document);
- iv. Plans and strategies which together comprise the South Cambridgeshire Local Plan (submission and ~~Adoption~~ adoption);

v. Approval of Development Plan Documents;

~~v.vi.~~ vi. The plans and strategies which comprise the Housing Investment Programme, including the Housing Revenue Account Strategy and Business Plan;

~~Member Development Strategy~~

vii. Statement of Licensing Policy, Licensing Act 2003 ~~policy and~~;

~~vi.viii.~~ viii. Gambling Act 2005 ~~policy.~~ Statement of Principles; and

~~vii.ix.~~ ix. Risk Management Strategy.

- (ii) **Budget.** ~~Including~~The budget means the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and council house rents and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

- (iii) **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.

~~4.02 Functions of the Full Council~~

~~Form~~

~~Only the full Council shall exercise the following functions:~~

~~(a) adopting and changing the Constitution, other than Tables 2B and 3 in Part 3;~~

~~(b)(a) approving or adopting the **policy framework**, the **budget** with the exception of the calculation and approval of the council tax base, which is delegated to the Chief Finance Officer, and any application to the Secretary of State in respect of any **Housing Land Transfer**;~~

(c) approving discretionary acquisitions and disposals not otherwise authorised under any delegation;

(d) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a

manner which would be contrary to the policy framework or contrary to / or not wholly in accordance with the budget;

(e) appointing the Leader and, in certain circumstances, removing the Leader ~~and removing members of the Cabinet;~~

~~(b)~~ agreeing and / or amending the terms of reference for:

- ~~• the Council's regulatory committees and working parties:~~
 - ~~• Planning Committee~~
 - ~~• Licensing Committee (but not the Licensing Committee (2003 Act))~~
 - ~~• Civic Affairs Committee~~
 - ~~• Employment and Staffing Committee~~
 - ~~• Audit and Corporate Governance Committee~~
 - ~~• Any other regulatory committee or group set up by Council~~
- ~~• Partnerships Review Committee~~
- ~~• Scrutiny and Overview Committee~~

(f) ~~and,~~ deciding on their composition and making appointments to them;

(g) appointing representatives to outside bodies unless where the appointment ~~is an executive function or~~ has not been delegated by the Council;

(h) adopting an allowances scheme under Article 2.055 (Members' Allowances);

~~(c)~~ ~~changing the name of the area;~~

~~(i) appointing the electoral registration officer and the returning officer; changing the name of the District; petitioning for borough status and conferring honorary titles; functions relating to a change in governance arrangements and the passing of a resolution to change the electoral scheme (the electoral cycle);~~

~~(j)~~ (i) confirming the appointment of the head ~~Head~~ of ~~paid service and other matters relating to the employment and dismissal of Chief Officers and Directors, as set out in the~~ Paid Service, the Monitoring Officer Employment Procedure Rules; and the Chief Finance Officer (Section 151 Officer) and taking the final decision to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer.

~~(j)~~(k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

~~(k)~~(l) electing the ~~Chairman~~Chair and Vice-~~Chairman~~Chair of the Council;

~~(j)~~(m) adopting a Code of Conduct and agreeing any amendments to it.

~~(m)~~(n) exercising all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and

~~(n)~~(o) exercising all other matters which, by law, ~~must~~shall be reserved to Council.

4.033 Council Meetings

There are three types of Council meeting:

- (a) The annual meeting;
- (b) Ordinary meetings;
- (c) Extraordinary meetings.

~~and they will~~Council meetings shall be conducted in accordance with the Council Standing Orders in Part 4 of this Constitution.

4.044 Responsibility for Functions

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

Article 5: Chairing the Council

~~5.01 Role and Function~~1 Election of the Chairman~~Chair and Vice-Chair~~

The ~~Chairman~~Chair and the Vice-~~Chairman~~Chair shall hold office for one year and ~~will~~shall be elected by ~~the Council by~~ secret ballot at the annual meeting of the Council. Neither shall be eligible for re-election as ~~Chairman~~Chair or Vice-~~Chairman~~Chair respectively for a third consecutive year. ~~The Chairman is the personification of the Council on all ceremonial occasions at which the Council is represented. (although the Vice-Chair may stand for election as Chair).~~

5.2 Role of the Chair

~~5.02 Role (repeated in Part 5 – Member Role Descriptions)~~

~~The Chairman of Council and, in his or her absence, the Vice-Chairman will~~The Chair shall have the following ~~roles and functions:~~

~~Main Purpose of Role~~

~~In addition to the duties and responsibilities expected:~~

~~to be undertaken by all members, to provide strong, fair and visible ceremonial and civic leadership to the community and the Council putting aside party political considerations.~~

~~Duties and Responsibilities~~

~~i. To be~~ the Civic Leader of South Cambridgeshire.

- (a) ~~To promote the interests and reputation of the District Council and South Cambridgeshire as to represent the Council at various functions of a whole and to act as an ambassador for both civic, community and ceremonial nature;~~
- ii. ~~To undertake civic, community and ceremonial functions.~~
- (b) ~~To~~ uphold and promote the purposes of the Constitution, and to interpret the Constitution where necessary, ~~having particular regard to Article 16.02 and the Council's Standing Order which state that, "the ruling of the Chairman of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall be final".;~~
- (c) ~~To~~ preside over meetings of the Council so that its business ~~can be~~ carried out ~~fairly and efficiently and with regard to the rights of members and the interests of the community.;~~
- (d) ~~To~~ ensure that the Council meeting is a forum for debate for matters of concern to the local community and where members who do not serve on the Cabinet may hold the Cabinet to account.;
- iii. ~~In the capacity of Chairman of the Council, to serve on any other bodies either within or outside the Council as appropriate or attend related events and conferences.~~
- (e) ~~To~~ promote public involvement in the Council's activities. ~~;~~ and
- (f) ~~To~~ be the conscience of the Council.
- (g) ~~To work closely with the Leader of the Council to provide clarity between civic and political leadership roles.~~
- (h) ~~To respond to correspondence addressed to the Chairman of the Council, in consultation with the relevant officers.~~

5.3 Role of the Vice-Chair

The Vice-Chair shall have the following responsibilities:

- (a) to deputise, as necessary, for the Chair of the Council-;

(b) to undertake specific tasks and responsibilities as requested by the Chair;

(c) to share and support, in general, the full workload of the Council, Chair; and

(e)(d) to work actively with the Chair to manage the work of the Council meeting.

~~iv. To undertake functions described elsewhere in this Constitution towards the effective running of the Council meeting, with particular regard to the following:~~

- ~~• Chairman of (Council) meeting (Standing Order 7)~~
- ~~• Quorum of Council meetings (Standing Order 8)~~
- ~~• Questions by the public (Standing Order 10)~~
- ~~• Questions by Members (Standing Order 11)~~
- ~~• Notice of Motions (Standing Order 12)~~
- ~~• Rules of debate (Standing Order 14)~~
- ~~• Voting (Standing Order 16)~~
- ~~• Minutes (Standing Order 17)~~
- ~~• Members' Conduct (Standing Order 20)~~
- ~~• Disturbance by public (Standing Order 21)~~

Article 6: Scrutiny and Overview

~~6.01 — Composition~~

6.1 Terms of Reference

The Council ~~will~~shall appoint one or more scrutiny and overview ~~committees~~committee to discharge the functions conferred by section ~~24~~9F of the Local Government Act 2000 and regulations under ~~section 32 of~~ that Act.

~~The Chairman and Vice-Chairman of Council may be members of such committees. Membership shall have regard to the principles of proportionality set out in Part 5 (Codes and Protocols).~~

~~No member of the Executive shall be a member of any scrutiny committee.~~

~~6.02 — Mission Statement, Principal and Supporting Objectives~~ ~~Scrutiny and Overview Mission Statement~~

~~To support the work of the Council in achieving its corporate objectives and annual priorities through constructive challenge and the promotion of best practice, innovation and democratic accountability.~~

6.2 General Role

The ~~Committee will add value to the work of the Council by—~~

- ~~• Challenging policies, performance and decisions in a constructive way~~

- ~~• Making recommendations for improvement, based on best practice~~
- ~~• Looking for new ways of doing things~~
- ~~• Making sure that the Council remains responsible to local people.~~

Principal Objectives

~~The principal objectives of role of a scrutiny and overview at South Cambridgeshire District Council shall be as follows committee is to:~~

- ~~(1) To improve the delivery of policies and services by:~~
- ~~(a) Hold the Cabinet to account for its policies and actions;~~
 - ~~(b) Assess assist with policy development and scrutinise policy implementation.~~
 - ~~(c) review and scrutinise existing policies and practices and make recommendations for improvement.~~
 - ~~(d) review and scrutinise decisions made, or proposed to be made, by the Cabinet or another executive decision taker (see note 1 below).~~
 - ~~(b)(e) oversee and monitor the performance of the Cabinet in achieving services and the Council's corporate objectives and annual priorities; budget.~~
- ~~4. Ensuring the rigour and objectivity of performance management and service reviews.~~
- ~~(e)(f) To enhance the quality of life in consider any matter affecting South Cambridgeshire through the investigation and recommendation of actions to address issues of concern to the district's or its residents as it sees fit.~~
- ~~(2) To assist the Executive and the Council in establishing a comprehensive evidence-based policy framework to guide the Council in the achievement of its objectives and addressing the future challenges facing the district.~~

- ~~(3) — To give guidance to ensure that Council policies are action-orientated, based on consultation, realistic within the resources available to the Council, and consistent with national and regional priorities and with other plans of the Council and its partners.~~

Supporting Objectives

~~Supporting objectives, within the four principal objectives above, shall be as follows:~~

- ~~(1) — To review and scrutinise the decisions made, or about to be made by and performance of the Cabinet and / or committees and council officers both in relation to individual decisions and over time;~~
- ~~(2) — To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and / or particular service areas;~~
- ~~(3) — To question members of the Cabinet and / or committees and senior management about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;~~
- ~~(g) — To make recommendations to Cabinet, any Joint Committee or Council in respect of any of its functions.~~
- ~~(d)(h) — review and scrutinise the performance of other bodies having public functions in the area and invite reports from them by requesting them to address committee meetings and local people about their activities and performance; and question and gather evidence from any person (with their consent);~~

- ~~(4) — To inform future call-in, for reconsideration, decisions of made, but not yet implemented, by the Council on matters identified in previously agreed work programmes~~
- ~~(e)(i) — To assist the Council and Cabinet in the development of its Budget and Policy Framework by in-depth analysis of policy issues; or another executive decision taker.~~
- ~~(5) — To make recommendations to the Cabinet and / or appropriate committee and / or Council arising from the outcome of the policy development process including the need for, or changes to, relevant policies.~~

~~6.03 — Terms of Reference~~

~~The Council's (Note 1: "Another executive decision taker" includes any Cabinet member; Cabinet committee; area committee; joint committee or officer (key decision only in the case of an officer)).~~

6.3 Scope

~~In carrying out its role, a scrutiny and overview function will consist of two scrutiny and overview committees; the Scrutiny and Overview Committee and the Partnerships Review Committee.~~

~~In order to meet the principal and supporting objectives set out in Article 6.02 above, both scrutiny and overview committees committee shall:~~

~~(b)(a) Agree agree, and keep under regular review, annual work programmes;~~

~~(e)(b)~~ ~~Establish~~establish task and finish groups, where appropriate, to take forward specific topics for investigation;₂

~~(d)(c)~~ ~~Conduct~~conduct research, community and other consultation as appropriate in the analysis of policy issues and possible options;₂

~~(e)(d)~~ ~~Seek~~seek to ensure that the expertise of all non-executive members is fully utilised in the development of Council policy;₂

~~(f)(e)~~ ~~Liaise~~liaise with the Cabinet to ensure that the advice of the committee is timely and useful;₂

~~(g)(f)~~ ~~Consider~~consider and implement mechanisms to encourage and enhance community participation in the development of policy options;₂

~~(h)(g)~~ ~~Question~~question members of the Cabinet and senior management about their views on issues and proposals affecting the area;₂

- ~~1. — Make annual reports to Council on their activities, identifying where they have been able to influence decisions, safeguard the public interest and enhance Council performance;~~
- ~~2. — Exercise overall responsibility for the finances made available to them;~~

~~The Scrutiny and Overview Committee will scrutinise, challenge and hold decision takers to account on those issues considered as the Council's internal business and shall:~~

- ~~3. — Appoint monitors to each Cabinet Portfolio to act as a bridge to the executive, promoting constructive dialogue and supporting effective scrutiny that adds value to the work of the Cabinet and its Portfolio Holders;~~
- ~~4. — Consider any Call Ins that are submitted;~~
- ~~5. — Consider any Councillor Call for Actions that are submitted.~~

~~The Partnerships Review Committee will scrutinise, challenge and hold decisions takers to account on those issues considered as external, which may or may not involve formal partnerships and shall:~~

~~(h) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are best served;~~

~~(i) Promote well-being through partnership working;~~

~~4. — Be designated as the Council's Crime and Disorder Committee.~~

~~When an item of business cannot be naturally allocated to a specific overview and scrutiny committee, the Chairman of the Scrutiny and Overview Committee and the Chairman of the Partnerships Review Committee will agree upon the most appropriate body for the consideration of that item. If there is no Chairman of either Committee, or if he or she is unable to act, then the decision will be made by the Chairman of the Council, or in his/her absence the Vice-Chairman of the Council will suffice.~~

~~(j) appoint monitors to each lead cabinet member to act as a bridge to the Cabinet, promoting constructive dialogue and supporting effective scrutiny that adds value to the work of the Cabinet and lead cabinet members.~~

~~(k) make annual reports to Council on the activities of the committee, identifying where they have been able to influence decisions, safeguard the public interest and enhance Council performance.~~

~~(l) exercise overall responsibility for the finances made available to the committee.~~

6.044 Proceedings of ~~scrutiny~~ Scrutiny and Overview Committees

Scrutiny and overview committees

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

Article 7: The ~~Executive~~ Cabinet

7.011 Role

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

7.022 Form and Composition

- (a) The ~~Executive will~~ Cabinet shall consist of the ~~Executive~~ Leader, together with ~~a Cabinet of~~ at least 2, but not more than 9, other ~~members~~ councillors appointed ~~to the Executive~~ by the ~~Executive~~ Leader. ~~Executive Cabinet~~ members ~~will~~ shall be appointed by the Leader as soon as practicable following ~~his / her~~ their election. ~~Subsequent and the Leader shall normally give notification of such~~ appointments may be announced at Cabinet or the annual Council meetings. Appointments will meeting. Subsequent changes to the membership of the Cabinet may be made by the Leader and shall take effect immediately upon the receipt of written notice of the appointment by the proper officer. ~~The Chairman and Vice-Chairman of Council may not be appointed to the Cabinet.~~
- (b) The Chair and Vice-Chair of Council may not be appointed to the Cabinet.

7.033 Leader and Deputy Leader

- (b) ~~The Leader will be a councillor elected by secret ballot to the position of Leader by the Council. Where there are three or more candidates for appointment and there is after balloting no candidate with a clear majority, meaning in this case the votes of **more than 50% of members present and voting**, the candidate with the least number of votes shall withdraw and there shall be a fresh ballot of the remaining candidates; and so on as necessary until a candidate has that majority. In the event of an equality of votes whether in respect of appointment of a candidate with the greatest number of votes or the withdrawal of candidates with the least number of votes, (not resolved by the Chairman who shall have second or casting vote in the **final ballot** and also for any candidate in any ballot which is **not a final ballot** tying with any other or others with the least number of votes (the~~

~~other or others withdrawing)), the matter shall be decided by the toss of a coin.~~

~~(c) The Leader shall be responsible for aggregating and allocating service responsibilities as he / she thinks fit, grouping those responsibilities into portfolios and allocating them to an appropriate portfolio holder. Any such allocations can be adjusted by the Leader as and when he / she thinks necessary.~~

(a) The Leader shall be a councillor elected to the position by the Council at its first annual meeting following the District Council's elections. Where the position is contested, the election shall take place by secret ballot.

(b) The Leader shall hold office until:

(i) the first annual meeting after their normal day of retirement as a councillor; or

(ii) they resign from the office; or

(iii) they are no longer a councillor; or

(iv) they are removed from office by resolution of the Council in accordance with the procedure set out in Standing Order 13.1(b) and (c); or

(v) they are disqualified from being a councillor.

(c) The Leader remains a member of the Council during their term of office as Leader and any enactment that provides for them to retire earlier as a councillor does not apply.

~~(a)~~(d) The Leader shall appoint one member of the Cabinet to be the Deputy Leader to assume the full powers of the Leader in any circumstances in which the Leader is unable to act. The Deputy Leader ~~will~~shall also act as Leader if the post of Leader is vacant. The Deputy Leader shall hold office in accordance with the provisions of Article 7.044 below.

- ~~(d) The Leader will hold office until:~~
- ~~(i) he / she resigns from the office; or~~

 - ~~(ii) he / she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he / she may resume office at the end of the period of suspension); or~~

 - ~~(iii) he / she is no longer a councillor; or~~

 - ~~(iv) he / she is removed from office by resolution of the Council in accordance with the procedure set out in Standing Order 12.1(b); or~~

 - ~~(v) the annual meeting of the Council following the normal date of his / her retirement as a councillor unless previously removed by resolution of the Council in accordance with the Rules referred to above. If continuing to hold office as a councillor, he / she shall be eligible for re-election, unless removed from office under (d) above. In these circumstances a period of at least 12 months from the date of the council resolution must have passed before he / she can be nominated for re-election.~~

7.044 The Deputy Leader and ~~Other~~ Cabinet Members

The Deputy Leader and other Cabinet members shall hold office until:

- (a) they resign from office; or

~~(b) — they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or~~

~~(e)(b)~~ they are no longer councillors; or

~~(d)(c)~~ they are removed from office by the Leader, who ~~may announce the removal at a meeting of Cabinet or Council and~~ shall give written notice of any removal to the proper officer. The removal ~~will~~shall take effect immediately upon receipt of the notice by the proper officer, ~~or.~~

~~(e) — they are removed from office following a vote of no confidence by Full Council following the procedure set out in Section 12.1(b) of Council Standing Orders; or~~

~~(f) — they are removed from office en bloc by resolution of the Council in accordance with the Rules.~~

7.057.5 Vacancies

~~(a) When a vacancy arises in the office of the Leader, the Council shall fill the vacancy at the next ordinary meeting of the Council, or at a subsequent meeting. The councillor appointed to fill the vacancy shall hold office for the remainder of the original term, subject the provisions of Article 7.3 (b) above.~~

~~(b) When a vacancy arises in the office of Deputy Leader or a member of the Cabinet, the Leader shall appoint a councillor to fill the vacancy and shall inform the Council of the appointment at the next meeting. The councillor(s) appointed shall be subject to the terms of office in Article 7.4 above.~~

7.6 Proceedings of the Executive Cabinet

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

7.067 Responsibility for Functions

- (a) ~~Table 2A of Part 3 sets out details of particular executive functions or Cabinet portfolios prescribed by the Leader. The Leader will~~The Leader shall maintain a list in ~~Table 2B4 of Part 3~~ of this Constitution setting out which individual members of the Executive Cabinet, committees of the Executive Cabinet, officers or joint arrangements are responsible for the exercise of which executive functions.

~~7.07 Corporate Objectives~~

~~The Executive shall keep under review the Corporate Objectives of the Council.~~

(b) If, for any reason, the Leader is unable to act, or that office is vacant, the Deputy Leader shall act in their place. If for any reason both the Leader and Deputy Leader are unable to act, or those offices are vacant, the Cabinet shall act in place of the Leader or shall arrange for a member of the Cabinet to do so.

Article 8: Regulatory and Other Committees

~~8.01~~ **Regulatory and Other Committees**

The Council ~~will~~shall appoint ~~the~~such committees as it considers appropriate, details of which shall be set out in Table ~~43~~, Responsibility for Council Functions - Committees, in Part 3 of this Constitution, to discharge the functions described in column 2 of that table.

~~8.02-2~~ **Composition**

The number of councillors on each such committee is set out in Part 3, Table 43 of the Council's Constitution, together with any restriction on composition. ~~The Chairman and Vice-Chairman of the Council may be members in their own right and not ex officio.~~

~~8.03~~ **Employment and Staffing Committee**

~~Although this is constituted as a standing committee of the Council, its functions demand that it meets only when necessary to deal with relevant business.~~

~~8.04~~ **Planning Committee**

~~Council will appoint members to the Planning Committee to carry out the Council's functions in respect of the matters set out in Table 1 of Part 3 of this Constitution.~~

~~8.05 The Licensing Committee (2003 Act)~~

~~Will carry out the functions of the Council as licensing authority under the Licensing Act 2003 with the exception of approval of the statement of licensing policy. The committee is responsible under the Act for regulating its own procedure and that of its sub-committees, but those procedures have been included where relevant in this Constitution. The Licensing Committee will carry out all other licensing functions of the Council.~~

8.068.3 Mandatory requirement to undertake appropriate training

No member shall be eligible to sit on a regulatory committee unless and until they have undertaken suitable training upon appointment to such committee. No member shall be eligible to remain on a regulatory committee unless and until they have undertaken suitable refresher training, as and when identified by the relevant ~~Director~~ Chief Officer/Head of Service. The Democratic Services ~~Section~~ section shall maintain a record of attendance at training events as evidence that each member's training requirement has been met.

~~8.07 Audit and Corporate Governance Committee~~

~~The Council shall appoint an Audit and Corporate Governance Committee, Terms of Reference for which shall be set out in Table 1 of Part 3 of this Constitution.~~

Article 9: Ethical Standards functions of the Civic Affairs Committee

9.011 Composition

- (a) ~~Membership. The Council shall appoint a~~ Civic Affairs Committee ~~will be composed of at least 9 district councillors.~~
- (b) ~~The Council will appoint with the Council Members proportionally on composition set out in Part 3 of this Constitution to discharge the recommendation of the groups rather than by automatic acceptance of the group nominations (see Part 5 A — Principles of Proportionality). This is because the ethical standards functions of the Committee are to be seen as being above party politics and the Committee should be comprised of representatives that command the support of the whole authority.~~
- (e)(a) ~~The Chairman and Vice-Chairman will be elected by the Committee and the Vice-Chairman will deputise for the Chairman described in the Chairman's absence. Article 9.3 below.~~
- (d)(b) ~~The Civic Affairs Committee will meet at least quarterly and will shall~~ make an annual report to Full Council on its business.

(e)(c) Independent Person(s).

- i. ~~The Council will shall~~ appoint one or more Independent Person as required under Section 28(7) of the Localism Act;
 - ii. ~~The Independent Person must be appointed through a recruitment process of public advertisement, application, shortlisting, interview and recommendation to Council;~~
 - iii. ~~Appointment must be by a positive vote of a majority of all members of the Council (not of those present and voting);~~
 - iv. ~~The Independent Person must meet all criteria specified in the relevant legislation, and any additional criteria which the Civic Affairs Committee may from time to time agree;~~
- (ii)(i) ~~The Independent Person will work alongside the Monitoring Officer to initially consider complaints that a member has breached the Code of Conduct and to decide on an appropriate course of action for that complaint as set out in the Complaints flow chart in Part 5 of this Constitution 2011;~~

~~(iii)~~(ii) The Independent Person may attend meetings of the Civic Affairs Committee when ethical standards issues are on the agenda, and of its sub-committees or panels established to consider ethical standards matters, but ~~will~~shall not be entitled to vote at meetings;

~~(iv)~~(iii) An Independent Person shall retire after ~~threetwo~~ years but shall be eligible for re-appointment for a further term or terms.

~~(f)~~(d) **Quorum and Substitutes.** The quorum for any meeting of the Civic Affairs Committee or any sub-committee of the Civic Affairs Committee shall be three members. ~~For hearings panels under the hearing procedure described in Part 5 of this Constitution, the number of members on the panel shall be three.~~

~~i. In the case of hearings panels any Civic Affairs Committee member may be appointed to a panel if they have received the appropriate training and may substitute for other hearing panel members if necessary.~~

9.022 Sub-Committees of the Civic Affairs Committee

The Civic Affairs Committee may appoint sub-committees ~~to, *inter alia*~~including for the purpose of:

- (a) ~~consider~~considering an Investigating Officer's final report; and/or
- (b) ~~consider~~considering determination hearings ~~(the "Hearings Panel")~~ in accordance with the hearings procedure set out in ~~Part 5 of the Constitution~~Ethical Handbook.

~~At least three members of the Civic Affairs Committee must be present throughout a meeting of any sub-committee for it to be valid.~~

9.033 Role and Function

The Civic Affairs Committee ~~will~~shall have the following ~~ethical standards~~ role and functions:

- (a) ~~Promote~~promoting and ~~maintain~~maintaining high standards of conduct by councillors and co-opted members;
- (b) ~~Assist~~assisting the councillors and co-opted members to observe the Members' Code of Conduct;
- (c) ~~Advise~~advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) ~~Monitor~~monitoring the operation of the Members' Code of Conduct;
- (e) ~~Advise, train~~advising, training or ~~arrange~~arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- ~~(f) — Receive the investigation report of the Investigating Officer on any matter which had been referred by the Monitoring Officer for investigation and make a decision on whether it agrees with the report's findings;~~
- ~~(g)~~(f) ~~Hold~~holding hearings to determine complaints in which an investigation report has held that the Code of Conduct has been breached (in accordance with the hearings procedure set out in ~~Part 5 of the Constitution~~Ethical Handbook) and, where appropriate, ~~to impose~~imposing a sanction on a councillor;
- ~~(h)~~(g) ~~Maintain~~maintaining an overview of dispensations granted to councillors and co-opted members from requirements relating to interests set out in Members' Code of Conduct;
- ~~(i) — The exercise of (a) to (h) above in relation to the parish councils in its area and the members of those parish councils;~~
- ~~(j)~~(h) ~~Receiving~~receiving reports from time to time from the Monitoring Officer concerning the operation of Members' Code of Conduct and in respect of ~~his/ her~~their statutory functions under the Local Government and Housing Act 1989; ~~and~~
- ~~(k)~~(i) ~~Advise~~advising the Council upon and ~~monitor~~monitoring the contents of and requirements for all codes, protocols and other procedures relating to

standards of conduct throughout the Council, including the Protocol on Member-/Officer Relations Protocol and the Officer Code of Conduct; and.

~~(f) — Maintain an overview of the Council's 'whistle-blowing' policy.~~

The ~~Civic Affairs Committee's~~ roles and functions of the Civic Affairs Committee relating to Electoral Arrangements and the review of the Council's Constitution are set out in Part 3, Table 13 of this Constitution.

Article 10: Area Committees

10.011 Area Committees

The Council may appoint such area committees or forums as it sees fit, and 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.

~~The Council will consult with relevant parish councils and the chairmen of relevant parish meetings when considering whether and how to establish area committees.~~

~~10.02 Conflicts of Interest – Membership of Area Committees and Scrutiny and Overview Committees~~

~~(a) — **Conflict of interest.** If a scrutiny and overview committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which the councillor concerned is a member, then the councillor may not speak or vote at the Partnerships Review Committee or Scrutiny and Overview Committee unless a dispensation to do so is given by the Civic Affairs Committee.~~

~~(b) — **General policy review.** Where the Partnerships Review Committee or Scrutiny and Overview Committee is reviewing policy generally the member~~

~~must declare his / her interest before the relevant agenda item is reached, but need not withdraw.~~

~~10.03 Area Committees – Access to Information~~

~~Area committees will comply with the Access to Information Rules in Part 4 of this Constitution.~~

~~Agendas and notice for area committee meetings which deal with both functions of the Executive and functions which are not the responsibility of the Executive will state clearly which items are which.~~

~~10.04 Executive Members on Area Committees~~

~~A member of the Executive may serve on an area committee if otherwise eligible to do so as a councillor.~~

Article 11: Joint Arrangements

11.011 Promoting Well-Being through ~~partnership~~Partnership

The Council ~~and, or~~ the ExecutiveCabinet, in order to promote the economic, social or environmental well-being of ~~South Cambridgeshire, will work in partnership with stakeholder individuals and bodies to achieve shared objectives to meet the aspirations of the community.~~

~~The Council shall develop, maintain and review as appropriate, a register of significant partnerships established in pursuance of the above aims, operated in accordance with a Toolkit which sets out best practice to ensure that partnerships are fit for purpose in terms of their aims, objectives and governance arrangements. The register and toolkit will be included as schedules A and B to this article respectively; each will be reviewed as necessary.~~

~~Where it is necessary for the promotion of community well being, the Council or the Executive~~the area may:

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

11.022 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and / or their ~~Executives~~executives, either to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

- (b) The ~~Executive Cabinet~~ 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.
- (c) Except as set out below, the ~~Executive Cabinet~~ may only appoint ~~executive Cabinet~~ members to a joint committee and those members need not reflect the political composition of the Authority as a whole.
- (d) The ~~Executive Cabinet~~ may only appoint members to a joint committee from outside the ~~Executive Cabinet~~ where the joint committee has functions for a part only of the district, smaller than two-fifths of the district by area or population. In such cases the ~~Executive Cabinet~~ may appoint any councillor who is a member for a ~~ward~~ Ward which is wholly or partly contained in the relevant area. In this case political balance requirements do not apply.

Details of joint committees and the functions exercised by them ~~will~~ may be found in the Council's scheme of delegations in Part 3, Table 6, of this Constitution. ~~The Council has agreed the delegation of functions to the following committees:~~

- ~~• Greater Cambridge Partnership Executive Board~~
- ~~• Joint Development Control Committee: Cambridge Fringes~~

11.033 Access to Information

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

11.044 Delegation ~~To~~ and ~~From Other~~ from other Local Authorities

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

11.055 Contracting Out

The Council (for non-executive functions) or the ExecutiveCabinet (for executive functions) may contract out to another body or organisation their respective 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 1994¹; (see note 2 below), or under contracting arrangements where the contractor acts as the Council's agent

¹ ~~These are Ministerial Orders allowing local authorities to contract out specific functions. Those made so far deal with Tax Billing, Collection and Enforcement, Investment Functions, Allocation of Housing and Homelessness and certain County Council functions.~~

under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

~~11.06 Appointment of Members to Joint and Outside Bodies~~

~~Appointments of Members to Joint and Outside Bodies shall be matters for the Council to determine, except where appointments have been delegated to the Executive in accordance with Article 4 above. A register of joint and outside bodies to which the Council has appointed will be maintained by Democratic Services and shall be subject to on-going review as required.~~

(Note 2: These are Ministerial Orders allowing local authorities to contract out specific functions. Those made so far deal with tax billing, collection and enforcement, investment functions, allocation of housing and homelessness and certain County Council functions).

Article 12: Officers

12.011 Management Structure

- (a) **General.** The ~~full~~ Council may engage such ~~staff (referred to as~~ officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The ~~full~~ Council ~~will~~shall engage persons for the following posts, who ~~will~~shall be designated Chief Officers:

Post	Functions and areas of responsibility
<p>Chief Executive</p> <p>(Head of Paid Service)</p>	<p>Statutory functions of the Head of Paid Service as set out in 12.022 below.</p> <p>Overall <u>corporate management and strategic responsibility for the Council's services</u> (including <u>line</u> overall management responsibility for the Executive Directors and Directors. <u>all officers</u>)</p> <p>Provision of professional advice to all parties in the decision-making process.</p> <p>Together with the Monitoring Officer, responsibility for reviewing the Constitution.</p> <p><u>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</u></p>

Post	Functions and areas of responsibility
	Representing the Council on partnership and external bodies (as required by statute or the Council).
<p>Executive Director (Corporate Services) and Chief Finance Officer</p>	<p>Overall strategic responsibility for, including line management responsibility for the heads of, the following services:</p> <p>Accountancy; Revenues and Benefits; ICT and e-government; Exchequer; Internal Audit; Human Resources; Legal Services, Democratic Services.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Statutory responsibilities of the chief finance officer set out in Article 12.04 below.</p> <p>Approval of the council tax base, in accordance with S67 of the Local Government Act, as amended by S84 of the Local Government Finance Act 2003.</p>

Post	Functions and areas of responsibility
<u>Chief Operating Officer</u>	<p><u>Providing strategic direction and leadership across all services, including those in shared operating models,</u></p> <p><u>Leading business transformation and organisational change,</u></p> <p><u>Leading, developing, mentoring and coaching Heads of Service.</u></p> <p><u>Deputising for the Chief Executive as required.</u></p>
<u>Monitoring Officer</u>	<u>Statutory functions of the Monitoring Officer as set out in 12.3 below.</u>
<u>Chief Finance Officer</u>	<u>Statutory responsibilities of the Chief Finance Officer as set out in Article 12.4 below.</u>

Post	Functions and areas of responsibility
<p><u>Joint Director of Planning and Economic Development</u></p>	<p><u>Providing vision, direction and strategic leadership for planning and economic growth across Greater Cambridge and, with partners at a local, sub-regional and national level.</u></p> <p><u>Leading the development of sustainable new communities and places, to ensure high quality design and the best possible quality of life for local residents and communities.</u></p> <p><u>Working with members and officers of both South Cambridgeshire and Cambridge City Councils, reflecting the separate identity and sovereignty of the two areas, to ensure effective and efficient planning and economic growth services.</u></p> <p><u>Exploring and, maximising opportunities for joint working and, shared services with potential partners at all levels</u></p>
<p>Monitoring Officer</p>	<p>Statutory functions of the Monitoring Officer as set out in 12.03 below.</p>

- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council designates the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service

<u>Deputy Head of Legal Practice</u>	Monitoring Officer
Executive Director (Corporate Services) <u>Head of Finance</u>	Chief Finance Officer

Such posts ~~will~~shall have the functions described in Article 12.~~022~~-12.~~044~~ below.

~~(d)~~ ~~Directors~~ The Council shall appoint Directors to carry out its functions through power delegated by the Chief Officers. The Chief Officers, together with the Directors, Head of Legal Practice, Head of People and Organisational Development and any other officer at the Chief Officers' discretion, shall collectively form an Executive Management Team.

~~(e)~~(d) **Structure.** The Head of Paid Service ~~will~~shall determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of senior officers. ~~This is set out at Part 7 of this Constitution~~This shall be maintained on the Council's website.

12.~~022~~ Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service ~~will~~shall report to full Council, where they consider appropriate, on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restriction on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.033 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer ~~will~~shall maintain an up-to-date version of the Constitution and ~~will~~shall ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer ~~will~~shall report to the Council, or to the ~~Executive Cabinet~~ in relation to an executive function, if ~~he or she considers~~they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report ~~will~~shall have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Civic Affairs Committee.** The Monitoring Officer ~~will~~shall contribute to the promotion and maintenance of high standards of conduct through provision of support to the Civic Affairs Committee.
- (d) **Conducting investigations.** The Monitoring Officer, or a representative appointed by ~~him / her, will~~them, shall conduct investigations into complaints that the Code of Conduct has been breached and make reports or recommendations in respect of them to the Civic Affairs Committee.
- (e) **Proper officer for access to information.** The Monitoring Officer ~~will~~shall 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.
- (f) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer ~~will~~shall advise whether decisions of the ~~Executive Cabinet or other executive decision taker~~ are in accordance with the budget and policy framework.
- (g) **Providing advice.** The Monitoring Officer ~~will~~shall 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.
- (h) **Restrictions on posts.** The Monitoring Officer ~~cannot~~shall not be the Chief Finance Officer or the Head of Paid Service.

- (i) **To appoint a deputy** (where required) who shall undertake the Monitoring Officer's duties where the Monitoring Officer is unable to act owing to absence or illness. [s5, Local Government & Housing Act 1989].

12.044 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer willshall report to the Council or to the ExecutiveCabinet in relation to an executive function, and to the Council's external auditor if ~~he or she considers~~they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully [s.114 Local Government Finance Act, 1988]. Such a report willshall have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (b) **Administration of financial affairs.** The Chief Finance Officer willshall have responsibility for the administration of the financial affairs of the Council [s.151 Local Government Act, 1972] and there is delegated to the Chief Finance Officer responsibility for the execution and administration of treasury management decisions. ~~He / she will~~They shall act in accordance with the Council's policy statements and treasury management practices and the Chartered Institute of Public Finance and Accountancy's Standard of Professional Practice on Treasury Management
- (c) **Contributing to corporate management.** The Chief Finance Officer willshall contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer willshall 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 willshall support and advise councillors and officers in their respective roles.
- (e) **Giving financial information.** The Chief Finance Officer willshall provide financial information to the media, members of the public and the community.
- (f) **To appoint a deputy** who shall undertake the Chief Finance Officer's duties where the Chief Finance Officer is unable to act owing to absence or illness. [s114, Local Government Finance Act 1988].

12.055 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

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

12.066 Conduct

Officers ~~will~~shall comply with the Officers' Code of Conduct and the Protocol on Member/Officer ~~/Member~~ Relations set out in Part 5 of this Constitution.

12.077 Employment

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

12.088 General Delegated Powers and Proper Officer Responsibilities

~~[repeated in Delegation Rules]~~

- ~~(a) — Authority to exercise the General delegated powers and carry out all of the functions of the Council shall be delegated to the Chief Officers, subject to the following exceptions:~~
- ~~(i) — Matters reserved to the Council proper officer responsibilities are set out in the Scheme of Delegation in accordance with Article 4.~~
 - ~~(ii) — Matters reserved to the Cabinet and individual portfolio holders in accordance with Part 3, Tables 2A and B.~~
 - ~~(iii) — Matters reserved to regulatory and other committees and sub-committees in accordance with Part 3, Tables 1 and 3.~~

~~Matters reserved to specific officers by law or under the provisions Table 7, of this Constitution.~~

~~Chief Officers shall have authority to delegate their powers, functions and responsibilities, wholly or in part, to the Chief Executive or Directors or other senior staff reporting directly to them. These officers shall themselves have discretion to delegate powers to be exercised by suitably qualified and experienced officers within their areas of responsibility, subject to limitations on further delegation which may be imposed. In all cases:~~

- ~~• General and specific delegations, and any limitations upon them, shall be set out in writing.~~
- ~~• Delegated powers shall be exercised in accordance with the Council's agreed corporate priorities set out in the budget and policy framework agreed by the Council and with the Delegation Rules set out in Part 4 of this Constitution.~~
- ~~• Accountability for the actions of Directors and subordinate officers shall remain with the Chief Officers.~~

~~(b) The Chief Officers shall have full power to do all such things and exercise all such discretions within their respective functions and areas of responsibility as set out in Article 12.01(b) above in relation to all operational matters, subject strictly to the Delegation Rules in Part 4. These powers, though described in general terms, are intended to allow Chief Officers freedom of operational management, within service areas, within policy and within budget.~~

~~(c) Any limit or restriction upon the general delegated powers under paragraph 3.3 of the Delegation Rules shall be reported to the Council and recorded by the proper officer [paragraph 4, ibid]. In this paragraph and in all the Part 4 rules relating to committee, Executive and Council administration, reference to the 'proper officer' shall mean the Chief Executive or such suitably experienced senior officer as the Chief Executive shall appoint.~~

~~(d) Unless otherwise provided by law or in this Constitution, each Chief Officer, within his or her respective functions and areas of responsibility set out in Article 12.01(b), shall also be the respective 'proper officer' in all cases where statute or regulation requires or provides for the Council to appoint a 'proper officer' but any Chief Officer may delegate any such responsibility to a suitably experienced senior officer.~~

- ~~(e) — All proper officer appointments not already set out in this Constitution, other than general appointment under paragraph (d) above, whether of, or under delegation by, any Chief Officer, shall be recorded by the Chief Executive and that record shall be kept up to date and available for inspection in the same manner as the scheme of delegations of powers.~~
- ~~(f) — The Chief Executive is authorised to cancel, postpone or alter the date or time of a Cabinet, Council and / or any other meeting of the Council as deemed appropriate but, before doing so, shall consult all members of the committee about the need for the change and about convenient alternative dates and times. If reasonably practicable, the Chief Officer will consult all members of a committee before setting a date and time for a special meeting of that committee.~~

Article 13: Decision-making

13.011 Responsibility for Decision-making

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

13.022 Principles of Decision-making

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

- (a) proportionality, i.e., the action to be taken shall be proportionate to the desired outcome;
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) presumption in favour of openness, helpfulness and consistency;
- (e) clarity of aims and desired outcomes; and
- (f) consideration of available options and giving reasons for decisions.

13.033 Types of Decision

- (a) **Decisions reserved to full Council.** Decisions relating to the functions listed in Article 4.02 ~~will~~shall be made by the full Council and not delegated.
- (b) A decision taker may only make a key decision in accordance with the requirements of the Executive Cabinet and Access to Information Procedure Rules set out in Part 4 of this Constitution. The meaning of “key decision” is as follows:

A **“key decision”** is ~~one~~ a decision taken by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, an officer or under joint arrangements which:

- (i) is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council’s budget for the service or function to which the decision relates; or
- (ii) is likely to be significant in terms of its effects on communities living or working in an area of the District comprising two or more ~~wards~~Wards.

~~“Policy” includes plan, strategy and, where the context admits, established practice or procedure whether or not formally prescribed or approved by the Council or the Executive. Where there is no formally prescribed or approved policy bearing upon any decision falling to be made it shall be deemed to have been made in accordance with policy if:~~

- ~~(i) it complies with the rules of procedure, the principles of decision-making set out in Article 13.02 and the corporate objectives of the Council set out in Article 1.04;~~
- ~~(ii) it conforms with relevant Best Value service objectives and / or targets; and~~
- ~~(iii) it is not inconsistent with any relevant decision of the Council or the Executive.~~

~~Where there is doubt by any person making any decision whether these criteria are met, the Chairman of the Scrutiny and Overview Committee shall be consulted.~~

13.04For the purposes of (i) above, a decision to:

a. incur expenditure or savings in excess of £200,000; or

b. acquire or dispose of land or property with a value in excess of £1,000,000

shall be treated as significant for these purposes. However, a decision to invite a tender or award a contract shall not be treated as a key decision where the purpose of the contract is to fulfil the intention of any

policy or scheme included in the policy framework or budget or involves a continuation of an existing policy or service standard.

13.4 Decision-making by the Full Council

Subject to Article 13.089, the Council meeting ~~will~~shall follow the Council Standing Orders set out in Part 4 of this Constitution when considering any matter.

13.055 Decision-making by the ~~Executive~~Cabinet

Subject to Article 13.089, the ~~Cabinet or other~~ Executive ~~will~~decision takers shall follow the ~~Executive~~Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.066 Decision-making by the ~~Partnerships Review Committee and the~~ Scrutiny and Overview Committee

~~The Partnerships Review Committee and the Scrutiny and Overview Committee will~~Any scrutiny and overview committee shall follow the Scrutiny and Overview Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.077 Decision-making by ~~Other~~other Committees and Sub-Committees established by the Council

Subject to Article 13.089, other Council committees and sub-committees (with the exception of the Licensing Committee (2003 Act)) ~~will~~shall follow those parts of the Council Standing Orders set out in Part 4 of this Constitution as apply to them.

13.0813.8 Decision-making by The Licensing Committee (2003 Act)

The Licensing Committee (2003 Act) has resolved to operate under the provisions of the Local Government ~~act~~Act 1972 (as amended) and meetings of the committee ~~will~~shall follow the relevant parts of the Council Standing Orders set out in Part 4 of

this Constitution. The committee's sub-committees ~~will~~shall follow the procedure set out in ~~Part 5 of this Constitution~~the Ethical Handbook.

13.099 **Decision-making by Council Bodies acting as Tribunals**

The Council, a committee of the Council, a councillor or an officer acting as a panel or 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~~shall follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

13.10 Appeals

Where any appeal arises from a decision delegated to any officer, member of the ~~Executive Cabinet~~, committee of the ~~Executive Cabinet~~ or any sub-committee, neither that officer, member, committee or sub-committee nor any member of that committee or sub-committee nor any person previously having had any part in the relevant decision, shall be involved in the appeal.

Article 14: Finance, Contracts and Legal Matters

14.011 **Financial Management**

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

14.022 **Contracts**

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

14.033 Legal Proceedings

The Head of Legal Practice or their nominated representative is authorised to institute, defend ~~or participate, withdraw, compromise or take any other action~~ in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Practice considers that such action is necessary to protect the Council's interests. ~~The rules and procedures in respect of legal proceedings brought by and against the Council are set out in Part 4.~~

14.044 Authentication of Documents

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it ~~will~~shall be signed by the Chief Executive, ~~Executive Director~~Chief Operating Officer or Head of Legal Practice or other person authorised by either of them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- (b) Any contract with a value exceeding Level 2 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. All written contracts ~~must~~shall either be signed by ~~two officers~~one officer delegated to do so or made under the Common Seal of the Council.

14.055 Common Seal of the Council

- (a) The Common Seal of the Council ~~will~~shall be kept in a safe place in the custody of the Head of Legal Practice. ~~A decision of the Council, or any part of it, will be sufficient authority for sealing~~
- (b) ~~The Seal shall not be affixed to any document necessary to give effect unless the sealing has been authorised by a resolution of the Council or of the Cabinet, committee or sub-committee to the decision, which the Council has delegated its powers or by a decision of an officer acting under delegated powers.~~
- (a)(c) The Common Seal will be affixed to those documents which, in the opinion of the Head of Legal Practice, should be sealed. The affixing of the Common Seal will be attested by the Chief Executive or ~~his/her nominee~~the Head of Legal Practice or their nominees.

Article 15: Review and Revision of the Constitution

15.011 Duty to Monitor and Review the Constitution

The Chief Executive and the Monitoring Officer ~~will~~shall monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

~~15.02 Protocol for Monitoring and Review of Constitution By Monitoring Officer~~

~~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 amended in order better to achieve the purposes set out in Article 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 trail of a sample of decisions;~~
- ~~(c) — record and analyse issues raised with him / her 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.~~

15.032 Changes to the Constitution

- (a) Changes to the Constitution ~~will~~shall only be approved by the full Council, after consideration of the proposal by the Chief Executive, subject to the exceptions identified in Article 4.~~022~~(a) and to the ~~following~~ provision: in (b) below.
- (b) The Chief Executive is authorised, in consultation with the ~~Chairman~~Chair and Leader of the Council and Monitoring Officer, to agree and incorporate into the Constitution:
 - (i) Factual changes, for example to reflect changes in job titles or the management structure,~~;~~ and:
 - (ii) Changes which are required by new legislation which the Council has no choice but to make.

~~A schedule detailing changes made under this provision shall be reported to the Annual Meeting of the Council.~~

Article 16: Suspension, Interpretation and Publication of the Constitution

16.011 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules may be moved with or without notice. The extent and duration of suspension ~~will~~shall be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1 but shall not extend beyond the meeting.
- (c) ~~Rules capable of suspension. All of the~~The rules which may be suspended are specified in Council Standing ~~Orders, except Rule~~Order 25.
- (e) ~~16.6 (right to require individual vote to be recorded) and 22 (suspension), may be suspended in accordance with this Article but in every case only upon a request of two thirds of the councillors present and voting:~~

16.022 Interpretation

The ruling of the ~~Chairman~~Chair of Council as to the construction or application of this Constitution, or as to any proceedings of the Council, shall be final. Such interpretation ~~will~~shall have regard to the purposes of this Constitution contained in Article 1.

16.033 Publication

- (a) ~~The Chief Executive will give a printed copy of this Constitution to each~~The Monitoring Officer shall provide every member of the ~~authority~~Council, upon ~~the~~ delivery ~~to him / her of that~~the individual's declaration of acceptance of office on the ~~member~~Member first being elected to the Council, with the details of where to view a copy of the Constitution on the Council's website.

- (b) — The Chief Executive ~~will~~shall ensure that ~~copies are a copy of the Constitution is~~ available for inspection on the Council's website, at ~~council~~Council offices, ~~libraries~~ and other appropriate locations ~~as well as on the Council's website, and can~~ and may be purchased by members of the local ~~press~~media and the public on payment of a reasonable fee.
- (c) — ~~The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.~~

Schedule 1: Description of Arrangements

~~The following parts of this Constitution constitute the executive arrangements:~~

- ~~1. Article 6 (Scrutiny and Overview) and the Scrutiny and Overview Procedure Rules;~~
- ~~2. Article 7 (The Executive) and the Executive Procedure Rules;~~
- ~~3. Article 10 (Area Committees and Forums);~~
- ~~4. Article 11 (Joint arrangements);~~
- ~~5. Article 13 (Decision-making) and the Access to Information Procedure Rules; and~~
- ~~6. Part 3 (Responsibility for Functions).~~

(d)(b)

~~PART~~Part 3: RESPONSIBILITY FOR FUNCTIONS

Responsibility for Functions

Responsibility for Local Choice Functions (Table 1)

The table below sets out responsibility for the functions where there is a choice whether these are functions of Council or Cabinet in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

<u>Function</u>	<u>Responsibility</u>	<u>Delegation of Functions</u>
<u>Any function under a local Act</u>	<u>Council</u>	<u>None</u>
<u>The determination of appeals in respect of disciplinary action or grievance</u>	<u>Council</u>	<u>Employment and Staffing Committee or panel thereof where not delegated to officers</u>
<u>Functions relating to contaminated land:</u> <u>Approval of Contaminated Land Strategy</u> <u>All other functions</u>	<u>Cabinet</u>	<u>Lead cabinet member responsible for Environmental Services</u> <u>Head of Shared Waste and Environment</u>
<u>Functions relating to the control of pollution or the management of air quality:</u> <u>Approval of Air Quality Strategy and declaration of Air Quality Management Areas</u> <u>All other functions</u>	<u>Cabinet</u>	<u>Lead cabinet member responsible for Environmental Services</u> <u>Head of Shared Waste and Environment</u>
<u>Service of an abatement notice in respect of a statutory nuisance</u>	<u>Cabinet</u>	<u>Head of Shared Waste and Environment</u>

Part 3 – Table 1: Responsibility for Local Choice Functions

<u>Function</u>	<u>Responsibility</u>	<u>Delegation of Functions</u>
<u>Passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area</u>	<u>Cabinet</u>	<u>Head of Shared Waste and Environment</u>
<u>Inspection of the Authority's area to detect statutory nuisances</u>	<u>Cabinet</u>	<u>Head of Shared Waste and Environment</u>
<u>Investigation of complaints as to the existence of statutory nuisances</u>	<u>Cabinet</u>	<u>Head of Shared Waste and Environment</u>
<u>Obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land</u>	<u>Cabinet</u>	<u>Joint Director of Planning and Economic Development</u>
<u>Obtaining of information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 as to interests in land</u>	<u>Cabinet</u>	<u>All Heads of Service</u>
<u>Appointments to Outside Bodies and revocation of such appointments (except where specifically reserved to Council)</u>	<u>Cabinet</u>	<u>Leader of the Council</u>

Responsibility for Council Functions (Table 2)

<u>Council Membership</u>	<u>Functions</u>	<u>Delegation of Functions</u>
<u>All 45 members of the District Council</u>	<u>The functions which are reserved to the Council are set out in Article 4.2 of the Constitution.</u>	<u>None, save as otherwise specified in Article 4.2.</u>

Responsibility for Council Functions (Committees) **(Table 3)**

The Council has established the following committees with the respective composition of members to carry out the functions set out in the second column of the Table ~~One~~³ below, subject to the delegation of functions prescribed in the third column thereof. ~~Except for the Employment and Staffing Committee, where further delegation is not appropriate, all~~All functions ~~of the Council can~~may be further delegated downwards to committees, sub-committees, panels or officers, subject to law and the Scheme of Delegation~~Rules as the relevant committee may determine.~~

~~Employment and Staffing Committee:~~ ~~Although this is constituted as a standing committee of the Council, its functions demand that it meets only when necessary to deal with relevant business.~~

Responsibility for Council Functions (Table One)

Civic Affairs Committee

Civic Affairs Committee		
Membership	Functions	Delegation of functions
<p>9 councillors, (including the Chairman<u>Chair</u> of Council, Leader, Deputy Leader and Leader of the Major Opposition Group as <u>an</u> ex officio members. <u>member</u>).</p> <p>Appointments to be subject to the requirements of political proportionality.</p> <p>=</p>	<p>Review of the Council’s Constitution:</p> <p>1. to<u>To</u> bring forward proposals which, in the opinion of the Chief Executive and Monitoring Officer, entail substantive changes to the Constitution, for consideration by the Council, excluding those matters which are specifically included within the remit of other bodies on the Council.</p> <p>2.1. <u>with the exception of those exclusions referred to in Article 4.2 (a).</u></p> <p>Electoral Arrangements:</p> <p>2. Determination as follows:</p> <p>2.1 review district or parish electoral arrangements including boundaries and report recommendations to Council;</p>	<p>=</p> <p>=</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Civic Affairs Committee		
Membership	Functions	Delegation of functions
	<p>2.2 give parish meetings powers of parish council;</p> <p>2.3 increase / reduce number of parish councillors;</p> <p>2.4 change parish electoral arrangements where agreed including parish warding; <u>and</u></p> <p>2.5 appoint temporary parish councillors, s. 91 LGA, 1972.</p> <p>3. Recommend to Council:</p> <p>3.1 district and district ward boundary changes arising from review;</p> <p>3.2 parish warding and boundary changes where not agreed;</p> <p>3.3 Periodic Electoral Review; <u>and</u></p> <p>3.4 new parish establishment.</p> <p>Ethical Standards:</p> <p>4. As set out in Article 9.033</p>	<p>May appoint sub-committees</p> <p><u>Functions relating to:</u></p> <p>3. consider an Investigating Officer's final report;</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Civic Affairs Committee		
Membership	Functions	Delegation of functions
		<p>consider determination hearings (standards of conduct of members under any relevant provision of, or regulations made under the "Hearings Panel") comprising three<u>Localism Act 2011, are delegated to a sub-committee which shall comprise 3</u> members of the Civic Affairs Committee who have undertaken, plus the necessary training. Hearings shall operate in accordance with the hearings procedure set out in Part 5 of the Constitution and shall be chaired by the councillor appointed to that role by the<u>Independent Person.</u></p> <p>4.—<u>The</u> Monitoring Officer, in consultation with the <u>Chair of the</u> Civic Affairs Committee Chairman; <u>, is authorised to appoint to the sub-committee as and when it is required to be convened.</u></p>

~~Audit and Corporate Governance Committee~~

Audit and Corporate Governance Committee

Membership	Functions	Delegation of functions
<p>7 councillors, who are not members of the Cabinet, appointed in accordance with:</p> <p><u>Appointments to be subject to the rules requirements of political balance.</u></p> <p>The Chairman<u>Chair</u> of the Scrutiny and Overview Committee shall not be eligible to Chair<u>chair</u> the Committee although he/ she<u>they</u> may be a member of it.</p> <p>Members of the Cabinet are eligible to serve as substitute members of the Audit and Corporate Governance Committee.</p>	<p>Statement<u>General</u></p> <p>Responsibility of the<u>Purpose</u></p> <p><u>The</u> Audit and Corporate Governance Committee:</p> <p>(i) to review and advise the Council on the embedding and maintenance of an effective system of <u>is a key component of the Council's corporate governance, risk management and internal control;</u></p> <p>1. to give framework. It provides an independent and high-level focus on the audit, assurance to the Council that there is a sufficient and systematic review of the corporate governance, risk management and internal control arrangements within the Council; and reporting arrangements that underpin good governance and financial standards.</p> <p>(ii) in conjunction with the Chief Finance Officer, to commission such "value for money" or special studies as considered appropriate;</p> <p>(iii) to consider the Performance Indicators and Local Authority Profile as published by the Audit</p>	<p>To the Chairman of the committee and officers as appropriate.</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>Commission and, as appropriate, initiate investigative action;</p> <p><u>2. The purpose of the committee is to provide independent assurance of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks; and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.</u></p> <p><u>Governance, Risk and Control</u></p> <p><u>3. To review the Council's corporate governance arrangements against the good governance framework, ethical frameworks, and to consider the Local Code of Governance.</u></p> <p><u>4. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.</u></p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p><u>5. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.</u></p> <p><u>6. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council-action.</u></p> <p><u>7. To monitor the effective development and operation of risk management in respect anythe Council, and to monitor progress in addressing risk-related issues of major concern arising from audit reported to the committee.</u></p> <p><u>4-8. To consider reports and/ or management letters; on the effectiveness of internal controls and monitor the implementation of agreed actions.</u></p> <p><u>9. toTo review the assessment of fraud risks and potential harm to the Council from fraud and corruption, and to monitor the counter-fraud strategy, actions and resources.</u></p> <p><u>10. To review the governance and assurance arrangements for significant partnerships or collaborations.</u></p> <p><u>5-11. To maintain an overview of the main instruments of financial control, such as Standing Orders in relation to</u></p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>contracts<u>Contracts</u>, Financial Regulations etc.; and, where appropriate, make recommendations to the Council for improvement;</p> <p>(iv) to approve the Statement of Accounts;</p> <p>6-12. to<u>To</u> receive quarterly updates on the Council's use of Regulation of Investigatory Powers Act 2000 (RIPA) powers and to review the RIPA policy on an annual basis and make amendments as necessary.</p> <p><u>Internal audit</u></p> <p><u>13. To approve the Internal Audit Charter and provide free and unfettered access to the Audit Committee Chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee.</u></p> <p><u>14. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.</u></p> <p><u>15. To approve the Risk-Based Internal Audit Plan, including internal audit's resource requirements, and the</u></p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p><u>approach to using other sources of assurance.</u></p> <p><u>16. To consider reports from the Head of Internal Audit during the year, including updates on the work of internal audit, key findings, issues of concern and actions.</u></p> <p><u>17. To consider the Head of Internal Audit’s annual report, including:</u></p> <p><u>17.1 the results of the Quality Assurance and Improvement Programme, plus conformance with the Public Sector Internal Audit Standards and the Local Government Application Note; and</u></p> <p><u>17.2 the opinion on the overall adequacy and effectiveness of the Council’s framework of governance, risk management and control, together with the summary of the work supporting the opinion</u></p> <p><u>External Audit</u></p> <p><u>18. To ensure the independence of external audit through consideration of the external auditor’s annual assessment of its independence; and review of any issues raised by Public Sector Audit Appointments, or the</u></p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p><u>authority's auditor panel, as appropriate.</u></p> <p><u>19. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.</u></p> <p><u>20. To consider specific reports as agreed with the external auditor.</u></p> <p><u>21. To monitor management actions, in response to external audit.</u></p> <p><u>22. To comment on the scope and depth of external audit work and to ensure it gives value for money.</u></p> <p><u>23. To commission work from internal and external audit.</u></p> <p><u>24. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.</u></p> <p><u>Financial Reporting</u></p> <p><u>25. To review the annual Statement of Accounts, prior to approval in accordance with the Accounts and Audit Regulations, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from</u></p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p><u>the audit that need to be brought to the attention of the Council.</u></p> <p><u>26. To notify Council with regard to conclusion and submission of the Statement of Accounts and provide feedback for any potential opportunities for improvements to be proposed.</u></p> <p><u>27. To consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts.</u></p> <p><u>Accountability Arrangements</u></p> <p><u>28. To report to those charged with governance on the committee’s findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.</u></p> <p><u>25-29. To publish an annual report on the work of the committee, and report on the committee’s performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.</u></p>	
	<p><i>Shared responsibility with the Cabinet:</i></p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>(i) — to monitor the overall efficiency and effectiveness of the internal and external audit services.</p> <p>(ii) — to be informed by the Chief Finance Officer, at his discretion, of any matters of suspected fraud and / or mal-administration, pending receipt of an interim or final report.</p>	
	<p>External Audit</p> <p><i>Responsibility of the Audit and Corporate Governance Committee:</i></p> <p>(i) — to oversee, generally, the work of external audit and provide a suitable forum for discussion of related matters;</p> <p>(ii) — to consider, annually, the programme of work to be performed by external audit and the draft audit time budget</p> <p>(iii) — to confirm that the managed audit approach between external audit and internal audit is working for the maximum advantage of the Council;</p> <p>(iv) — to receive, upon request, periodic presentations on specialist audit areas or other matters of interest.</p>	

Membership	Functions	Delegation of functions
	<p><i>Shared responsibility with the Cabinet:</i></p> <p>(i) — to receive copies of all external audit reports including value for money studies;</p> <p>(ii) — to monitor, annually, or more frequently where deemed appropriate, the implementation of agreed recommendations in respect of both external audit reports and management letters.</p> <p>Internal Audit</p> <p>(i) — to review and confirm annually with the Chief Finance Officer the Audit Risk Index and Strategic Audit Plan;</p> <p>(ii) — in association with the Chief Finance Officer, to consider the total resource requirements for the coming year and the proposed level of fees and fee structure;</p> <p>(iii) — to monitor the activities of the Internal Audit service provider and measure performance against plan;</p> <p>(iv) — to review the annual report of the Internal Audit Manager;</p> <p>(v) — to examine and review the planning and co-ordination</p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>of internal audits with the aim of confirming an effective and efficient service continues to be provided;</p> <p>(vi) to consider a quarterly report by the Audit Manager detailing audit coverage and the extent to which any major problems were highlighted;</p> <p>(vii) to consider the draft annual governance statement prior to its inclusion in the statement of accounts.</p>	
	<p>Risk Management Strategy⁴</p> <p>(i) approval of the risk management strategy; advice and assurance regarding the adequacy and effectiveness of risk management;</p> <p>(ii) to receive an annual report on the risk management strategy and process, including how EMT and the appropriate portfolio holder have performed the</p>	
	<p>(This page was last updated on 31 January 2013)</p> <p>the Council's strategic risk register, thus giving the Committee assurance over the process.</p>	

⁴ ~~The Executive, led by the appropriate portfolio holder, will have responsibility for agreement and ownership of the strategic risks facing the Council. See Tables 2A and 2B – Responsibility for Executive Functions.~~

Employment and Staffing Committee

Employment and Staffing Committee

Membership	Functions	Delegation of functions
<p>7 councillors, including <u>at least one (only) from the Executive Cabinet</u> who shall <u>normally be the portfolio holder/lead cabinet member</u> with responsibility for staffing <u>matter, ex officio matters.</u></p> <p><u>The Standing Orders Regulations require at Appointments to be subject to the requirements of political proportionality.</u></p> <p>least one member of the Executive to be on any committee when appointing or dismissing</p>	<p>Disciplinary and Grievance Procedures; to 1. <u>To consider appeals and grievances by employees of the Council. Disciplinary action against Directors other than dismissal².</u></p> <p><u>where the Council's disciplinary and grievance appeals provide for a right of appeal to members.</u></p> <p>To appoint Directors³.</p>	<p>Ad hoc panel of three councillors (Appeals Panel) chosen by the Chairman of the committee (or the Vice-Chairman in the absence of the Chairman) from the members of the Committee</p> <p><u>Employee Appeals Panel.</u></p> <p>Ad hoc panel of three councillors, to include the Finance and Staffing Portfolio Holder or a relevant portfolio holder and the remaining members chosen from members of the committee by</p>

² Officer Employment Procedure Rules, rule 6(b).

³ Officer Employment Procedure Rules, rule 4

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
<p>designated senior officers.</p> <p>The Committee will oversee <u>When overseeing</u> the recruitment to the roles of <u>Chief Executive / Head of Paid Service, Executive Directors or Chief Finance Officer and Monitoring Officer and when carrying out this role</u> the Committee <u>will/shall normally</u> include the Leader and the Leader of the Major Opposition Group <u>as ex-officio members.</u></p> <p>This Committee's responsibilities will include agreeing</p>	<p><u>2. To be responsible make arrangements for the selection appointment of the Chief Executive / Head of Paid Service and Executive Directors / Monitoring Officer⁶ Chief Officers. This Committee's responsibilities shall include determining:</u></p> <p><u>2.1 the Job Description and Person Specification of the above posts.</u></p> <p><u>2.2 whether the post should be advertised externally and, if so, how it should be advertised and who should run the external recruitment process.</u></p> <p><u>2.3 interim arrangements for a vacant Head of Paid Service post, if necessary.</u></p>	<p>the Chairman of the committee, or the Vice-Chairman in the absence of the Chairman. So far as circumstances allow, the Chairman shall ensure the panel membership complies with Council policy and good practice on equalities and involve relevant group(s) of members in the selection process.</p> <p>Ad hoc panel of at least five councillors, comprising three Members of the Employment and Staffing Committee chosen by the Chairman of the Committee (or the Vice-Chairman in the absence of the Chairman) along with the Leader of Council and the relevant portfolio holder for staffing. So far as circumstances allow, the Chairman shall ensure the panel membership complies with Council policy and good practice on equalities and involve the Cabinet and other relevant group(s) of members in the selection process. <u>The Head of Paid Service, after consultation with the Leader, relevant lead cabinet member and Chair of the Employment and Staffing Committee, is authorised to make interim arrangements for a vacant Chief Officer post.</u></p>

⁶ ~~Officer Employment Procedure Rules, rule 3(a)~~

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
<p>the Job Description and Person Specification of the above posts and whether the position should be advertised externally and if so how it should be advertised and who should run the external recruitment process.</p> <p>If necessary the Committee will need to consider the appointment of a temporary Chief Executive / Head of Paid Service until such time as the recruitment is completed⁴.</p> <p>These steps should be taken before an Employment Panel is appointed to manage the selection process and appropriate reports made to Council if considered</p>	<p><u>These steps should be taken before a Senior Officers Appointments Panel is appointed to make recommendations to Council on their appointments.manage the selection process.</u></p>	<p><u>Designation of a person as the Council’s Head of Paid Service, Monitoring Officer and Chief Finance Officer remains the responsibility of full Council.</u></p>

⁴ ~~Section 4 of the Local Government and Housing Act 1989.~~

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
<p>necessary at this stage.</p> <p>The Committee must make a recommendation to Council on the appointment of a “proper officer” to act as the liaison point for notification between the candidates for appointment and the Employment Panel, the Council and the Cabinet⁵.</p> <p>Only members who have undertaken recruitment and selection training are eligible to be appointed to a Panel of the Employment and Staffing Committee.</p> <p><u>The Committee shall not be chaired by a Cabinet member.</u></p>		

⁵ ~~Local Authority (Standing Orders) Regulations 2001 Schedule 1 Part 2~~

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
=	<p><u>3. To be responsible for the selection and appointment of the Head of Paid Service and Chief Officers in accordance with the Officer Employment Procedure Rules.</u></p>	<p><u>Senior Officers Appointments Panel</u></p> <p><u>The Committee may consider delegating to a joint panel if convened for the purpose of appointing the Joint Director of Planning and Economic Development.</u></p>
=	<p><u>4. To suspend Chief Officers.</u></p>	<p><u>The Head of HR and Corporate Services, after consultation with the Chair of the Committee.</u></p>
=	<p><u>5. To take disciplinary action (short of dismissal) in respect of the Head of Paid Service, the Chief Finance Officer, and/or the Monitoring Officer.</u></p>	<p><u>Investigating and Disciplinary Panel</u></p>
=	<p><u>6. To take disciplinary action (including dismissal), in respect of the Chief Operating Officer and Joint Director of Planning and Economic Development.</u></p>	<p><u>Investigating and Disciplinary Panel</u></p>
=	<p><u>7. Where it is proposed to dismiss the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer, to refer the matter for consideration by the Independent Panel *.</u></p>	<p><u>*Responsibility for making recommendations to full Council relating to the dismissal of the Head of Paid Service, the Chief Finance Officer or Monitoring Officer is vested in the Independent Panel in accordance with Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001.</u></p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
=	<p>To suspend the Head of Paid Service, Executive Director, Monitoring Officer, Chief Finance Officer and / or Directors and / or recommend to Council dismissal of these officers⁷.</p> <p>2.8. To keep under review local terms and conditions of employment for employees and make recommendations regarding the annual local pay award.</p> <p>3.9. To promote and pursue a policy of equal opportunities in employment and review key information before it is published i.e. Gender Pay Reporting.</p> <p>4.10. To consider matters relating to superannuation, pensions and gratuities.</p> <p>5.11. To keep under review:</p> <p>5.1.11.1. the requirements for, and the availability of skills and capacity necessary for the delivery of the Council's objectives;</p> <p>5.2.11.2. the promotion of good employee relations in the Council; and</p>	<p>The Chairman of the Committee (suspension only) otherwise as above.</p>

⁷ ~~Officer Employment Procedure Rules, rules 3(a), 4(a) and 6(a), ibid~~

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>5-3.11.3. the promotion of equal opportunities for all employees of the Council, and in the Council's recruitment and selection procedures, and to monitor the effectiveness of such measures.</p> <p>To consider matters affecting the efficient use of the Council's staff resources and to make recommendations to Cabinet, as appropriate.</p> <p><u>6.12.</u> To keep under review the People and Organisational Development Strategy.</p> <p><u>7.13.</u> To review and recommend the Annual Pay Policy Statement prior to submission to Council.</p> <p><u>8.14.</u> To undertake reviews and conduct such research on employment and staffing related matters as may be commissioned by the Cabinet from time to time and to make recommendation to Cabinet as appropriate.</p> <p><u>15.</u> To identify and recommend Cabinet on any employment and staffing related matters which it is considered should be subject to review and recommendation by the Committee. <u>committee.</u></p>	

Panels of the Employment and Staffing Committee

Senior Officers Appointments Panel

Membership	Functions	Delegation of functions
<p><u>Panel appointed by the Monitoring Officer* on an ad hoc basis comprising 3 councillors (for Chief Operating Officer & Director appointments) and at least 5 councillors (for Head of Paid Service, Chief Finance Officer and Monitoring Officer appointments) chosen by the Chair of the Employment and Staffing Committee (or Vice-Chair in their absence) from a pool of all members and substitutes of the Employment and Staffing Committee) and including at least one member of the Cabinet.</u></p> <p><u>(* Chief Executive shall act in place of the Monitoring Officer in the case of an appointment to the post of Monitoring Officer)</u></p>	<p><u>To manage the appointment of Chief Officers</u></p> <p><u>Specifically, to:</u></p> <p><u>1. shortlist, interview and:</u></p> <p><u>1.1 recommend to Council appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer; and</u></p> <p><u>1.2. appoint the Chief Operating Officer and Joint Director of Planning and Economic Development</u></p> <p><u>in accordance with the Officer Employment Procedure Rules.</u></p>	<p>=</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
<p><u>For the appointment of:</u></p> <p><u>1. Head of Paid Service, Chief Finance Officer and Monitoring Officer: membership shall normally include the Leader and lead cabinet member for staffing.</u></p> <p><u>2. Chief Operating Officer/Joint Director of Planning and Economic Development: membership shall normally include the lead cabinet member for staffing or a relevant lead cabinet member.</u></p> <p><u>So far as circumstances allow, the composition of the panel shall comply with the principles of proportionality and Council policy and good practice on equalities.</u></p>		

Investigating and Disciplinary Panel

<u>Membership</u>	<u>Functions</u>	<u>Delegation of functions</u>
<p><u>Panel appointed by the Monitoring Officer on an ad hoc basis comprising at least 3 councillors chosen by the Chair of Employment and Staffing Committee (or Vice-Chair in their absence) from a pool of all members and substitutes of the Employment and Staffing Committee and at least one cabinet member (normally including the lead cabinet member with responsibility for staffing).</u></p> <p><u>So far as reasonably practicable, the composition of the Panel shall comply with the principles of proportionality and Council policy and good practice on equalities.</u></p>	<p><u>In accordance with the Officer Employment Procedure Rules:</u></p> <p><u>To deal with disciplinary matters, short of dismissal, relating to the Head of Paid Service, Chief Finance Officer and Monitoring Officer.</u></p> <p><u>To deal with disciplinary matters, including dismissal, relating to the Chief Operating Officer and Joint Director of Planning and Economic Development.</u></p> <p><u>Specifically:</u></p> <ol style="list-style-type: none"> <u>1. To investigate whether there are sufficient grounds for taking disciplinary action.</u> <u>2. To hold a hearing to consider and make findings as to allegations against the employee.</u> <u>3. To report the outcome of any investigation and hearing to the Employment and Staffing Committee</u> 	<p>=</p>

Independent Panel

<u>Membership</u>	<u>Functions</u>	<u>Delegation of functions</u>
<p><u>At least two independent persons appointed by the Council under Section 28(7) of the Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.</u></p>	<p><u>To consider any proposal by the Employment and Staffing Committee to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer.</u></p> <p><u>To offer advice, views or recommendations to the Council on matters relating to the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer as applicable.</u></p>	<p>=</p>

Employee Appeals Panel

<u>Membership</u>	<u>Functions</u>	<u>Delegation of functions</u>
<p><u>Panel appointed by the Monitoring Officer on an ad hoc basis comprising at least 3 councillors chosen by the Chair of Employment and Staffing Committee (or Vice-Chair in their absence) including at least one member of the Cabinet. Any member of the Council who has received the appropriate training shall be eligible for appointment to the panel provided that they have had no prior involvement in the case to be heard.</u></p> <p><u>As far as circumstances allow, the composition of the panel shall comply with the principles of proportionality and Council policy and good practice on equalities.</u></p>	<p><u>To consider and determine appeals by employees where the Council’s disciplinary and grievance appeals procedures provide for a right of appeal to members.</u></p>	<p>=</p>

Licensing Committee

<u>Licensing Committee</u>		
Membership	Functions	Delegation of functions
<p>14 councillors, which may include the <u>lead cabinet member Portfolio Holder</u> with responsibility for Licensing, who have received suitable training as required by Article 8.3. 06 above, <u>Appointments</u> to be subject to the requirements of political proportionality.</p>	<p><u>1.</u> All licensing applications not determined by the Licensing Officer under delegated powers, under any provisions which are the statutory function of the Council, not otherwise the functions of the Planning Committee.</p> <p><u>2.</u> All appeals from the determination of the Licensing Officer where in-house procedures allow appeals.</p> <p><u>3.</u> All private hire driver license applications following a referral by the Licensing Officer or authorised officer.</p>	<p>The Licensing Officer has general delegated powers subject to the <u>Scheme of Delegation-Rules</u>.</p> <p>The Licensing Appeals Sub-Committee, comprising at least 3, but not more than 5, councillors from the Licensing Committee who have undertaken the necessary training. The Democratic Services Officer, <u>after consultation with the Chair of the Licensing Committee, or in their absence, the Vice-Chair</u>, shall</p> <p><u>1.</u> select members to sit on the Sub-Committee when it is required to meet. The Democratic Services Officer shall</p> <p><u>2.</u> select the Chairman of the Sub-Committee when it is required to meet, in consultation with the Chairman of the Licensing Committee or, in his / her absence, the Vice-Chairman of the Licensing Committee.</p> <p>A Licensing Review Panel, comprising not more than 5 councillors from the Licensing</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Licensing Committee		
Membership	Functions	Delegation of functions
	<p><u>4.</u> Determination of Consent, Licence and Prohibited Streets and all other functions set out in the Local Government (Miscellaneous Provisions) Act, 1982</p>	<p>Committee, who have undertaken the necessary training. The <u>Democratic Services Officer, after consultation with the Chairman</u> of the Licensing Committee, <u>or in their absence the Vice-Chair</u> is authorised to make appointments to the Panel when it is required to meet.</p> <p>The Licensing Officer after consulting the <u>Chairman</u> of the committee and the local member(s)</p>

Licensing Committee (2003 Act)

Licensing Committee (2003 Act)		
Membership	Functions	Delegation of functions
<p>10-15 councillors, who have received suitable training as required by Article <u>8.06-3</u> above, who shall be the same as the membership of the Licensing Committee</p>	<p><u>1.</u> All licensing applications under the Licensing Act 2003 not determined by the Licensing Officer under delegated powers.</p> <p><u>2. All licensing applications under the Gambling Act 2005 not determined by the Licensing Officer under delegated powers.</u></p>	<p>As set out in the aAnnex <u>1</u> below (Delegation of Functions)</p> <p><u>As set out in Annex 2 below (Delegation of Functions)</u></p>

Annex 1 - Table of Delegations in respect of the Licensing Act 2003 Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence	=	If a police representation is made	If no representation is made
Application for personal licence with unspent convictions relevant to the act	=	All Cases	=
Application for premises licence / club premises certificate	If relevant representation relates to Cumulative impact	If a relevant representation is made	If no representation is made
Application for provisional statement	If relevant representation relates to Cumulative impact	If a relevant representation is made	If no representation is made
Application to Vary premises licence / club premises certificate	If relevant representation relates to Cumulative impact	If a relevant representation is made	If no representation is made
Application to vary designated personal licence holder <u>premises supervisor</u>	=	If a police representation is made	All other cases
Request to be removed as designated personal	=	=	All cases

Part 3 – Table 3: Responsibility for Council Functions (Committees)

<u>licence holder</u> <u>premises supervisor</u>			
Application for transfer of premises licence	=	If a police representation is made	All other cases
Application for interim authority	=	If a police representation is made	All other cases
<u>Application to review premises licence / club premises certificate</u>	=	<u>All cases</u>	
<u>Decision on whether a representation is irrelevant, frivolous, vexatious etc</u>	=	=	<u>All cases</u>
<u>Decision to object when local authority is a consultee and not the relevant authority considering the application</u>	=	<u>All cases</u>	=
<u>Determination of an objection to a temporary event notice</u>	=	<u>All cases</u>	=
<u>Application</u> <u>Determination of application to review</u> <u>premises licence / club premises certificate to include alternative licence condition</u>	=	If a <u>relevant police</u> representation is made	All other cases

Part 3 – Table 3: Responsibility for Council Functions (Committees)

<u>Decision whether to consult other responsible authorities on minor variation application</u>	=	=	<u>All cases</u>
<u>Determination of minor variation application</u>	=	=	<u>All cases</u>

Annex 2 - Table of Delegations in respect of the Gambling Act 2005 Functions

Matter to be dealt with	Full Council	<u>Full Committee</u>	Sub Committee	Officers
<u>Final approval of the Licensing Authority Statement of policy</u>	<u>All cases</u>	=	=	=
<u>Policy not to permit casinos</u>	<u>All cases</u>	=	=	=
<u>Fee setting (when appropriate)</u>	=	<u>All cases</u>	=	=
<u>Application for premises licences</u>	=	=	<u>Where representations received and not withdrawn</u>	<u>Where no representations received / representations have been withdrawn</u>
<u>Application for a variation to a licence</u>	=	=	<u>Where representations received and not withdrawn</u>	<u>Where no representations received / representations have been withdrawn</u>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

<u>Application for transfer of a licence</u>	=	=	<u>Where representations have been received from the Commission or responsible authority</u>	<u>Where no representations received from the Commission or responsible authority</u>
<u>Application for a provisional statement</u>	=	=	<u>Where representations received and not withdrawn</u>	<u>Where no representations received / representations have been withdrawn</u>
<u>Review of a premises licence</u>	=	=	<u>All cases</u>	=
<u>Application for club gaming/club machine permits</u>	=	=	<u>Where representations received and not withdrawn</u>	<u>Where no representations received / representations have been withdrawn</u>
<u>Cancellation of club gaming / club machine permits</u>	=	=	<u>All cases</u>	=
<u>Applications for other permits</u>	=	=	=	<u>All cases</u>
<u>Cancellation of licensed premises gaming machine permits</u>	=	=	=	<u>All cases</u>
<u>Cancellation of temporary use notice</u>	=	=	<u>All cases</u>	=

Part 3 – Table 3: Responsibility for Council Functions (Committees)

<u>Decision to give a counter notice to a temporary use notice</u>	=	=	<u>All cases</u>	=
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Planning Committee

Membership	Functions	Delegation of functions
<p>11 councillors, which may include the <u>Portfolio Holder/lead cabinet member</u> with responsibility for <u>Development Control/development control</u>, who have received suitable training as required by Article 8.06 <u>above</u>, <u>appointments</u>3.</p> <p><u>Appointments</u> to be subject to the requirements of political proportionality.</p>	<p>1. Determination of all applications under the Town<u>Functions relating to town</u> and Country Planning Act 1990, the Listed Buildings Act 1990<u>country planning</u> and Hazardous Substances Act 1990<u>development control as specified in Schedule 1 Part A to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, including determining applications and exercise all</u> Enforcement of all enforcement activities in respect of those functions under those Acts, with the exception of applications to be determined by the Northstowe and Fringe Sites Joint Development Control Committees<u>Committee – Cambridge Fringes</u> established by the Council in accordance with Section 101 of the Local Government Act 1972.</p> <p>2. Deal with matters<u>Functions</u> in relation to Public Paths,</p>	<p>The existing scheme of delegation—As set out in Part 3, <u>Table 3-5</u> (as may be amended by the committee from time to time).</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>Protection of Important Hedgerows and Tree Preservation and safety.</p> <p>3. Administer<u>Administration</u> and enforce<u>enforcement of</u> Building Regulations regimes for existing or proposed buildings.</p> <p>[Note: NOT determination of POLICY or designation of conservation areas or Building Regulation policy].</p>	

ADVISORY COMMITTEES

Advisory Committees

Grants Advisory Committee

<u>Grants Advisory Committee</u>		
Membership	Functions	Delegation of functions
<p>5 councillors, appointments.</p> <p><u>Appointments</u> to be subject to the requirements of</p>	<p>1. To consider and make recommendations to the Portfolio Holder<u>lead cabinet member</u> responsible for grants, or Cabinet as</p>	<p>Acts as an Advisory Committee with no delegated decision making.</p> <p>Decisions will<u>shall</u> be taken by the Portfolio Holder<u>lead</u></p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Grants Advisory Committee		
Membership	Functions	Delegation of functions
political proportionality.	<p>appropriate, including, but not limited to:</p> <p>1.1. Review of the Council's grants schemes to ensure they reflect Council priorities.</p> <p>1.2. Design of any new or revised grants schemes, including consideration of criteria and guidance applicable in respect of each scheme.</p> <p>1.3. Consideration of applications made under the Council's grants schemes.</p>	<p><u>cabinet member</u> responsible for grants or Cabinet, as appropriate, after consultation with the Advisory Committee.</p>

Climate Change and Environment Advisory Committee

Climate Change and Environment Advisory Committee		
Membership	Functions	Delegation of functions
<p>7 councillors, appointments.</p> <p><u>Appointments</u> to be subject to the requirements of political proportionality.</p>	<p>1. To advise the Portfolio Holder<u>lead cabinet member</u> responsible for climate change and environmental sustainability and for matters more specifically related to services or corporate direction, the relevant service Portfolio Holder<u>lead Cabinet member</u> or Cabinet, as appropriate, on matters relating to climate change and</p>	<p>Acts as an Advisory Committee with no delegated decision making.</p> <p>Decisions will<u>shall</u> be taken by the Portfolio Holder<u>lead cabinet member</u> responsible for climate change and environmental sustainability, or Cabinet, as appropriate,</p>

Climate Change and Environment Advisory Committee		
Membership	Functions	Delegation of functions
	<p>environmental sustainability including, but not limited to:</p> <ol style="list-style-type: none"> 1.1. Understanding how climate change could affect the District Council's services and developing and recommending appropriate mitigating actions. 1.2. Reviewing the internal operations of the Council with a view to promoting sustainability, adopting best practice and strengthening the Council's environmental performance. 1.3. Providing community leadership on climate change and sustainability, facilitating and engaging public sector partners, businesses, community groups and the public. 1.4. Influencing and interpreting county, regional and national policy for the benefit of South Cambridgeshire. 1.5. Making recommendations on bids for funding relating to climate change. 	<p>after consultation with the Advisory Committee.</p>

Responsibility for Executive Functions (~~Tables 2A-2B~~Table 4)

(1) Arrangements for carrying out Executive functions

~~The~~All functions ~~of the Executive consist of all the functions of the Council~~ which are not reserved to the Council:

1.1 in the Articles; ~~i~~ or

1.2 by law, or

1.3 as set out in the preceding ~~section~~sections (Tables 1 – 3); or

~~4.21.4~~ 4 as specifically reserved to it at any time.

are the responsibility of the Executive.

The Leader of the Council shall make arrangements for the discharge of Executive functions ~~. In doing so, he / she shall:~~

~~Assign a Portfolio to each member of his / her Cabinet~~ as set out in ~~Table 2A;~~Rule 1 of the Cabinet Procedure Rules.

- ~~• Determine those functions he / she wishes to reserve for his / her own decision and those he/she wishes to delegate for decision by:~~
 - ~~• The Executive (Cabinet) as a whole~~
 - ~~• A committee of the Cabinet~~
 - ~~• An individual member of the Cabinet~~
 - ~~• Non-Executive Local Ward Members, in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007~~
 - ~~• An area committee~~
 - ~~• Joint arrangements~~
 - ~~• Another local authority.~~

Details of these arrangements ~~will~~shall be set out in **Table ~~2B.4~~**

(2). Arrangements for the Leader to change the allocation of functions and responsibilities set out in ~~Tables 2A-2B~~ Table 4

~~The Leader's scheme of delegation of executive functions shall have effect from the date new executive arrangements, required under Section 14 of the Local Government Act 2000, amended in accordance with Section 63 of the Local Government and Public Involvement in Health Act 2007, were implemented by the Council.~~

The Leader may refine the allocation of functions and responsibilities set out in ~~Tables 2A-2B~~ Table 4 as ~~he / she wishes~~ they wish. To effect changes, the Leader shall provide details of the changes ~~he / she wishes~~ they wish to make in writing to the Chief Executive, such changes to have effect immediately upon subsequent notification to all ~~Members~~ members.

~~In delegating functions under Section 236 of the Local Government and Public Involvement in Health Act 2007, the Leader shall have regard to the provisions of regulations, which may be issued by the Secretary of State from time to time.~~

The Council may agree amendments to its definitions of the budget and policy framework, which have the effect of limiting or extending the extent of executive functions delegated to the Leader, consequently ~~Table 2B~~ 4 may be altered accordingly.

(3). Delegation to Chief Officers

Matters which the Leader has not specifically reserved for exercise ~~within section (1) above~~ by another decision taker shall be delegated to Chief Officers ~~and Heads of Service~~ as operational management. The ~~Scheme of Delegation Rules~~ at Part ~~43, Table 7~~ of this Constitution ~~sets~~ sets out the extent of ~~chief officers' Chief Officers/Heads of Services'~~ delegated authority, which the Leader may limit or withdraw as ~~he / she sees~~ they see fit.

Table 2A

Portfolio Title	Portfolio Holder	Additional Responsibility
Leader of the Council	Councillor Bridget Smith	Combined Authority.
Deputy Leader of Council (Statutory) and Lead Cabinet Member for Strategic Planning and Transport	Councillor Aidan Van de Weyer	Greater Cambridge Partnership
Deputy Leader and Lead Cabinet Member for Customer Services and Business	Councillor Neil Gough	
Environmental Services and Licensing	Councillor Bill Handley	
Finance	Councillor John Williams	
Housing	Councillor Hazel Smith	
Planning	Councillor Tumi Hawkins	

Table 2B4: Executive Functions

Given below are executive functions reserved for decision by the Leader of the Council, whole Cabinet, individual ~~portfolio holders~~lead cabinet members or ~~Local~~local Ward ~~Members~~members.

Notes:

1. In all cases decisions shall be referred to Council if there are, or are likely to be, financial implications which cannot be met from within the financial discretion allowed to the Leader of the Council. Council has delegated authority to the Leader of the Council to approve, after opportunities for virement have been exhausted, in-year supplementary revenue and capital estimates up to Level 3 (£50,000 per item), subject to this expenditure being within approved policy.
2. Specific executive functions not referred to in the table are delegated to Chief Officers and Heads of Service as operational management. In exercising delegated powers, Chief Officers and Heads of Service shall have regard to the provisions of the Scheme of Delegation Rules set out at Part 43, Table 7, of this Constitution.

General Matters

The following delegations ~~would~~shall apply to all ~~portfolios~~areas of Cabinet responsibility. Where matters are delegated to ~~portfolio holders~~lead cabinet members, the delegation ~~would~~shall be to the ~~portfolio holder~~lead cabinet members for the relevant service area.

General

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by <u>Portfolio Holders/Lead Cabinet members</u>	Matters reserved for the Leader
<u>General</u>			
1.	The exercise of functions, ordinarily within <u>Portfolio Holders/lead cabinet members'</u> delegated powers, in respect of matters which the <u>Portfolio Holder/lead cabinet member</u> has referred upwards in accordance with the <u>Scheme of Delegation Rules</u> at Part 43, <u>Table 7</u> , of this Constitution.	The exercise of functions, ordinarily within chief officers' <u>Chief Officers/Head of Services'</u> delegated powers, in respect of matters which the chief -officer has referred upwards in accordance with the <u>Scheme of Delegation Rules</u> at Part 43, <u>Table 7</u> , of this Constitution.	=

Staffing Matters

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by <u>Portfolio Holders/Lead Cabinet members</u>	Matters reserved for the Leader
<u>Staffing Matters</u>			
2.	To recommend to Council approval or rejection of pay awards or allowance adjustments beyond provision made in the budget and outside the financial discretion allowed in delegation (7) below.	To approve or reject pay awards or allowance adjustments within budget provision. The Chief Executive may approve the implementation of national allowance adjustments provided they are within budget.	=

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by Portfolio Holders <u>Lead Cabinet members</u>	Matters reserved for the Leader
3.	To approve new policies relating to employment; health and safety; and recruitment and retention of staff which have significant financial implications or are not in accordance with national agreements.	=	=
4.	To determine proposals to carry out substantial changes to the organisational structure.	=	=

Financial Matters

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by Portfolio Holders <u>Lead Cabinet members</u>	Matters reserved for the Leader
<u>Financial Matters</u>			
5.	To approve capital and revenue estimates (for recommendation to Council).	To approve capital and revenue estimates for Staffing and Central Overhead accounts as the basis for the preparation of service budgets.	=
6.	=	To approve the Council's response to the annual provisional financial settlement issued by Government.	=

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by Portfolio Holders <u>Lead Cabinet members</u>	Matters reserved for the Leader
7.	To approve, after opportunities for virement have been exhausted, in-year supplementary revenue and capital estimates up to Level 3 (£50,000 per item), subject to this expenditure being within approved policy, and to make recommendations to Council where the revenue or capital requirement exceeds this amount.	=	=
8.	=	Relevant portfolio holders <u>lead cabinet members</u> to approve virement across 2 or more portfolios <u>areas of Cabinet responsibility</u> (with the Chief Finance Officer). See Rule 5 , Budget and Policy Framework <u>Procedure Rules</u> .	To approve virement where the affected portfolio holders <u>lead cabinet members</u> have not agreed.
9.	=	To approve project appraisals (i.e., approval of a report on the proposals) for non-housing new general fund revenue schemes greater than £50,000 or capital schemes greater than £200,000 included in the budget or capital estimates.	=

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by <u>Portfolio Holders</u> <u>Lead Cabinet members</u>	Matters reserved for the Leader
10.	To approve new policies for fees and charges, and revisions to existing policies, where income, or variation of income is estimated to be over £50,000 per annum.	<p>To approve new policies for fees and charges, and revisions to existing policies, where income, or net variation of income is estimated to be up to £50,000 per annum.</p> <p>To approve all changes to fees and charges within policy (except charges for one-off publications and events – delegated to officers).</p>	=
11.	=	<p>To accept tenders above 10% and up to 15% greater than the budget provision for the proposal in question, provided that the cost can be met from resources within the <u>portfolio departmental budget</u>.</p> <p>[All Chief Officers/<u>Heads of Service</u> are authorised to accept tenders up to 10% above estimate (provided that the cost can be met from within the same budget).]</p>	=
12.	To receive year-end integrated business monitoring reports combining financial and performance information.	To receive in-year integrated business monitoring reports combining financial and performance information.	=

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by <u>Portfolio Holders</u> <u>Lead Cabinet members</u>	Matters reserved for the Leader
13.	=	To approve carry forward of uncommitted balances on reserve account for grants.	=
14.	=	To consider and make recommendations to Council in respect of the annual Treasury Management Performance report.	=

Grants

Ref No.	For decision by the whole Cabinet	For decision by <u>Lead Cabinet members</u>	Matters reserved for the Leader
15.	To approve policies and criteria for the approval of grant schemes under which awards above Level 1 (£5,000) may be made.	To approve policies and criteria for the approval of grant schemes under which no award exceeds level one (£5,000). <u>See note (d)1 below</u> <u>To determine applications made under the Council's grants schemes (see note 1 below).</u>	-

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet members	Matters reserved for the Leader
16.	To approve statutory or non-statutory grants, guarantees or loans above Level 4.	<p>To approve non-statutory grants or guarantees or loans where the value exceeds Level 2 up to and including Level 4 (in consultation with the Finance Portfolio holder <u>Lead Cabinet Member for Finance</u>).</p> <p>To approve statutory grants where the value exceeds Level 3 up to and including Level 4 (in consultation with the Finance Portfolio holder <u>. Lead Cabinet Member for Finance</u>).</p>	-

Notes:

1. ~~Chief Officers have~~ Decisions of the lead cabinet member responsible for grants or the Cabinet, as appropriate, shall be taken after consultation with the Grants Advisory Committee.

2. ~~The Head of Housing has~~ delegated powers to approve non-statutory ~~/~~ discretionary grants ~~or guarantees or loans~~ up to and including Level 2, ~~and~~ statutory grants (such as disabled ~~facilities~~ facility grants) up to and including Level 3, ~~and further Disabled Facilities or Renovation Grants~~ subject to cover unforeseen urgent works, above Level 1 up to and including Level 2, such awards ~~to be being~~ consistent with policy (eg: the Cambridgeshire Housing Adaptations and Repairs Policy – April 2019) ~~and in consultation with local members.~~

- ~~(a) The limits above for the approval of further Disabled Facilities or Renovation Grant to cover unforeseen urgent works are to be observed regardless of the amount of the original grant approved and whether it is statutory or mandatory.~~
- ~~(b) For the purposes of construing levels or amounts of grant, all procedural rules relate to net grant expenditure being the ultimate grant sum expended or to be expended by the Council after all relevant associated credits (re)paid or (re)payable have been taken into account in respect of any particular matter.~~
- ~~(c) Decisions of the Portfolio Holder responsible for grants or the Cabinet, as appropriate, will be taken will be taken after consultation with the Grants Advisory Committee.~~

Policy and Performance

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by <u>Portfolio Holders</u> <u>Lead Cabinet member</u>	Matters reserved for the Leader
<u>Policy and Performance</u>			
17.	Review of the Council's corporate objectives, making recommendations to Council where appropriate.	=	=
18.	To consider, for recommendation to Council, policies, strategies or plans which would have the effect of amending or adding to the Council's finance and policy framework.	To consider and make a recommendation to Council in respect of the adoption and amendment of the Investment Strategy.	=

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by <u>Portfolio Holders</u> <u>Lead Cabinet member</u>	Matters reserved for the Leader
19.	To approve policies, strategies or plans which would not impact upon the Council's finance and policy framework but would nevertheless have implications across <u>portfolios more than one Cabinet area of responsibility</u> and a substantial impact within an operational service, directly affecting the service received by the public.	<p>To approve operational guidelines which relate only to the service within the <u>portfolio holders' lead cabinet members'</u> responsibilities.</p> <p>To approve policies, strategies or plans which would not impact upon the Council's finance and policy framework but would nevertheless have implications across <u>portfolios more than one Cabinet area of responsibility</u> and a substantial impact within a back office service.</p>	=
20.	=	<p>To release a draft policy, strategy or plan for consultation or refer the matter to the Leader if likely to be sensitive or controversial or affect other <u>portfolios Cabinet areas of responsibility</u>.</p> <p>(Note – this delegation does not apply to Development Plan Documents brought forward as part of the Council's Local Development Framework – see <u>delegations 74 and 76</u> <u>delegation 75</u> below.)</p>	To release a draft policy, strategy or plan for consultation, if referred to the Leader by a <u>portfolio holder lead cabinet member</u> .

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by <u>Portfolio Holders</u> <u>Lead Cabinet member</u>	Matters reserved for the Leader
21.	=	To approve annual <u>Service Plans</u> <u>service plans</u> for services.	=
22.	=	To monitor the implementation of service plans and to decide whether to refer matters of concern to the Leader.	To consider concerns referred by a <u>portfolio holder</u> <u>lead cabinet member</u> in relation to the achievement of service plans.
23.	To approve responses to consultation papers from the Government or other statutory agencies, containing proposals which would conflict with, or substantially add to or amend, the Council's policy and budget framework. (excluding the response to the annual provisional financial settlement – see delegation 6 above).	To approve responses to consultation papers from the Government or other statutory agencies, other than those containing proposals which would conflict with or substantially add to or amend, the Council's policy and budget framework.	=

Service Levels / Efficiency

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
24.	To approve, reject or amend substantial changes (planned or unplanned) to services (or new services).	To approve, reject or amend significant variations to existing levels of service.	-

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
25.	To consider the external auditors' annual Management Letter.	To receive external audit reports and decide whether to refer to the Leader any matters of concern.	To receive external audit reports referred by Portfolio holders <u>lead cabinet members</u> .
26.	-	To receive update reports relating to ongoing efficiencies work.	-

Personal Applications

Ref No.	For decision by the whole Cabinet	For decision by Lead Cabinet member	Matters reserved for the Leader
27.	-	Payment of ex-gratia payments or compensation above Level 2, in relation to matters which are executive matters.	-

Notes:

~~4.3. Council on 18 October 2007 delegated authority to~~ Chief Officers/Heads of Service are authorised to approve any requests for financial assistance, grants or services from the Council falling outside the normal rules or policies. Examples would include (but not exclusively):

3.1 Rate relief

3.2 Rents or charges

3.3 Ex-gratia payments or compensation up to and including Level 2.

Contracts

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by <u>Portfolio Holders</u> <u>Lead Cabinet members</u>	Matters reserved for the Leader
<u>Contracts</u>			
28.	In the case of new contracts for the provision of services, works or goods, to approve the principle of contracting out and the key elements of the service specification. (To Council if there are or are likely to be implications for the policy / budget framework – in particular if the contract binds the Council to future additional financial commitments).	=	=
29.	=	To terminate a contract before expiry of the term (relevant <u>Portfolio Holder</u> <u>lead cabinet member</u> in consultation with <u>the Lead Cabinet Member for Finance Portfolio Holder</u>).	=

Notes:

2.4. Council on 18 October 2007 Chief Officers/Heads of Service have delegated authority ~~to Chief Officers~~ for all other matters relating to contracts, after consulting the Lead Cabinet Member for Finance Portfolio Holder and any other relevant Portfolio Holder lead cabinet member(s). This ~~will~~ shall include consortium framework contract considerations, tender listing, acceptance, adjustments of any kind, extensions and emergency or urgent provision.

Conferences / Appointments

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by <u>Portfolio Holders</u> <u>Lead Cabinet members</u>	Matters reserved for the Leader
<u>Conferences / Appointments</u>			
30.	=	=	To appoint member representatives on outside bodies where delegated to the Executive.
31.			To approve submission of motions to the LGA or other conferences on behalf of the Council.
32.			To appoint Member Champions.
Partnerships			
33.	To approve policies, objectives, targets, or substantial commitments entered into with partner organisations (to Council if the policy framework would be affected or if the commitment would bind the Council in future years).	To approve commitments entered into with partner organisations, which are within existing budgets and policies and would not involve other <u>portfolios</u> <u>areas of Cabinet responsibility</u> .	
Economic Development			

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by Portfolio Holders <u>Lead Cabinet members</u>	Matters reserved for the Leader
34.			To receive and consider reports and recommendations in respect of economic development initiatives.
Land and Property			

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by Portfolio Holders <u>Lead Cabinet members</u>	Matters reserved for the Leader
35.	<p>Disposal of Council interest in land or property where the value exceeds Level 4 or where other conditions in <u>item 5 of paragraph 4.6 of the Scheme of Para 3.6.2 of the Delegation Rules</u> are not met.</p> <p>Does not apply to disposals under right to buy legislation or the Council's equity share scheme which are delegated to officers.</p> <p>Additional delegations relating to disposal of housing land <u>and property</u> are <u>set out in the HRA Asset Sustainability Policy (Disposals and Acquisitions)</u> given under the <u>Housing delegations</u></p>	<p>Disposal of Council interest in land or property where the value exceeds Level 2 up to and including Level 4 or where other conditions in Para 3.6.2<u>item 5 of paragraph 4.6</u> of the <u>Scheme of Delegation Rules</u> are not met. <u>:-</u></p>	<p>=</p>

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by Portfolio Holders <u>Lead Cabinet members</u>	Matters reserved for the Leader
36.	=	-Acquisition of leases or other ongoing commitment where the value exceeds Level 2 (to Council if budget provision not available).	

Appointment of Proper Officers

<u>Ref No.</u> <u>Appointment of Proper Officers</u>	<u>For decision by the whole Cabinet</u>	<u>For decision by Lead Cabinet members</u>	<u>Matters reserved for the Leader</u>
37.		Appointment of Proper Officers not employed by the Council.	=

Executive Matters Reserved to the Executive and Portfolio Holders – by Portfolio

Given below are proposals for matters within individual portfolios to be reserved to the Executive and portfolio holders.

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by Portfolio Holders <u>Lead Cabinet members</u>	Matters reserved for the Leader
Customer Services and Business Improvement			
38.		To approve street names, where there is an objection from the local member(s) or any statutory consultees.	
39.		To review areas of special control of advertisements.	
40.	=	To approve arrangements for member training and support (including IT support), together with approval of attendance of members at conferences or external training events where funded from the Democratic Representation budget.	

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by <u>Portfolio Holders</u> <u>Lead Cabinet members</u>	Matters reserved for the Leader
Environmental Services and Licensing			
41.			To approve the Council's contribution and commitments under the Joint Municipal Waste Strategy (making recommendations to Council where the budget and policy framework would be affected).
42.		To approve the Air Quality Strategy and declaration of Air Quality Management Areas.	
43.		To approve the Council's Contaminated Land Strategy.	
44.		To approve the Land Drainage Maintenance Plan.	
45.		To approve operating practices and representation on the Swavesey Byways Advisory Committee.	

Responsibility for Executive Functions

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by Portfolio Holders <u>Lead Cabinet members</u>	Matters reserved for the Leader
46.		To approve Licensing Committee policies and procedures, subject to consultation with the Licensing Committee, with the exception of the Licensing Act 2003 policy and the Gambling Act 2005 policy, which need the approval of Full Council.	-
47.	-		To approve the Council's emergency planning arrangements, subject to the Council's policy and budget framework.-
48.		To approve the Council's flood defence statement.	

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by <u>Portfolio Holders</u> <u>Lead Cabinet members</u>	Matters reserved for the Leader
Finance			
49.	To approve relevant strategies, plans and policies, including: Financial Strategy, budget, Council Tax levels, Investment Strategy, and Corporate Plan for recommendation to Council where in the budget / policy framework.	To approve the Capital Strategy and Asset Management Plan.	-
50.		Agreement and ownership of the strategic risks facing the Council.	
51.		To approve policies and criteria for rate relief.	
52.		To determine applications for discretionary rate relief outside the approved policy and criteria.	
53.		To approve discretionary rate relief appeals.	
54.		To write off debts above Level 2.	
55.	To give approvals to matters which do not comply with Financial and Contract Regulations.		

Notes:

Customer Services and Business Improvement

<u>Ref No.</u>	<u>For decision by the whole Cabinet</u>	<u>For decision by Lead Cabinet members</u>	<u>Matters reserved for the Leader</u>
=		<u>To approve street names, where there is an objection from the local member(s) or any statutory consultees.</u>	=
=		<u>To review areas of special control of advertisements.</u>	=
=		<u>To approve arrangements for member training and support (including IT support), together with approval of attendance of members at conferences or external training events where funded from the Democratic Representation budget.</u>	=

Environmental Services and Licensing

<u>Ref No.</u>	<u>For decision by the whole Cabinet</u>	<u>For decision by Lead Cabinet members</u>	<u>Matters reserved for the Leader</u>
=	=	=	<u>To approve the Council's contribution and commitments under the Joint Municipal Waste Strategy (making recommendations to Council where the budget and policy framework would be affected).</u>
=	=	<u>To approve the Air Quality Strategy and declaration of Air Quality Management Areas.</u>	=
=	=	<u>To approve the Council's Contaminated Land Strategy.</u>	=
=	=	<u>To approve the Land Drainage Maintenance Plan.</u>	=
=	=	<u>To approve operating practices and representation on the Swavesey Byways Advisory Committee.</u>	=

<u>Ref No.</u>	<u>For decision by the whole Cabinet</u>	<u>For decision by Lead Cabinet members</u>	<u>Matters reserved for the Leader</u>
=		<u>To approve Licensing Committee policies and procedures, subject to consultation with the Licensing Committee, with the exception of the Licensing Act 2003 policy and the Gambling Act 2005 policy, which need the approval of Full Council.</u>	=
=		=	<u>To approve the Council's emergency planning arrangements, subject to the Council's policy and budget framework.</u>
=		<u>To approve the Council's flood defence statement.</u>	=

Finance

<u>Ref No.</u>	<u>For decision by the whole Cabinet</u>	<u>For decision by Lead Cabinet member</u>	<u>Matters reserved for the Leader</u>
<u>49.</u>	To approve relevant strategies, plans and policies, including: Financial Strategy, budget, Council Tax levels, Investment Strategy, and Corporate Plan for recommendation to Council where in the budget / policy framework.	To approve the Capital Strategy and Asset Management Plan.	=
<u>50.</u>	=	Agreement and ownership of the strategic risks facing the Council.	=
<u>51.</u>	=	To approve policies and criteria for rate relief.	=
<u>52.</u>	=	To determine applications for discretionary rate relief outside the approved policy and criteria.	=
<u>53.</u>	=	To approve discretionary rate relief appeals.	=
<u>54.</u>	=	=	=
<u>55.</u>	=	To write off debts above Level 2.	=

<u>Ref No.</u>	<u>For decision by the whole Cabinet</u>	<u>For decision by Lead Cabinet member</u>	<u>Matters reserved for the Leader</u>
56.	To give approvals to matters which do not comply with Financial and Contract Regulations.	=	=

Notes:

~~3.5.~~ The Chief Finance Officer ~~shall be~~ is authorised to write off any individual debt up to and including Level 2, provided that ~~he is~~ they are satisfied that all action for recovery of the debt appropriate to the amount has been taken (see Financial Regulations 13.8).

~~6.~~ ~~Council on 18 October 2007 delegated authority to the~~ The Chief Finance Officer is authorised to determine applications for discretionary rate relief within the approved policy and criteria, and to determine discretionary housing payments.

~~4.7.~~ The Chief Finance Officer is authorised to review and determine the boundaries of rural settlements for the administration of Rural Rate Relief in accordance with Section 42B of the Local Government and Rating Act 1997.

Housing

<u>Ref No.</u>	<u>For decision by the whole Cabinet</u>	<u>For decision by Portfolio Holders <u>Lead Cabinet members</u></u>	<u>Matters reserved for the Leader</u>
<u>Housing</u>			
56. 57	To make recommendations to Council on the HRA, rents and charges.	=	=

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by Portfolio Holders<u>Lead Cabinet members</u>	Matters reserved for the Leader
57-58	To approve changes to Housing Allocations policy.	=	=
58-59	=	To approve changes to and variations of Conditions of Tenancy.	=
59-60	=	To approve programmes of parking, lighting and estate roads improvement schemes, subject to consultation with local members.	=
60-61	=	To approve decisions by the Director <u>Head</u> of Housing to approve change of use subject to any planning requirements.	=
61-62	=	To approve decisions of the Director <u>Head</u> of Housing to make land/ <u>/</u> property available for redevelopment by the Council.	=
62-63	To approve land / property being made available at less than market value for affordable housing schemes where the annual limit of £1 million will <u>shall</u> be exceeded.	To approve decisions by the Director <u>Head</u> of Housing to make land / property available at less than market value for affordable housing schemes, subject to an annual limit of £1 million and compliance with current planning policies and General Consent	=

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by Portfolio Holders <u>Lead Cabinet members</u>	Matters reserved for the Leader
	See also note (j) below)	under Section 28 of the Local Government Act 1988.	
63.64	To approve individual properties for sale on the open market where the annual limit of £2m is exceeded.	To approve decisions by the Director <u>Head</u> of Housing to agree individual properties for sale on the open market, subject to an annual limit of £2m.	=
64.65	To approve the sale of land where the annual limit of £2m is exceeded.	To approve decisions of the Director <u>Head</u> of Housing to agree the sale of land subject to an annual limit of £2m and subject to planning approval and provision of quarterly performance monitoring data to Cabinet.	=
65.66	To approve the purchase of land where the value exceeds £2m.	To approve decisions of the Director <u>Head</u> of Housing (with the agreement of the Section 151 Officer) to approve purchase of land within budget, subject to planning approval and up to a limit of £2m.	=

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by Portfolio Holders <u>Lead Cabinet members</u>	Matters reserved for the Leader
66-67	To approve the purchase of individual properties where the value exceeds £2m.	To approve decisions of the Director <u>Head</u> of Housing to approve the purchase of individual properties within the set budget, subject to contract and up to a limit of £2m.	=
67-68	To approve the purchase of “off the shelf” properties where the value exceeds £2m.	To approve decisions of the Director <u>Head</u> of Housing to purchase “off the shelf” properties within the set budget (with the agreement of the Section 151 Officer, for package deals that exceed £1m), subject to contract and up to a limit of £2m.	=
68-69	To agree to enter into contract and progress to completion new build schemes to provide affordable council homes where the value of the scheme exceeds £2m.	To approve decisions of the Director <u>Head</u> of Housing to enter into contract and progress to completion new build schemes to provide affordable council homes within <u>the</u> set budget (with the agreement of the Section 151 Officer) up to a limit of £2m. Substituted sites within overall budget parameters are permitted and form part of this delegation.	=
69-70	To approve the sale of properties to South Cambs Ltd where the value exceeds £2m.	To approve decisions of the Director <u>Head</u> of Housing, with the consent of the Section 151 Officer, (approval of <u>Lead Cabinet members for</u> both Housing	=

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by Portfolio Holders <u>Lead Cabinet members</u>	Matters reserved for the Leader
		and Finance Portfolio Holders (required) for the sale of properties to South Cambs Ltd up to a limit of £2m and subject to Secretary of State consent in accordance with Section 32 of the Housing Act 1985 (General Housing Consents 2013).	
70.71	To approve any proposals which would have the effect of adding to or reducing the housing stock (other than through Right to Buy legislation; or the Council's equity share scheme; <u>or where delegated under the HRA Asset Sustainability Policy</u> and subject to the Council's policy and budget framework).	=	=
74.72	=	To allocate the s106 money received by SCDC in lieu of an affordable housing contribution on site.	=
72.73	To determine proposals for substantial changes in the Council's service provision relating to Traveller <u>traveller</u> sites managed on behalf of the County Council (subject to any necessary planning	=	=

<u>Ref No.</u>	For decision by the whole Cabinet	For decision by Portfolio Holders <u>Lead Cabinet members</u>	Matters reserved for the Leader
	consents from the Planning Committee).		
73.74 =		To approve or refuse requests to waiver the local land charge in respect of disabled facilities grants.	=

Notes:

Notes:

~~5.8. Council on 18 October 2007 delegated authority to Chief Officers~~The Head of Housing is authorised to approve allowances or expenses to Council ~~Tenant~~tenants.

~~6.9.~~ The HRA Asset Sustainability Policy (Disposals and Acquisitions) approved in September 2013, as amended, sets out delegations to the ~~Director~~Head of Housing to take decisions on various matters relating to disposals and acquisitions, subject to the consultations / notifications and conditions specified in those delegations (including obtaining the approval of ~~Portfolio holders~~lead cabinet members as set out in delegations ~~6261~~ – 70 above and consultations / notifications with ~~Local Members~~local members and Parish Councils as specified in Section 6 of that Policy).

Ref No.	For decision by the whole Cabinet	For decision by <u>Portfolio Holders</u> <u>Lead Cabinet members</u>	Matters reserved for the Leader
Deputy Leader			
7	To approve draft Northstowe Development Plan Documents for statutory consultation and recommend to Council approval of Northstowe Development Plan Documents for submission to the Secretary of State.	To determine all relevant stages of the Northstowe plan-making process up to the approval of draft Development Plan Documents for statutory consultation.	=
7	=	To approve draft and final Supplementary Planning Guidance relating to Northstowe.	=

	For decision by the whole Cabinet	For decision by Portfolio Holders	Matters reserved for the Leader
Planning			
76:75	To approve draft Development Plan Documents for statutory consultation and recommend to Council approval of Development Plan Documents for submission to the Secretary of State.	To determine all relevant stages of the plan-making process up to the approval of draft Development Plan Documents for statutory consultation.	

Responsibility for Executive Functions

	For decision by the whole Cabinet	For decision by Portfolio Holders	Matters reserved for the Leader
77.76		To approve draft and final Supplementary Planning Guidance.	
78.77		To consider and approve the Local Development Framework Annual Monitoring Report for submission to central government.	
79.78		To approve dual use agreements.	
80.79		To respond as consultee to traffic-related issues from Cambridgeshire County Council.	
81.80		To approve the programme of Conservation Area Appraisals.	
82.81		To designate Conservation Areas, agree amendments to their boundaries and agree supplementary planning guidance (e.g., Village Appraisal) where 1 parish only affected.	
83.82		To make decisions on neighbourhood area designations where substantive objections are received.	

Responsibility for Executive Functions

	For decision by the whole Cabinet	For decision by Portfolio Holders	Matters reserved for the Leader
84.83		To determine the way forward where the examiner raises any significant concerns relating to a neighbourhood plan and is not recommending that it should proceed to referendum.	

Responsibility for Council Functions (Table 5)

Powers and Functions Delegated by the Planning Committee (~~Table 3~~)

South Cambridgeshire District Council operates an adopted scheme of delegation which sets out the range of decisions that designated officers ~~can~~may make on behalf of the Council. Decisions on the majority of planning proposals and associated applications are delegated to designated officers without the need for them to be decided by members at Planning Committee

Delegated decisions are carefully considered by the case officer who outlines their recommendations, and reasons behind the recommendations, in a balanced delegated report, which is checked by a designated officer before a decision is agreed and issued.

By operating a scheme of delegation, decisions are made in good time, in line with statutory target dates, and the Planning ~~Committees~~Committee can concentrate on the most contentious and significant proposals.

Applications for consent or permission under the Town and Country Planning Acts and Listed ~~Buildings~~Building and Conservation ~~Areas~~Area Acts shall be dealt with under delegated powers unless:

1.

~~4-~~A local member or Parish Council writes, or emails, a request for a particular application to be considered by Planning Committee, and sound planning reasons are given for why this is considered necessary and the request is accepted by the Joint Director of Planning and Economic Development, in consultation with the Chair of Planning Committee (or Vice-Chair in ~~his/her~~their absence).

(Footnote: Notwithstanding any decision is ultimately one for the officer ~~himself/herself~~themselves, the committee's guidance in terms of decisions made in accordance with the delegation rules is that in cases which raise issues which are sensitive or controversial, the committee would expect the officer normally to refer the matter to the committee.)

The request by Parish ~~councils~~Councils should be made within 21 days of the date of registration and by local members not later than 28 days of the date of registration of the application, or within 14 days of receipt of any subsequent significant amendment to a current proposal. If the Joint Director, in consultation with the Chair, declines a request, a written explanation shall be given to the Parish Council and copied to the local member.

~~5-2.~~

~~2-~~An application is made by an elected member or an officer of the Council, or a close friend, relative or partner of either of such persons.

~~6.3.~~ 3. If approved, the application would represent a significant departure from the approved policies of the Council (officer delegation is still permitted if the application is to be refused). Significant departures shall include, but are not limited to, development which requires referral to the Secretary of State;

~~7.4.~~ 4. Any 'Major' or 'Minor' application relating to the Council's own land or development where representations have been received against the proposal;

~~8.5.~~ 5. The application is for the demolition of a listed building or a Building of Local Interest or

~~9.6.~~ 6. The application is one that in the opinion of officers, in consultation with the Chair and Vice-Chair, should be determined by Committee because of special planning policy considerations, the complexity of the application, the application is significant and / or of strategic importance to an area beyond both specific site and parish.

Note:

For the purposes of considering requests under clause 1 above, the Director, in consultation with the Chair of the Planning Committee, shall have regard to the following criteria:

1. Relevant material planning considerations raising significant planning concerns
2. Significant implications for adopted policy;
3. The nature, scale and complexity of the proposed development.
4. The planning history of the site.

Strategic Lead (3C Building Standards) – Delegated Powers

The Strategic Lead (3C Building Standards) is authorised to:

1. ~~pass~~Pass or ~~Reject~~reject Building Plans deposited for Building Regulation consent, or pass them subject to certain conditions, as may be specified being met (Section 16 Building Act 1984) and, where appropriate, state the grounds for rejection of Building Plans include those linked powers in the Building Act of Section 18 (Building over Sewers etc.), Section 21 (Provision of Drainage), & Section 25 (Provision of Water Supply).
2. ~~relax~~Relax or ~~Dispensed~~dispense with a requirement of the Building Regulations upon receipt of an application. In considering the request, consultation shall be made, where appropriate, with the Fire Authority, and adjoining owners of the premises. (Section 8 Building Act 1984)
3. ~~serve~~Serve all relevant notices under Section 36 and Section 37 of the Building Act 1984 (Removal or alteration of Offending Work) in respect of work contravening the Building Regulations and relevant Sections of the Building Act 1984.
4. ~~serve~~Serve all relevant notices under Section 71 of the Building Act 1984 (Entrances, exits etc. to be required in certain cases) to ensure public safety in certain buildings. Before the serving of such notices, consultation shall be made with the Fire Authority.
5. ~~serve~~Serve all relevant notices under Section 72 of the Building Act 1984 (Means of Escape in case of Fire) to ensure the health and safety of occupants in certain buildings. Before the serving of such notices, consultation shall be made with the Fire Authority.
6. ~~apply~~Apply to a magistrates' court, where necessary, for an order under Section 77 of the Building Act (Dangerous Building) to ensure the execution of any such work to obviate or remove the danger or restrict the use of a building.

7. ~~serve~~Serve notice under Section 78 of the Building Act (Dangerous Building – emergency measures) on the owner and occupier of a building which is in such a dangerous condition that immediate action is necessary to obviate that danger.
 - 7.1 ~~7.1~~The Strategic Lead (3C Building Standards) and Building Control Surveyors of any designation are considered Authorised Officers in respect of the definition in the Building Act 1984.
 - 7.2 The powers set out above are also delegated to the Joint Director of Planning ~~&~~and Economic Development.

8. ~~serve~~Serve all relevant notices under Section 80 and Section 81 of the Building Act 1984 (Demolition) in respect of any demolition works under the relevant Sections of the Building Act 1984.

Consultancy Team Leader – Delegated Powers

1. The Consultancy Team Leader is authorised to exercise the following powers under the Listed Buildings Act 1990 (“the 1990 Act”), in accordance with the provisions of the development plan and the Council's planning and conservation policies:
 - 1.1 the determination, with or without conditions, of applications for:
 - (a) ~~(a)~~ Listed Building Consent and any amendments;
 - (b) ~~(b)~~ Conservation Area Consent and any amendments;
 - (c) ~~(c)~~ approval of any schemes, matters or details reserved in relation to (a) or (b) above for the further approval of the Council;

except where any of the following apply:

 - (i) ~~(i)~~ material or contrary representations have been received through consultation procedures and cannot be substantially satisfied by the proposed decision of the Consultancy Team Leader;
 - (ii) ~~(ii)~~ in the case of reserved matters or details, approval has been specifically retained by the Planning Committee.
 - 1.2 the serving of Listed Building Repairs Notices and Building Preservation Notices in cases of emergency; in accordance with the provisions of the 1990 Act; and the determination of applications for consent for tree works in accordance with the Town and Country Planning Act 1990.
 - 1.3 the instigation of legal proceedings, after consultation with the Chair of the Planning Committee and Head of Legal Practice, in relation to any matter contained in the 1990 Act or any statutory modification or re-enactment thereof.
2. The Consultancy Team Leader is authorised to serve remedial notices relating to high hedges under Part 8 of the Anti-Social Behaviour Act 2003.
3. The Joint Director of Planning and Economic Development, Assistant Director (Strategy and Economy) and the Built and Natural Environment Manager have the same delegated powers as set out above

Trees Officer – Delegated Powers

1. The Trees Officer (or the Trees Assistant in their absence) in consultation with the ~~Chairman~~Chair of the Planning Committee and the local member(s), may:
 - 1.1 determine applications for consent for tree works in conservation areas~~;~~;
 - 1.2 issue and serve any Breach of Condition notices (or withdraw any that have been served) relating to the submission or implementation of any landscaping scheme required by any condition of any planning permission~~;~~;
and
 - 1.3 issue and serve, in an emergency, any Tree Preservation Order.
2. The Joint Director of Planning &and Economic Development, Assistant Director (Strategy and Economy) and Built and Natural Environment Manager have the same delegated powers as set out above.

Additional Delegated Powers

1. The Head of Legal Practice and Joint Director of Planning and Economic Development are individually authorised to investigate breaches of ~~Planning Control~~planning control and to issue and serve all appropriate ~~Notices~~notices (including Stop Notices) under Parts VII and VIII of the Town and Country Planning Act 1990 (as amended) and Parts I and II of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended in connection with breaches of planning control.
2. The Head of Legal Practice and and the Joint Director of Planning and Economic Development are individually authorised, in cases of emergency, and after consulting the Chair of the Planning Committee and informing the local member(s) where practicable to do so, to institute proceedings for an injunction in respect of a threatened, suspected or actual breach of planning control. Normally the power is reserved to the committee.

Joint Arrangements (Table 4.6)

Greater Cambridge Partnership Executive Board

Membership	Functions	Delegation of functions
<p>3 elected members with full voting rights (one from each of Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council)</p> <p>2 non-voting members (one from the Local Enterprise Partnership Business Board of the Cambridgeshire and Peterborough Combined Authority and one from the University of Cambridge).</p>	<p>The Executive Board is established to ensure that the objectives of the Greater Cambridge City Deal are met. The Greater Cambridge Partnership aims to enable a new wave of innovation-led growth by investing in the infrastructure, housing and skills that will shall facilitate the continued growth of the Cambridge Phenomenon. To this end, the Board will-shall have oversight of the strategic direction and delivery of the City Deal and its objectives.</p> <p>The Executive Board will- shall also be responsible for the commissioning of projects funded by money provided through the City Deal, and for overall control of that programme of investments. The scheme promoter for each individual project -will-shall be responsible for the delivery of that budget, under the oversight of the Executive Board. This shall also apply to circumstances in which funding is provided to the Board by the member Ccouncils or by other parties, such as the Local Enterprise Partnerships Business Board -.</p> <p>The three councils agree to delegate exercise of their functions to the Executive Board to the extent necessary to enable the Board to pursue and achieve the objectives of the Greater Cambridge City Partnership and to undertake any actions necessary, incidental or</p>	<p>-</p>

Part 3 – Table 6: Joint Arrangements

Membership	Functions	Delegation of functions
	<p>ancillary to achieving those objectives, and, accordingly, the three Ccouncils shall make the necessary changes to their respective schemes of delegation. The Executive Board may further delegate to officers of the three Ccouncils.</p> <p>The Executive Board will <u>shall</u> consider any reports and recommendations from the Joint Assembly as appropriate.</p>	

Greater Cambridge Partnership Joint Assembly

Membership	Functions	Delegation of functions
<p>3 elected members appointed by each of the three member Councils (Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council)</p> <p>3 members nominated by the Greater Cambridge Greater Peterborough Enterprise Partnership Business Board of the Cambridgeshire and</p>	<p>The Joint Assembly is established to advise the Greater Cambridge Partnership Executive Board with regard to the latter's role in achieving the objectives of the Greater Cambridge City Deal (now known as the Greater Cambridge Partnership) Agreement dated 19 June 2014.</p> <p>The Assembly will<u>shall</u> -act as a forum for discussion with a wider range of members and stakeholders across the Greater Cambridge area, so that the Executive Board benefits from a wider range of expertise in making its decisions.</p> <p>To this end, the Assembly may receive and comment on ("pre-scrutinise") reports to the Executive Board, may offer advice to the Board on the discharge of its functions and may review its work.</p>	-

Part 3 – Table 6: Joint Arrangements

Membership	Functions	Delegation of functions
<p><u>Peterborough Combined Authority Business Board of the Cambridgeshire and Peterborough Combined Authority</u></p> <p>3 members nominated by the University of Cambridge</p>	<p>The Assembly may develop its own work programme and submit reports or recommendations to the Executive Board for consideration, as appropriate.</p>	

Joint Development Control Committee: Cambridge Fringes

Membership	Functions	Delegation of functions
<p>6 members of South Cambridgeshire District Council, appointed by the Council in accordance with the requirements of proportionality.</p> <p>6 members of Cambridge City Council</p> <p>4 members of Cambridgeshire County Council</p>	<p>To exercise each of the Councils' powers and duties in relation to:</p> <p>Development control on Major Developments within the area designated include for the avoidance of doubt the power to approve, authorise and direct the respective Councils to enter into agreements regulating the development and use of land pursuant to S106 of the Town and Country Planning Act 1990 and related powers.</p> <p><u>The functions of the Joint Committee are set out at Appendix 1 to the terms of reference.</u></p>	<p>-</p>

Part 3 – Table 6: Joint Arrangements – JDCC Terms of Reference



Commented [A1]: These are the 2016 terms of reference for the JDCC which had not been incorporated into the Constitution. No changes have been made other than formatting

Joint Development Control Committee Cambridge Fringes

Terms of Reference

Approved by

Cambridge City Council at Full Council on 22 April 2010
Cambridgeshire County Council Full Council on 30 March 2010
South Cambridgeshire District Council Full Council on 22 July 2010

These came into effect on 22 July 2010, when approved by all three Councils

(changes to number of alternate members agreed in 2013 and changes to delegations agreed in August 2013 changes to include City Deal schemes May 2016).

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North West Cambridge	
Cambridge Southern Fringe	
Cambridge East	
Northern Fringe East	

Terms of Reference for Joint Development Control Committee

Cambridge Fringes

1. Parties:

Cambridge City Council
Cambridgeshire County Council]
South Cambridgeshire District Council
(‘the Councils’)

2. Status:

The Joint Development Control Committee (‘the Committee’) is a joint committee formed by resolutions of the Councils pursuant to section 101(5), Local Government Act, 1972.

3. Membership:

6 Members appointed by Cambridge City Council
4 Members appointed by Cambridgeshire County Council
6 Members appointed by South Cambridgeshire District Council

4. Terms of reference:

- 4.1 The Committee’s remit is to discharge the functions (‘the functions’) set out in Appendix 1, the exercise of which have been delegated to the Committee by the parties, subject to the limitation in paragraph 4.2.
- 4.2 The Committee shall discharge the functions in respect of major developments (see note 1 below) and related applications falling wholly or substantially within the areas shown edged in blue on the plans forming Appendix 3 and ancillary developments relating to such Major Developments referred to it by the relevant Head of Planning of the Council issuing the consent for the Major Development in question and
 - a) In respect of “City Deal Infrastructure schemes” referred to it by the relevant Head of Planning of the Council issuing the consent for the City Deal Infrastructure scheme in question. A “City Deal Infrastructure

Part 3 – Table 6: Joint Arrangements – JDCC Terms of Reference

scheme” is defined as a project arising from the Greater Cambridge City Deal which has all of the following characteristics:

- has been and remains designated by the Greater Cambridge City Deal Executive Board as a City Deal Infrastructure scheme; and
- is, or has been funded in whole or in part by funds received by Cambridgeshire County Council under the auspices of the Greater Cambridge City Deal or allocated to the Greater Cambridge City Deal Executive Board by participating authorities.

[Note 1: A major development is defined by reference to Article 1 of the Town and Country Planning (General Development Procedure) Order 1995 as in force on 1 March 2010 or as subsequently amended or replaced and means development including any one or more of the following:

- (a) the mining and working of minerals
- (b) waste development;
- (c) the provision of dwelling-houses where
 - (i) the number of dwelling-houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.]

4.3 The Committee may exercise the subsidiary powers authorised pursuant to section 111, Local Government Act 1972 in connection with the discharge of the functions.

4.4 The Committee may exercise the powers of delegation contained in section 101(2), Local Government Act 1972.

4.5 All members shall be entitled to vote on the following applications: Trumpington Meadows; Cambridge Northern Fringe East; Cambridge East; Northwest Cambridge including all of the NIAB site; Glebe Farm; City Deal infrastructure schemes. Only the City and County members shall be entitled to vote on Clay Farm – Showground and Bell School.

5. Standing Orders

- 5.1 The Committee shall be governed by the Standing Orders set out in Appendix 2, as amended from time to time.

6. Administration

- 6.1 The Party which is the local planning authority shall receive applications in the usual way and shall be responsible for all consequential administration.
- 6.2 Cambridge City Council's staff shall be responsible for all matters connected with the administration of the Committee, including the preparation and dispatch of agendas and securing premises at which the committee may meet. Decision notices shall be signed by the Director of Joint Planning.
- 6.3 Costs shall be shared in accordance with the Cost Sharing Protocol set out in Annex C to the Standing Orders.

Appendix 1

Functions of the Committee

1. The exercise of each of the Councils' powers and duties in relation to development control on Major Developments, ancillary developments, related applications and requests and Reserved Matters applications and City Deal Infrastructure schemes including but not limited to:
 - (i) the determination of planning applications by virtue of Regulation 3 of the Town and Country Planning General Regulations 1992.
 - (ii) the power to approve authorise and direct the respective Councils to negotiate and enter into agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990.
2. The review, change, amendment or modification of the scheme of delegation to Officers.

Appendix 2

Joint Development Control Committee (Cambridge Fringes)

Standing Orders

[Amended by the Committee on 18 July 2007]

1. Appointment of Chair and Vice-Chair

- 1.1 The Committee shall, at its first meeting, and from time to time as it considers necessary, elect a Chair and Vice-Chair.
- 1.2 In the absence from any meeting of the Chair and Vice-Chair, a Chair for that meeting shall be appointed by the meeting but shall relinquish the chair if the Chair or Vice Chair subsequently arrives at the meeting.
- 1.3 Members appointed to the Committee by South Cambridgeshire District Council shall not chair meetings of the Committee during consideration of the applications relating to Clay Farm Showground and Bell School sites.

(1.3 added by Committee 11 Jun 2008)

2. Appointment of Spokespersons

- 2.1 Each of the councils shall nominate one of the committee members which it appoints as its spokesperson.

3. Notice of And Summons To Meetings

- 3.1 The Administrator will give notice to the public of the time and place of any meeting in accordance with the access to information rules applicable to local authorities. At least five clear days before a meeting, the Administrator will send an agenda by post and/or electronically to every member of the Committee. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such details as are available.
- 3.2 The Administrator will take reasonable steps to ensure that a copy of the agenda and accompanying papers are placed on deposit at the offices of each of the councils for public inspection at least five clear days before the meeting. The

Part 3 – Table 6: Joint Arrangements – JDCC Terms of Reference

Administrator will ensure that arrangements are put in place for the inspection of background papers in accordance with section 100D, Local Government Act, 1972 and to ensure compliance with all other provisions of Part VA, of that Act.

- 3.3 Dates, times and venues for meetings shall be determined by the committee. In the absence of agreement or in cases of urgency, meetings may be called by the Administrator following consultation with the Chair and Vice Chair.

4. **Membership**

- 4.1 Committee members shall be appointed by the councils from time to time in accordance with the terms of reference. A council may at any time replace one or more of its nominated members by notice given to the Administrator.

5. **Alternate Members**

- 5.1 Each council will, by resolution, appoint two alternate members in respect of each political group which represents their council on the committee, but shall not appoint an alternate member for a political group which declines to nominate an alternate member. Each council will notify the Administrator] of alternate members appointed.
- 5.2 Alternate members will have all the powers and duties of any ordinary member of the committee. For the purposes of briefing meetings and circulation of papers, alternate members shall be treated in the same manner as ordinary members.
- 5.3 Alternate members may attend meetings in that capacity only to take the place of a member of the same political group who is an ordinary member of the relevant committee or sub-committee. The alternate member should withdraw from participation as a member of that committee or sub-committee in the business at that meeting during any period during which the principal member is in fact in attendance.

6. **Quorum**

- 6.1. The quorum of a meeting will be as follows:

3 members from South Cambridgeshire District Council
2 members from Cambridgeshire County Council
3 members from Cambridge City Council

[South Cambridgeshire District Councillors do not need to attend meetings in respect of applications for which they do not have voting rights]

7. Public speaking rights

- 7.1 Members of the public have the public speaking rights set out in Annex A.

8. Voting

- 8.1 Every question shall be decided by a show of hands, subject to Rule 8.2
- 8.2 If any member demands a vote by roll-call and is supported by two other members, the question shall be determined by a vote by roll-call and the Administrator shall record and enter in the minutes the names of each member present and whether s/he voted for or against or abstained.
- 8.3 Any member may, immediately after any vote is taken, require a record to be made in the minutes of whether s/he voted for or against or abstained.
- 8.4 If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

9. Minutes

- 9.1 The Chair will sign the minutes of the committee at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

10. Exclusion of Public

- 10.1 Members of the public and press may only be excluded either in accordance with the Access to Information provisions of the Local Government Act 1972 (consideration of 'exempt information') or Rule 12 (Disturbance by Public).

11. Disorderly Conduct: Misconduct of A Member

- 11.1 If at any meeting of the committee any member, in the opinion of the Chair, misconducts him/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the committee, the Chair or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.

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- 11.2 If the member named continues his/her misconduct after a motion under the foregoing Rule has been carried, the Chair shall either move "that the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting of the Council or committee for such period as s/he is in his/her discretion shall consider expedient.
- 11.3 In the event of a general disturbance which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair, in addition to any other power vested in him/her, may adjourn the meeting of the committee for such period as s/he in his/her discretion shall consider expedient.

12. Disorderly Conduct: Disturbance by members of the public

- 12.1 If a member of the public interrupts the proceedings at any meeting the Chair shall warn him/her. If s/he continues the interruption the Chair shall order his/her removal from the meeting.
- 12.2 In case of a general disturbance in any part of the Room open to the public the Chair shall order that part to be cleared.

13. Suspension of Standing Orders

- 13.1 Any of these Standing Orders may, so far as is lawful, be suspended by motion passed unanimously by those entitled to vote on the application in question. Any motion to suspend any part of these rules shall specify the purpose of their suspension. Any suspension shall only be to the extent and for the length of time necessary to achieve the stated purpose.

14. Attendance at the Committee by other members of the Councils

- 14.1. A member of any of the councils who is not a member of the committee or a member of a parish council (in respect of applications relating to sites in their own parish) may speak at a meeting of the committee at the request or with the permission of that committee or of its Chair made or obtained before the meeting. Such request or permission shall specify the matters in respect of which the member shall be permitted to speak.

[Explanatory note: There might be circumstances in which the Committee may wish to permit a city, district or county councillor to speak on applications even if the application does not relate to his/her ward or division. For instance an executive councillor with relevant strategic responsibility may want to address the committee.]

15. Development Control Forums

- 15.1 The Committee will operate a scheme for development control forums in accordance with Annex B.

16. Statements of Community Involvement

- 16.1 Public consultation in relation to pre application matters shall be dealt with in accordance with the SCI or other appropriate procedures of the Council responsible for issuing the consent

Annex A of JDCC Standing Orders: Public Speaking Rights

(Amended by Committee on 16 April 2008)

Public Speaking

Members of the public, or applicants or their agents, who want to speak about an application which is to be considered at a meeting of the committee may do so if they have:

- In the case of members of the public, already submitted a written representation on an application; and
- Notified the Administrator by 12.00 noon on the day before the meeting.

A member of the public who has made a written representation on a planning application which is to be determined by the committee, will be notified in writing about the committee date and their public speaking rights in the week before the committee meeting.

At the Committee Meeting

A list of public speakers is available at the meeting. Agenda items for which there are public speakers are taken first, normally in the order of the agenda.

Each speaker will be allowed three minutes in which to make their representation. The Chair will tell the speaker when the three minutes has elapsed and the speaker must stop when requested by the Chair. The Chair has discretion to extend this time limit.

If more than one person wants to make a representation about the same application, then they should choose someone to act as a spokesperson. When several people wish to speak on the same application but wish to raise different issues, the Chair may agree to those speakers making representations. In these circumstances, less time may need to be given to each speaker.

The Chair will ask the speaker to come to the table at the beginning of the discussion of the report on the relevant application. The Chair will then invite them to speak following the Officer's introduction to the report on the application.

The speaker should address the Chair of the Committee, which is the normal convention for Committees.

At the conclusion of a statement by a public speaker, members may ask the Chair to put questions in order to seek clarification on matters of fact but not matters of opinion, of

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points made by the speaker in his or her statement. A public speaker may be asked by the Chair to clarify matters of fact but not matters of opinion after he or she has made a statement. The conclusion of the period of questioning will be at the Chair's discretion. Public speakers will be expected to answer questions briefly and directly, will be asked to leave the committee table at the conclusion of the period of questioning and they will not be permitted to participate in the committee's discussion. At the conclusion of statements by public speakers, the Committee will proceed to discuss and determine the planning application.

Speakers should remember to:

- Keep to 3 minutes or whatever other period has been agreed.
- Keep to the planning issues raised by the application.
- Highlight the main points they wish to raise and be as brief and concise as possible.
- Be courteous.
- At the end of public speaking, the Committee will discuss and determine the planning application.

Annex B of JDCC Standing Orders:

Development Control Forums.

Development Control Forums are triggered by receipt of a qualifying petition

Receipt of Petitions and Notification of Development Control Forum

1. Neighbour consultation letters on planning applications within the remit of the committee shall include information about the scheme for development control forums and the relevant consultation period.
2. A Petition should be sent to the Administrator and should identify the matter to which it relates and the grounds of concern.
3. The Administrator will:
 - (a) Liaise with the Planning case officer to obtain the following information:
 - The expiry date of the relevant consultation period;
 - The addresses of the applicant and agent.
 - (b) Check whether the petition meets the criteria established in the scheme – i.e.:
 - It contains at least 25 signatures of residents and/or business owners in the County;
 - It includes the addresses of those who have signed it;
 - It has been received within 7 working days following the end of the relevant consultation period (in the case of petitions of objection) and no later than 6 working days before a Forum meeting (in the case of petitions of support);
 - The application is not: a householder application; an application for a certificate of lawful use; or an application for advertisement consent.

[Note:

- (i) If any of these criteria are not met, the petitioners should be informed in writing that their petition will be reported to the committee, and that a Development Control Forum will not be held.
- (ii) Normally, a Forum will not be convened in the case of petitions relating to amendments to applications, or to applications which have already been the subject of a Forum. However, the Administrator, following consultation with

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the Chair and Vice Chair, is authorised to decide whether significant new issues are raised, making a Forum appropriate.

- (iii) A Forum will not be held to hear a petition of support alone, except where an application, which has not already been subject to a Forum meeting, is resubmitted following an earlier refusal of planning permission.
- (iv) Petitions may be submitted by email subject to the following:
- An e-mail petition must consist of individual e-mails, showing the sender's e-mail address.
 - An e-mail petition must include the sender's postal address.
 - The e-mails must be addressed to the organiser (rather than a council or the committee or its members) who must then let the [administrator to be appointed] have print-outs of the requisite number of supporting e-mails.
 - Random checks will be carried out on petitioners that have used the e-mail procedure.]
- (c) Liaise with the Planning case officer and Chair and spokespersons about the date of the Development Control Forum and fix a date, time and venue. So far as practical at least 10 days (not working days) notice should be given to all those attending under (d). For the avoidance of doubt dates for possible Development Control Forum meetings may be programmed in advance of receipt of petitions.
- (d) Send written invitations to:
- The lead petitioners;
 - The applicants and agents;
 - Committee members;
 - Ward councillors;
 - Planning officers;

The press shall also be informed.

The invitations to the meeting should include:

- A short summary of the application details (to be provided by the planning case officer);
- The case officer as a contact point for planning enquiries and the Administrator for queries about the petition process;
- An explanation of the fact that up to three representatives of the petitioners and up to three representatives of the applicants may attend and speak;
- Petitioners to be invited to contact the officers for a briefing on the procedures at the Forum.

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- (e) Inform all other councillors of the three councils that the meeting is taking place
4. If two or more petitions are received relating to the same planning application, the following procedure should be applied:
- In the case of two or more petitions opposed to the application, or two or more petitions in support of the application, the petitioners will be encouraged to make a joint presentation. If agreement on this is not possible between the petitioners, they would share the time allocations given in paragraph 9.

Development Control Forum Meetings

5. The Press and Public are entitled to attend meetings as observers.
6. The Development Control Advisor or other A senior planning officer (other than one of the case officers involved in dealing with the application) will chair the meeting.
7. The style of the Forum will be informal, but the authority of the Chair must be recognised. The decision of the Chair on any question of procedure will be final. No votes will be taken.
8. The main purpose of Forum meetings is to enable petitioners and applicants to give their views and to provide the means by which consensus can be built between the parties.
9. The format of the Forum will be as follows for each application:
- Presentation of the application by the applicant/agent (up to three representatives) - up to 20 minutes;
 - Presentation of the views of the petitioners against the application (up to three representatives) - up to 20 minutes;
 - Presentation of the views of the petitioners in support of the application (where applicable) (up to three representatives) - up to 20 minutes;
 - Presentation by the case officer - up to 10 minutes;
 - Member questions and issues arising - up to 30 minutes;
 - Summing up by the applicants/agents - up to 5 minutes;
 - Summing up by the petitioners against the application - up to 5 minutes;
 - Summing up by the petitioners in support of the application - up to 5 minutes;
 - Final comments of the Chair.

After the Meeting of the Forum

10. The Administrator will take minutes of the meeting. The minutes will be a summary of the issues raised and should not be taken to express a view or decision which is in any way binding on the committee. The minutes will be circulated in draft to the Chair of the Forum, the Chair and Vice Chair of the committee and the case officer and finalised within 5 working days of the Forum. Copies of the finalised minutes will be sent, for information, to:
 - The petitioners' representatives at the meeting;
 - The applicants' representatives at the meeting;
 - Ward councillors;
 - Committee members
 - The Parish Councils of the areas to which the application relates.

The minutes, and the text of the petition, will also be appended to the report to the committee which invites it to determine the application.

11. The case officer should contact the applicants/agent after the meeting to discuss whether a meeting would be helpful to discuss the issues raised at the Forum and to discuss any changes that may be necessary to the application. The applicant will be encouraged to keep in direct contact with the petitioners and to seek their views on any amendment/s.
12. The case officer will inform the petitioners' representatives of any amendments to the application. Normally, no further Development Control Forum will be held if the planning application is amended - see paragraph 3 (b) (ii).
13. The petitioners' representatives will be informed of the date of the meeting at which the application is to be considered by the committee and will be sent copies of the committee report. The petitioners and applicants will be asked to send any further comments they may have on the report to the planning case officer as soon as possible, so that they can be circulated in good time to members of the committee.

Annex C of JDCC Standing Orders: Costs Sharing Protocol

The ongoing costs incurred in relation to the administration of the Committee, legal support and planning consultancy costs shall be borne initially from the joint planning budget administered through Cambridgeshire Horizons and thereafter in equal shares by the participating authorities.

Exceptional costs that arise in relation to, for example, appeals and legal proceedings will be borne:

i) from the joint planning budget,

ii) where there is insufficient funds within the joint planning budget, then the costs shall be shared proportionally by the Councils which are entitled to vote on the matters which give rise to the costs.

Annex D of Joint Development Control Committee Cambridge Fringes

Amended Scheme of Delegation as agreed by the Joint Development Control Committee on 21 August 2013

(this supersedes the original Scheme of Delegation agreed on 18 July 2007)

Scheme of Delegation to Officers

The following powers are delegated to each chief planning officer (or their equivalent) within each of the three local authorities represented on the Committee, in respect of planning and development control matters which would, in the absence of a joint committee, fall for determination by their employing authority. The chief planning officers may authorise any other officers within their relevant participating Councils to exercise these powers on his/her behalf. Any officer so authorised may in turn delegate further. Such delegations need not be evidenced in writing.

1. To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the attached schedule) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the Planning (Listed Buildings and Conservation areas) Act 1990 within the terms of reference of the Joint Development Control Committee **except** in any of the following circumstances:
 - a) Where the application is for Outline or Full Permission or is a reserved matters application in respect of:
 1. The provision of dwelling-houses where:
 - (a) the number of dwelling-houses to be provided is 100 or more.
 2. The provision of a non-residential building or buildings where the floor space to be created by the development is 1,000 square metres or more or is for non-residential development to be carried out on a site having an area development carried out on a site having an area of 1 hectare or more.
 3. Development including the provision of primary roads, open space or other site-wide infrastructure that fulfils a strategic purpose;
 4. Strategic waste development
 5. Regulation 3 development for all new facilities
 - b) Where:

Joint Arrangements

- There are any parish council representations that are contrary to the officer recommendation for approval or;
 - There are other third party representations on planning grounds that are contrary to the officer recommendation for approval or refusal and that cannot be addressed by conditions as applicable or;
- c) The application is advertised as a formal departure from the Development Plan and where the officer recommendation is for approval.
 - d) The application is submitted by a Member or Chief Officer or planning officer of any member of the Councils.
 - e) The application is one where, within 21 days of being notified of the application or within 14 days of receipt of any subsequent material amendment to the proposal, any member of the City Council or of the District Council or any member of the County Council representing a ward within the City of Cambridge or South Cambridgeshire requests in writing (including e-mail), that the application should be determined by Committee, stating the planning grounds on which the request is based.
 - f) The application is one that officers consider should be determined by Committee because of special planning policy or other considerations.
 - g) The application is for a "non-material" change/amendment in relation to a development that was previously approved by the Joint Committee and either i) the elements to be changed were subject to specific conditions or ii) negotiations in response to objections raised to the original approval, and in both cases where the Chair, Vice-chair and Spokespersons of the Committee object to the exercise of the delegated power within 14 days of notification.
2. In respect of or arising out of Major developments (as defined in the Committee's terms of reference) exercise the Committee's planning enforcement powers (apart from serving enforcement notices under S 171) (subject to prior consultation with the relevant Council's Chief Legal Officer) and to instruct the relevant Council's Chief Legal Officer to commence legal proceedings relating to planning enforcement other than commencing prosecutions provided that any action taken is reported to Committee thereafter.
 3. To act on behalf of the Committee (after consultation, if practicable with the Chair of the Committee and the Chief Planning Officers of the three Councils) in cases of urgency or emergency. Any such action is to be reported as soon as possible to the Committee.

Note: Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgment to decide whether to refer any matter contained within this Scheme to Committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by Members.

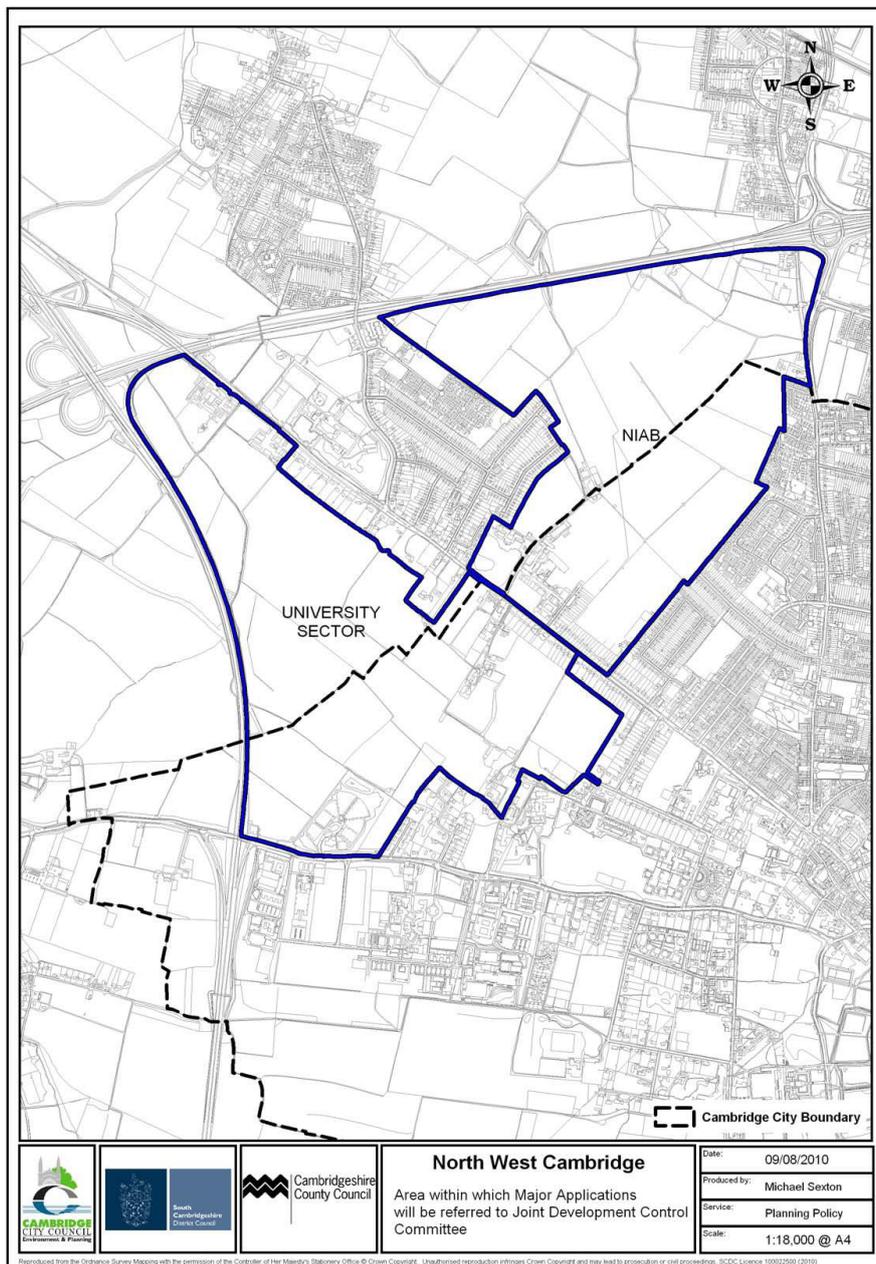
Schedule referred to in Delegation 1 above

Applications and other forms of consent/notification referred to in Delegation A1 include:

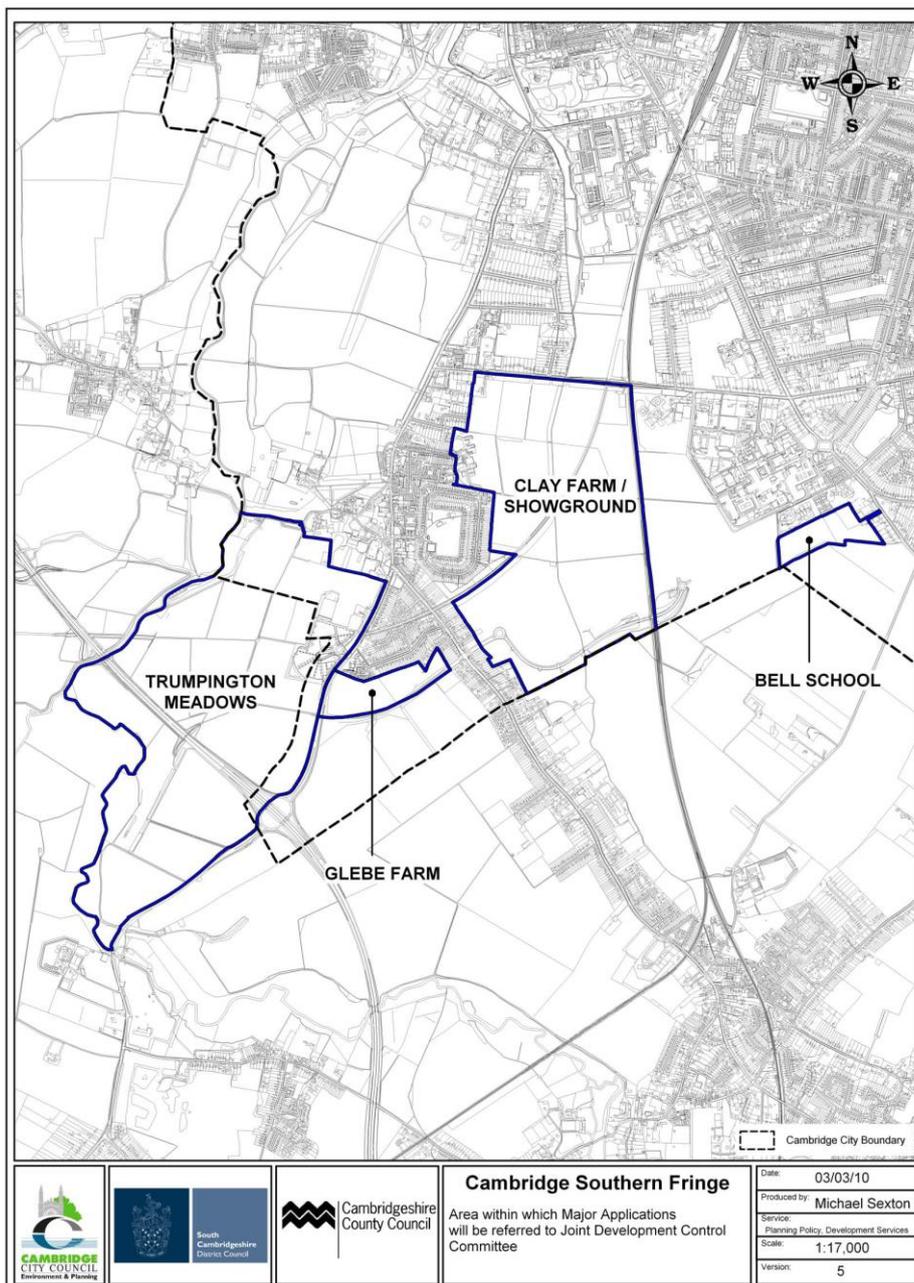
- a) Outline and full planning permission and any subsequent pre- and post-decision amendments.
- b) Reserved matters following outline planning permission and any pre- and post-decision amendments.
- c) Renewals of planning permission and any pre- and post-decision amendments.
- d) Removal/variation of planning conditions.
- e) Discharge of conditions.
- f) Advertisement consent.
- g) Lawful Development Certificates.
- h) Regulation 3 applications.
- i) Settling the terms of planning agreements under section 106, Town and Country Planning Act 1990 and other legislation in accordance with the terms of any resolution or decision to grant planning consent.
- j) Listed Building Consent.
- k) Conservation Area Consent.
- l) Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, or any subsequent amendment to those Regulations.
- m) Entering into and Signing of Planning Performance Agreements.

Appendix 3: PLANS

Joint Arrangements

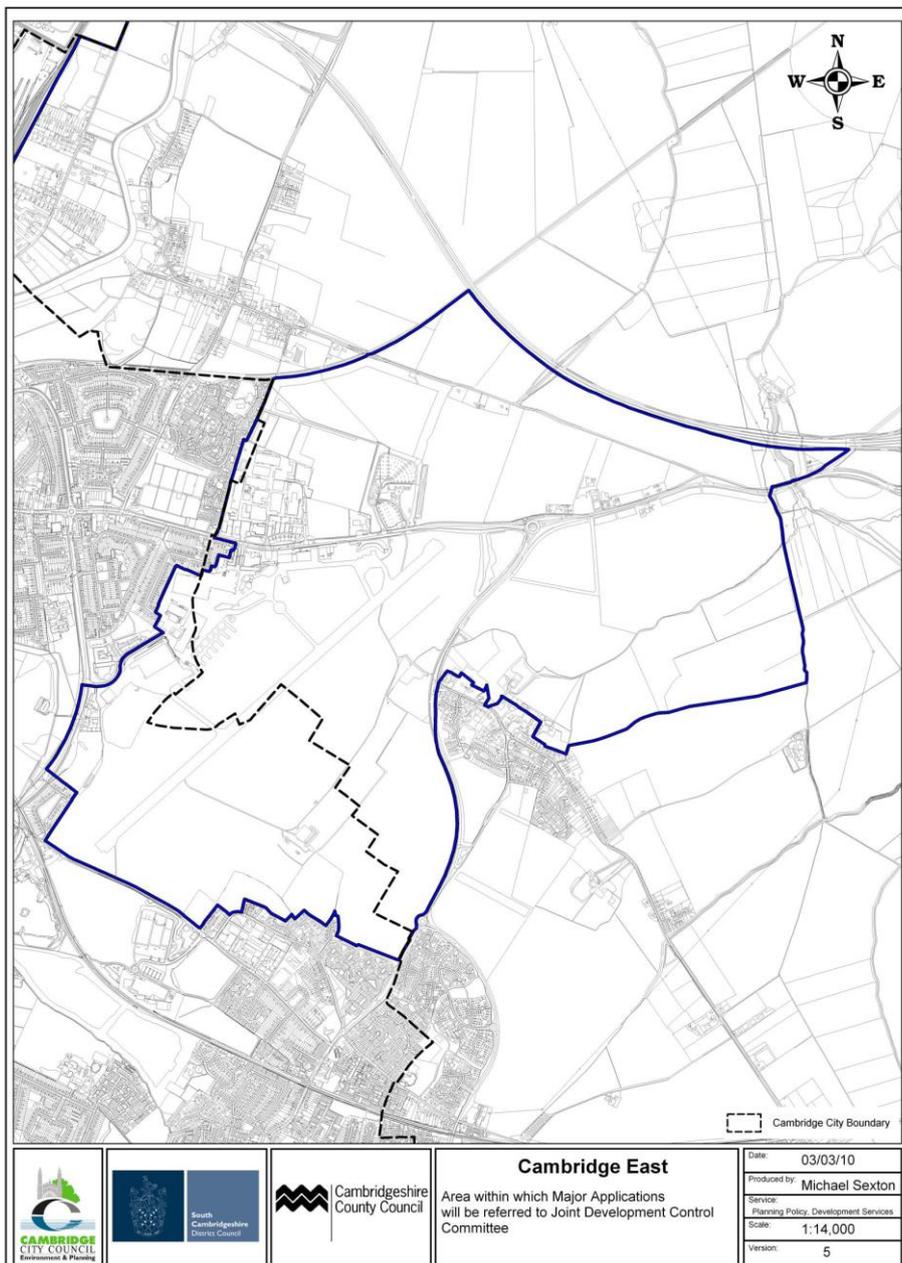


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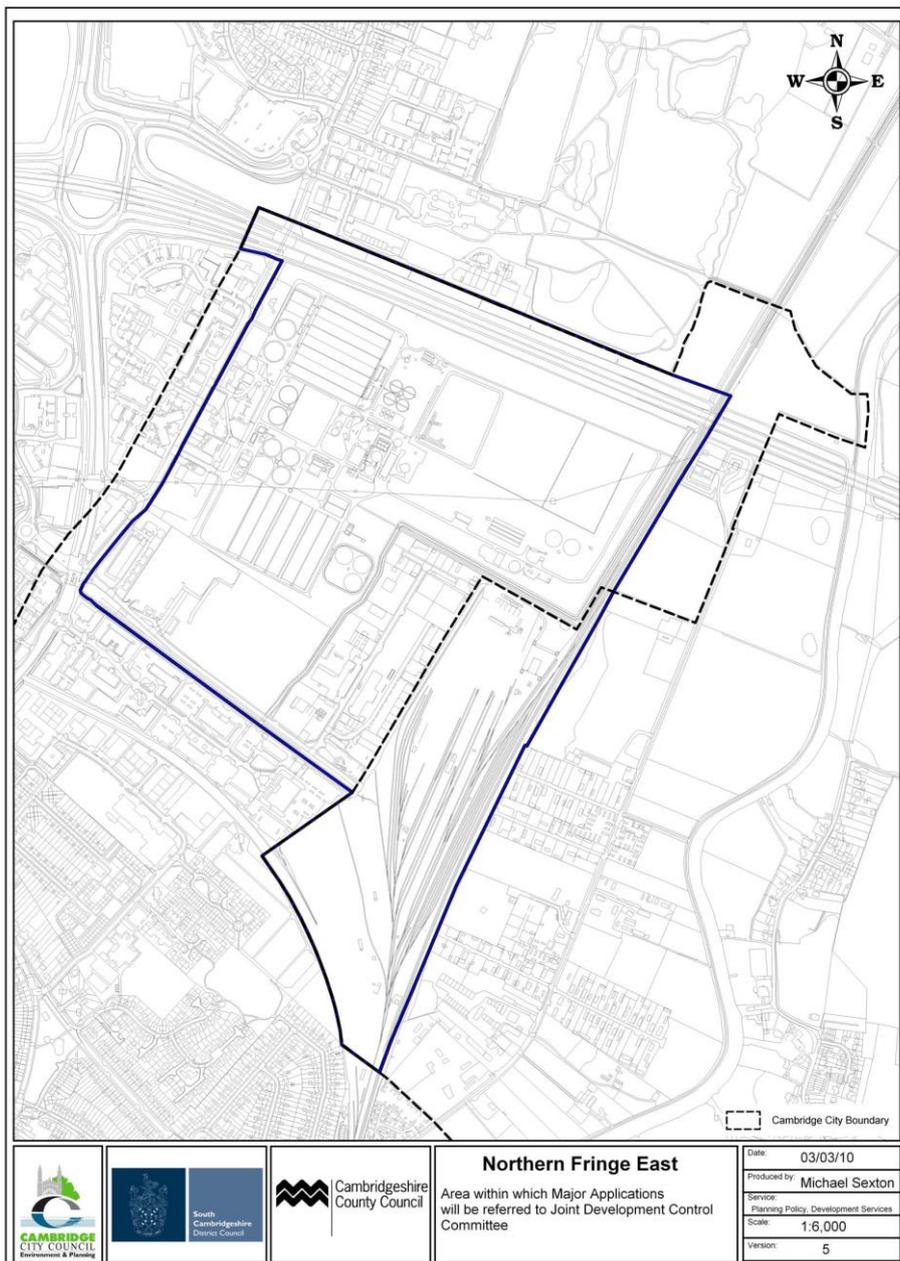
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Terms of Reference for Joint Development Control Committee for Cambridge Fringes

1. Parties:

~~Cambridge City Council
Cambridgeshire County Council
South Cambridgeshire District Council
(‘the Councils’)~~

2. Status:

~~The Joint Development Control Committee (‘the Committee’) is a joint committee formed by resolutions of the Councils pursuant to section 101(5), Local Government Act, 1972.~~

3. Membership:

~~6 Members appointed by Cambridge City Council
4 Members appointed by Cambridgeshire County Council
6 Members appointed by South Cambridgeshire District Council~~

4. Terms of reference:

~~4.1 The Committee’s remit is to discharge the functions (‘the functions’) set out in **Appendix 1**, the exercise of which have been delegated to the Committee by the parties, subject to the limitation in paragraph 4.2.~~

~~4.2 The Committee shall discharge the functions in respect of major developments⁴ and related applications falling wholly or substantially within the areas shown edged in blue on the plans forming **Appendix 3** and ancillary developments relating to such Major Developments referred to it by the relevant Head of Planning of the Council issuing the consent for the Major Development in question and~~

~~a) In respect of “City Deal Infrastructure schemes” referred to it by the relevant Head of Planning of the Council issuing the consent for the City Deal Infrastructure scheme in question. A “City Deal Infrastructure scheme” is defined as a project arising from the Greater Cambridge City Deal which has all of the following characteristics:-~~

- ~~• has been and remains designated by the Greater Cambridge City Deal Executive Board as a City Deal Infrastructure scheme; and~~

⁴ A major development is defined by reference to Article 1 of the Town and Country Planning (General Development Procedure) Order 1995 as in force on 1 March 2010 or as subsequently amended or replaced and means development including any one or more of the following:

- ~~(a) the mining and working of minerals~~
- ~~(b) waste development;~~
- ~~(c) the provision of dwelling-houses where
 - ~~(i) the number of dwelling-houses to be provided is 10 or more; or~~
 - ~~(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);~~~~
- ~~(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or~~
- ~~(e) development carried out on a site having an area of 1 hectare or more.~~

Joint Arrangements

- ~~is, or has been funded in whole or in part by funds received by Cambridgeshire County Council under the auspices of the Greater Cambridge City Deal or allocated to the Greater Cambridge City Deal Executive Board by participating authorities.~~

~~4.3 The Committee may exercise the subsidiary powers authorised pursuant to section 111, Local Government Act 1972 in connection with the discharge of the functions.~~

~~4.4 The Committee may exercise the powers of delegation contained in section 101(2), Local Government Act 1972.~~

~~4.5 All members shall be entitled to vote on the following applications: Trumpington Meadows; Cambridge Northern Fringe East; Cambridge East; Northwest Cambridge including all of the NIAB site; Globe Farm; City Deal Infrastructure schemes. Only the City and County members shall be entitled to vote on Clay Farm Showground and Bell School.~~

~~5. Standing Orders~~

~~5.1 The Committee shall be governed by the Standing Orders set out in **Appendix 2**, as amended from time to time.~~

~~6. Administration~~

~~6.1 The Party which is the local planning authority shall receive applications in the usual way and shall be responsible for all consequential administration.~~

~~6.2 Cambridge City Council's staff shall be responsible for all matters connected with the administration of the Committee, including the preparation and dispatch of agendas and securing premises at which the committee may meet. Decision notices shall be signed by the Director of Joint Planning.~~

~~6.3 Costs shall be shared in accordance with the Cost Sharing Protocol set out in **Annex C** to the Standing Orders.~~

Appendix 4

Functions of the Committee

1. ~~The exercise of each of the Councils' powers and duties in relation to development control on Major Developments, ancillary developments, related applications and requests and Reserved Matters applications including but not limited to:
 - i) ~~the determination of planning applications by virtue of Regulation 3 of the Town and Country Planning General Regulations 1992.~~
 - ii) ~~the power to approve authorise and direct the respective Councils to negotiate and enter into agreements regulating the development or use of land pursuant to S406 of the Town and Country Planning Act 1990.~~~~
2. ~~The review, change, amendment or modification of the scheme of delegation to Officers.~~

JOINT DEVELOPMENT CONTROL COMMITTEE (CAMBRIDGE FRINGES)

Standing Orders

[Amended by the Committee on 18 July 2007]

1 Appointment of Chair and Vice-Chair

- 1.1 ~~The Committee shall, at its first meeting, and from time to time as it considers necessary, elect a Chair and Vice-Chair.~~
- 1.2 ~~In the absence from any meeting of the Chair and Vice-Chair, a Chair for that meeting shall be appointed by the meeting, but shall relinquish the chair if the Chair or Vice-Chair subsequently arrives at the meeting.~~
- 1.3 ~~Members appointed to the Committee by South Cambridgeshire District Council shall not chair meetings of the Committee during consideration of the applications relating to Clay Farm Showground and Bell School sites. (1.3 added by Committee 11 Jun 2008)~~

2 Appointment of Spokespersons

- 2.1 ~~Each of the councils shall nominate one of the committee members which it appoints as its spokesperson.~~

3 Notice Of And Summons To Meetings

- 3.1 ~~The Administrator will give notice to the public of the time and place of any meeting in accordance with the access to information rules applicable to local authorities. At least five clear days before a meeting, the Administrator will send an agenda by post and / or electronically to every member of the Committee. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such details as are available.~~
- 3.2 ~~The Administrator will take reasonable steps to ensure that a copy of the agenda and accompanying papers are placed on deposit at the offices of each of the councils for public inspection at least five clear days before the meeting. The Administrator will ensure that arrangements are put in place for the inspection of background papers in accordance with section 100D, Local Government Act, 1972 and to ensure compliance with all other provisions of Part VA, of that Act.~~

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~~3.3 — Dates, times and venues for meetings shall be determined by the committee. In the absence of agreement or in cases of urgency, meetings may be called by the Administrator following consultation with the Chair and Vice Chair.~~

4. Membership

4.1 Committee members shall be appointed by the councils from time to time in accordance with the terms of reference. A council may at any time replace one or more of its nominated members by notice given to the Administrator.

5. Alternate Members

5.1 Each council will, by resolution, appoint one alternate member in respect of each political group which represents their council on the committee, but shall not appoint an alternate member for a political group which declines to nominate an alternate member. Each council will notify the Administrator of alternate members appointed.

5.2 Alternate members will have all the powers and duties of any ordinary member of the committee. For the purposes of briefing meetings and circulation of papers, alternate members shall be treated in the same manner as ordinary members.

5.3 Alternate members may attend meetings in that capacity only to take the place of a member of the same political group who is an ordinary member of the relevant committee or sub-committee. The alternate member should withdraw from participation as a member of that committee or sub-committee in the business at that meeting during any period during which the principal member is in fact in attendance.

6. Quorum

6.1 The quorum of a meeting will be as follows:-

3 Members from South Cambridgeshire District Council

2 Members from Cambridgeshire County Council

3 Members from Cambridge City Council

[South Cambridgeshire District Councillors do not need to attend meetings in respect of applications for which they do not have voting rights]

7. Public speaking rights

7.1 Members of the public have the public speaking rights set out in **Annex A**.

8. Voting

8.1 Every question shall be decided by a show of hands, subject to Rule 8.2

8.2 If any member demands a vote by roll call and is supported by two other members, the question shall be determined by a vote by roll call and the Administrator shall record and enter in the minutes the names of each member present and whether s/he voted for or against or abstained.

8.3 Any member may, immediately after any vote is taken, require a record to be made in the minutes of whether s/he voted for or against or abstained.

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

9. Minutes

9.1 The Chair will sign the minutes of the committee at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

10. Exclusion Of Public

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~~10.1 Members of the public and press may only be excluded either in accordance with the Access to Information provisions of the Local Government Act 1972 (consideration of 'exempt information') or Rule 12 (Disturbance by Public).~~

11. — Disorderly Conduct: Misconduct Of A Member

11.1 — If at any meeting of the committee any member, in the opinion of the Chair, misconducts him / herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the committee, the Chair or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.

11.2 — If the member named continues his / her misconduct after a motion under the foregoing Rule has been carried, the Chair shall either move "that the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting of the Council or committee for such period as s/he is in his / her discretion shall consider expedient.

11.3 — In the event of a general disturbance which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair, in addition to any other power vested in him / her, may adjourn the meeting of the committee for such period as s/he is in his / her discretion shall consider expedient.

12 — Disorderly Conduct: Disturbance by members of the public

12.1 — If a member of the public interrupts the proceedings at any meeting the Chair shall warn him / her. If s/he continues the interruption the Chair shall order his / her removal from the meeting.

12.2 — In case of a general disturbance in any part of the Room open to the public the Chair shall order that part to be cleared.

13 — Suspension Of Standing Orders

13.1 — Any of these Standing Orders may, so far as is lawful, be suspended by motion passed unanimously by those entitled to vote on the application in question. Any motion to suspend any part of these rules shall specify the purpose of their suspension. Any suspension shall only be to the extent and for the length of time necessary to achieve the stated purpose.

14. — Attendance at the Committee by other members of the Councils

14.1. — A member of any of the councils who is not a member of the committee or a member of a parish council (in respect of applications relating to sites in their own parish) may speak at a meeting of the committee at the request or with the permission of that committee or of its Chair made or obtained before the meeting. Such request or permission shall specify the matters in respect of which the member shall be permitted to speak.

[Explanatory note: There might be circumstances in which the Committee may wish to permit a city, district or county councillor to speak on applications even if the application does not relate to her/his ward or division. For instance an executive councillor with relevant strategic responsibility may want to address the committee.]

15. — Development Control Forums

15.1 — The Committee will operate a scheme for development control forums in accordance with Annex B.

16. — Statements of Community Involvement

16.1 — Public consultation in relation to pre-application matters shall be dealt with in accordance with the SCI or other appropriate procedures of the Council responsible for issuing the consent

|

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Annex A: Public Speaking Rights
(Amended by Committee on 16 April 2008)

Public Speaking

Members of the public, or applicants or their agents, who want to speak about an application which is to be considered at a meeting of the committee can do so if they have:

- In the case of members of the public, already submitted a written representation on an application; and
- Notified the Administrator by 12.00 noon on the day before the meeting.

A member of the public who has made a written representation on a planning application which is to be determined by the committee, will be notified in writing about the committee date and their public speaking rights in the week before the committee meeting.

At the Committee Meeting

A list of public speakers is available at the meeting. Agenda items for which there are public speakers are taken first, normally in the order of the agenda.

Each speaker will be allowed three minutes in which to make their representation. The Chair will tell the speaker when the three minutes has elapsed and the speaker must stop when requested by the Chair. The Chair has discretion to extend this time limit.

If more than one person wants to make a representation about the same application, then they should chose someone to act as a spokesperson. When several people wish to speak on the same application but wish to raise different issues, the Chair may agree to those speakers making representations. In these circumstances, less time may need to be given to each speaker.

The Chair will ask the speaker to come to the table at the beginning of the discussion of the report on the relevant application. The Chair will then invite them to speak following the Officer's introduction to the report on the application.

The speaker should address the Chair of the Committee, which is the normal convention for Committees.

At the conclusion of a statement by a public speaker, members may ask the Chair to put questions in order to seek clarification on matters of fact but not matters of opinion, or points made by the speaker in his or her statement. A public speaker may be asked by the Chair to clarify matters of fact but not matters of opinion after he or she has made a statement. The conclusion of the period of questioning will be at the Chair's discretion. Public speakers will be expected to answer questions briefly and directly, will be asked to leave the committee table at the conclusion of the period of questioning and they will not be permitted to participate in the committee's discussion. At the conclusion of statements by public speakers, the Committee will proceed to discuss and determine the planning application.

Speakers should remember to:

- Keep to 3 minutes or whatever other period has been agreed.
- Keep to the planning issues raised by the application.
- Highlight the main points they wish to raise and be as brief and concise as possible.
- Be courteous.
- At the end of public speaking, the Committee will discuss and determine the planning application.

Annex B: Development Control Forums.

Development Control Forums are triggered by receipt of a qualifying petition

Receipt of Petitions and Notification of Development Control Forum

1. Neighbour consultation letters on planning applications within the remit of the committee shall include information about the scheme for development control forums and the relevant consultation period.
2. A Petition should be sent to the Administrator and should identify the matter to which it relates and the grounds of concern.
3. The Administrator will:
 - (a) Liaise with the Planning case officer to obtain the following information:
 - The expiry date of the relevant consultation period;
 - The addresses of the applicant and agent.
 - (b) Check whether the petition meets the criteria established in the scheme — i.e.:
 - It contains at least 25 signatures of residents and / or business owners in the County;
 - It includes the addresses of those who have signed it;
 - It has been received within 7 working days following the end of the relevant consultation period (in the case of petitions of objection) and no later than 6 working days before a Forum meeting (in the case of petitions of support);
 - The application is not: a householder application; an application for a certificate of lawful use; or an application for advertisement consent.

[Note:

- (i) If any of these criteria are not met, the petitioners should be informed in writing that their petition will be reported to the committee, and that a Development Control Forum will not be held.
- (ii) Normally, a Forum will not be convened in the case of petitions relating to amendments to applications, or to applications which have already been the subject of a Forum. However, the Administrator, following consultation with the Chair and Vice Chair, is authorised to decide whether significant new issues are raised, making a Forum appropriate.
- (iii) A Forum will not be held to hear a petition of support alone, except where an application, which has not already been subject to a Forum meeting, is resubmitted following an earlier refusal of planning permission.
- (iv) Petitions may be submitted by email subject to the following:
 - An e-mail petition must consist of individual e-mails, showing the sender's e-mail address.
 - An e-mail petition must include the sender's postal address.
 - The e-mails must be addressed to the organiser (rather than a council or the committee or its members) who must then let the [administrator to be appointed] have print-outs of the requisite number of supporting e-mails.
 - Random checks will be carried out on petitioners that have used the e-mail procedure.]

~~(c) Liaise with the Planning case officer and Chair and spokespersons about the date of the Development Control Forum and fix a date, time and venue. So far as practical at least 10 days' (not working days) notice should be given to all those attending under (d). For the avoidance of doubt dates for possible Development Control Forum meetings may be programmed in advance of receipt of petitions.~~

~~(d) Send written invitations to:~~

- ~~• The lead petitioners;~~
- ~~• The applicants and agents;~~
- ~~• Committee members;~~
- ~~• Ward councillors;~~
- ~~• Planning officers;~~

~~The press will also be informed.~~

~~The invitations to the meeting should include:~~

- ~~• A short summary of the application details (to be provided by the planning case officer);~~
- ~~• The case officer as a contact point for planning enquiries and the Administrator for queries about the petition process;~~
- ~~• An explanation of the fact that up to three representatives of the petitioners and up to three representatives of the applicants may attend and speak;~~
- ~~• Petitioners to be invited to contact the officers for a briefing on the procedures at the Forum.~~

~~(e) Inform all other councillors of the three councils that the meeting is taking place.~~

~~4. If two or more petitions are received relating to the same planning application, the following procedure should be applied:~~

- ~~• In the case of two or more petitions opposed to the application, or two or more petitions in support of the application, the petitioners will be encouraged to make a joint presentation. If agreement on this is not possible between the petitioners, they would share the time allocations given in paragraph 9.~~

Development Control Forum Meetings

~~5. The Press and Public are entitled to attend meetings as observers.~~

~~6. The Development Control Advisor or other A senior planning officer (other than one of the case officers involved in dealing with the application) will chair the meeting.~~

~~7. The style of the Forum will be informal, but the authority of the Chair must be recognised. The decision of the Chair on any question of procedure will be final. No votes will be taken.~~

~~8. The main purpose of Forum meetings is to enable petitioners and applicants to give their views and to provide the means by which consensus can be built between the parties.~~

~~9. The format of the Forum will be as follows for each application:~~

- ~~• Presentation of the application by the applicant/agent (up to three representatives) up to 20 minutes;~~

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- Presentation of the views of the petitioners against the application (up to three representatives) – up to 20 minutes;
- Presentation of the views of the petitioners in support of the application (where applicable) (up to three representatives) – up to 20 minutes;
- Presentation by the case officer – up to 10 minutes;
- Member questions and issues arising – up to 30 minutes;
- Summing up by the applicants/agents – up to 5 minutes;
- Summing up by the petitioners against the application – up to 5 minutes;
- Summing up by the petitioners in support of the application – up to 5 minutes;
- Final comments of the Chair.

After the Meeting of the Forum

10. The Administrator will take minutes of the meeting. The minutes will be a summary of the issues raised and should not be taken to express a view or decision which is in any way binding on the committee. The minutes will be circulated in draft to the Chair of the Forum, the Chair and Vice Chair of the committee and the case officer and finalised within 5 working days of the Forum. Copies of the finalised minutes will be sent, for information, to:
- The petitioners' representatives at the meeting;
 - The applicants' representatives at the meeting;
 - Ward councillors;
 - Committee members
 - the Parish Councils of the areas to which the application relates.

The minutes, and the text of the petition, will also be appended to the report to the committee which invites it to determine the application.

11. The case officer should contact the applicants/agent after the meeting to discuss whether a meeting would be helpful to discuss the issues raised at the Forum and to discuss any changes that may be necessary to the application. The applicant will be encouraged to keep in direct contact with the petitioners and to seek their views on any amendment/s.
12. The case officer will inform the petitioners' representatives of any amendments to the application. Normally, no further Development Control Forum will be held if the planning application is amended – see paragraph 3 (b) (ii).
13. The petitioners' representatives will be informed of the date of the meeting at which the application is to be considered by the committee and will be sent copies of the committee report. The petitioners and applicants will be asked to send any further comments they may have on the report to the planning case officer as soon as possible, so that they can be circulated in good time to members of the committee.

Annex C: Costs Sharing Protocol

The ongoing costs incurred in relation to the administration of the Committee, legal support and planning consultancy costs shall be borne initially from the joint planning budget administered through Cambridgeshire Horizons and thereafter in equal shares by the participating authorities.

Exceptional costs that arise in relation to, for example, appeals and legal proceedings will be borne:

- i) from the joint planning budget;

- ii) ~~where there is insufficient funds within the joint planning budget, then the costs shall be shared proportionally by the Councils which are entitled to vote on the matters which give rise to the costs.~~

Annex D:

Joint Development Control Committee Cambridge Fringes

Amended Scheme of Delegation as agreed by the Joint Development Control Committee on 21 August 2013

(this supersedes the original Scheme of Delegation agreed on 18 July 2007)

Scheme of Delegation to Officers

The following powers are delegated to each chief planning officer (or their equivalent) within each of the three local authorities represented on the Committee, in respect of planning and development control matters which would, in the absence of a joint committee, fall for determination by their employing authority. The chief planning officers may authorise any other officers within their relevant participating Councils to exercise these powers on his/her behalf. Any officer so authorised may in turn delegate further. Such delegations need not be evidenced in writing.

1. ~~To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the attached schedule) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the Planning (Listed Buildings and Conservation areas) Act 1990 within the terms of reference of the Joint Development Control Committee **except** in any of the following circumstances:~~
- a) ~~Where the application is for Outline or Full Permission or is a reserved matters application in respect of:~~
- ~~1. The provision of residential units where:
(a) the number of residential units to be provided is 100 or more;~~
 - ~~2. The provision of a non-residential building or buildings where the floor space to be created by the development is 1,000 square metres or more or is for non-residential development to be carried out on a site having an area of 1 hectare or more;~~
 - ~~3. Development including the provision of primary roads, open space or other site-wide infrastructure that fulfills a strategic purpose;~~
 - ~~4. Strategic waste development;~~

~~5. Regulation 3 development for all new facilities.~~

~~b) — Where:~~

- ~~— There are any parish council representations that are contrary to the officer recommendation for approval or;~~
- ~~— There are other third party representations on planning grounds that are contrary to the officer recommendation for approval or refusal and that cannot be addressed by conditions as applicable or;~~

~~e) — The application is advertised as a formal departure from the Development Plan and where the officer recommendation is for approval.~~

~~d) — The application is submitted by a Member or Chief Officer or planning officer of any member of the Councils.~~

~~e) — The application is one where, within 21 days of being notified of the application or within 14 days of receipt of any subsequent material amendment to the proposal, any Member of the City Council or of the District Council or any member of the County Council representing a ward within the City of Cambridge or South Cambridgeshire requests in writing (including e-mail), that the application should be determined by Committee, stating the planning grounds on which the request is based.~~

~~f) — The application is one that officers consider should be determined by Committee because of special planning policy or other considerations.~~

~~g) — The application is for a “non-material” change/amendment in relation to a development that was previously approved by the Joint Committee and either i) the elements to be changed were subject to specific conditions or ii) negotiation in response to objections raised to the original approval, and in both cases where the Chair, Vice Chair and Spokespersons of the Committee object to the exercise of the delegated power within 14 days of notification.~~

~~2. — In respect of or arising out of Major developments (as defined in the Committee's terms of reference) exercise the Committee's planning enforcement powers (apart from serving enforcement notices under S 171) (subject to prior consultation with the relevant Council's Chief Legal Officer) and to instruct the relevant Council's Chief Legal Officer to commence legal proceedings relating to planning enforcement other than commencing prosecutions provided that any action taken is reported to Committee thereafter.~~

~~3. — To act on behalf of the Committee (after consultation, if practicable with the Chair of the Committee and the Chief Planning Officers of the three Councils) in cases of urgency or emergency. Any such action is to be reported as soon as possible to the Committee.~~

~~**Note:** Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgment to decide whether to refer any matter contained within this Scheme to Committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by Members.~~

~~**Schedule referred to in Delegation 1 above**~~

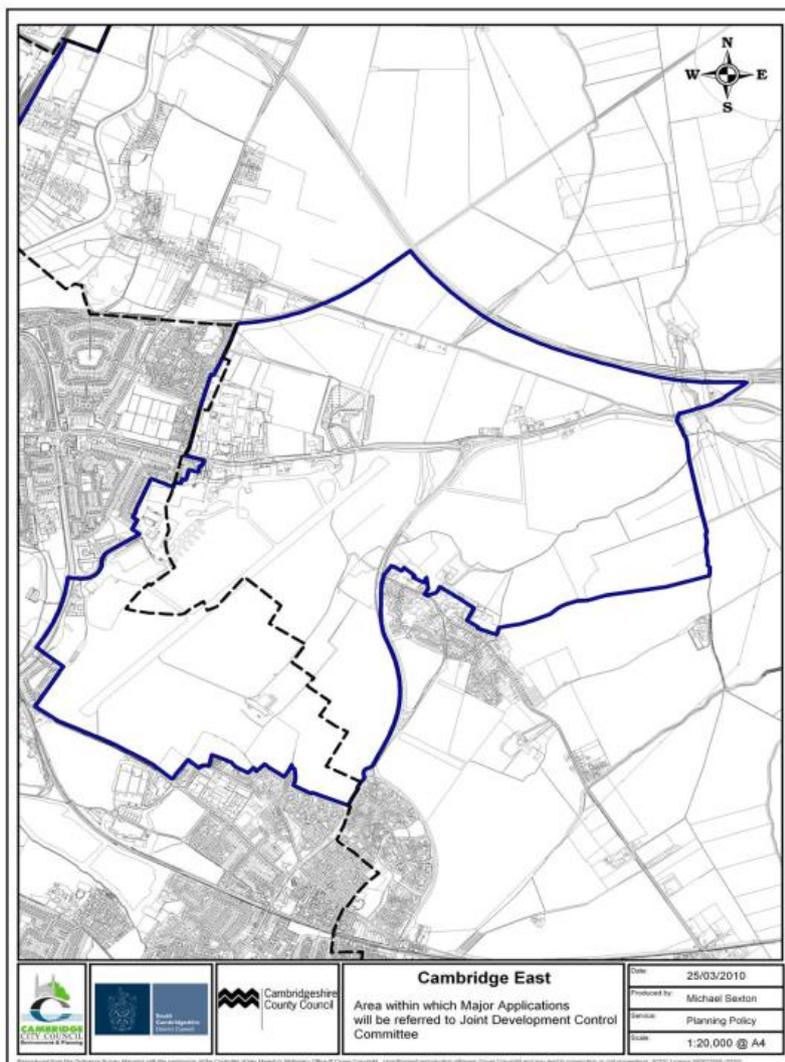
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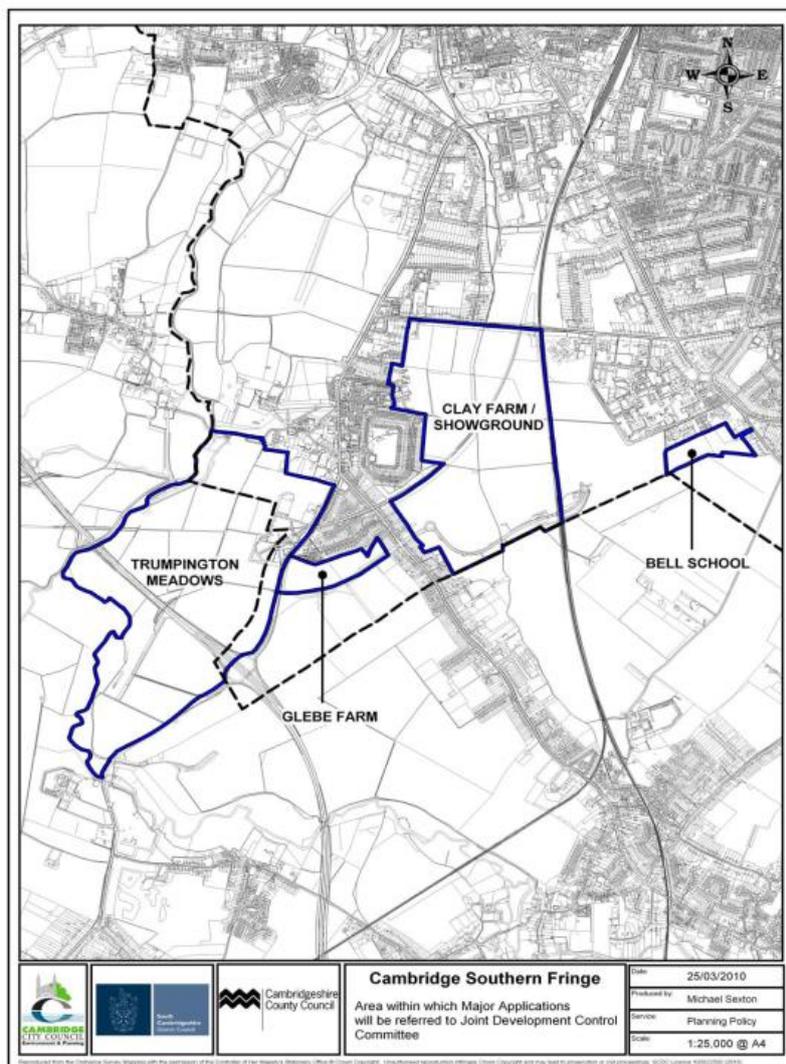
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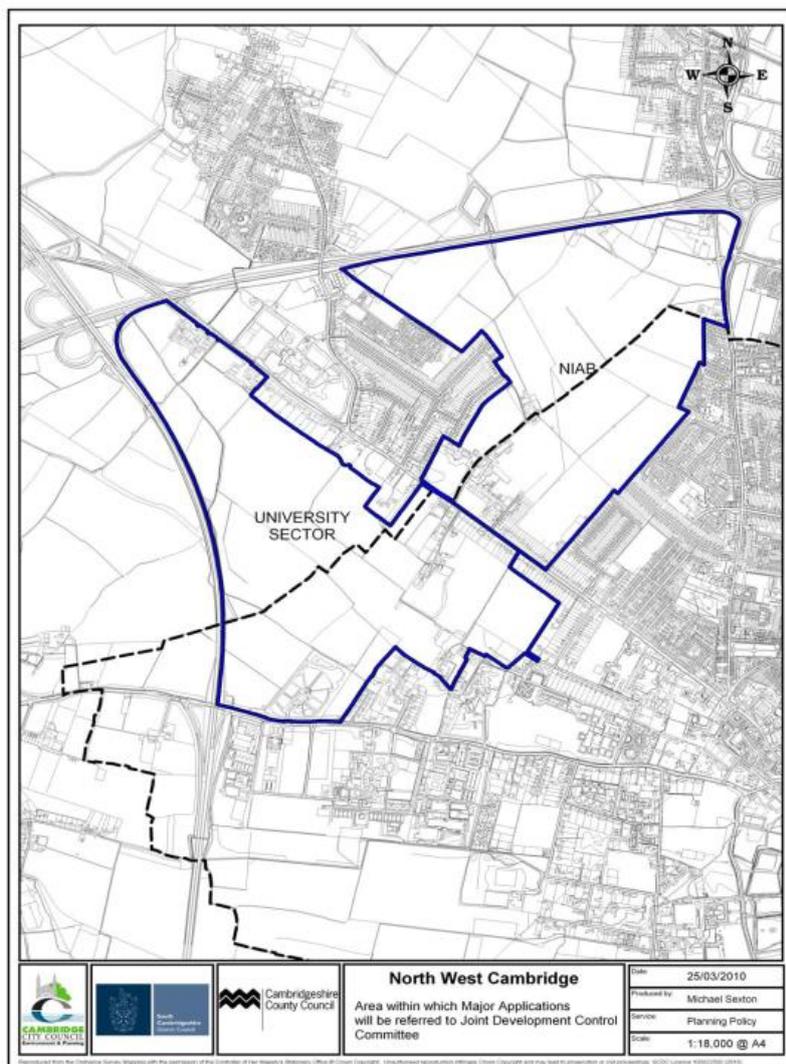
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- ~~d) Removal/variation of planning conditions.~~
- ~~e) Discharge of conditions.~~
- ~~f) Advertisement consent.~~
- ~~g) Lawful Development Certificates.~~
- ~~h) Regulation 3 applications.~~
- ~~i) Settling the terms of planning agreements under section 106, Town and Country Planning Act 1990 and other legislation in accordance with the terms of any resolution or decision to grant planning consent.~~
- ~~j) Listed Building Consent.~~
- ~~k) Conservation Area Consent.~~
- ~~l) Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, or any subsequent amendment to those Regulations.~~
- ~~m) Entering into and Signing of Planning Performance Agreements.~~

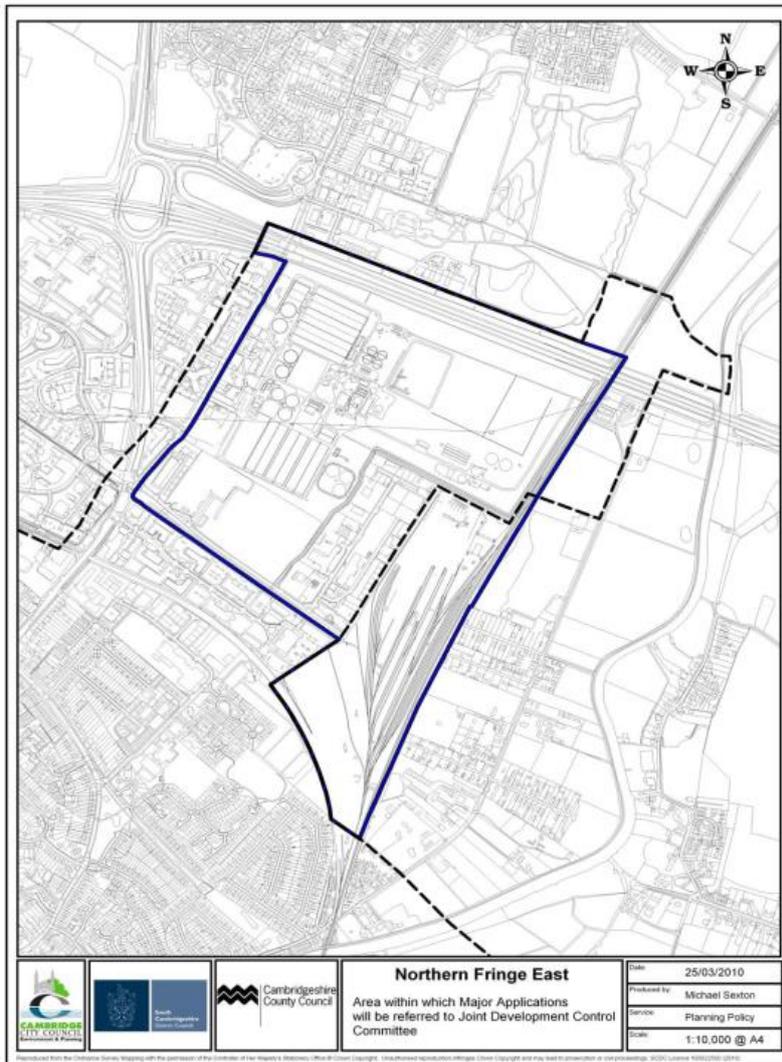
(This page was last updated on 21 August 2013)

Appendix 3—Plans of Cambridge Fringe Areas









Appendix 4—Memorandum Of Understanding: Scope Of Responsibility Of the Lead Planning Officer Advising The Joint Development Control Committee

A Proposal to form the basis of a Memorandum of Understanding to be entered into by Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council (“the Councils”)

1. In 2007 the Councils delegated their development control functions relating to Major Developments on the Cambridge Fringes to a Joint Development Control Committee Cambridge Fringes (“JDCC”) since when the Councils have worked collaboratively to implement Major Development proposals in accordance with the Southern Fringe Area Development Framework and the Cambridge Local Plan 2006.
2. A Joint Planning Director (Growth Areas) was appointed to exercise planning and development control powers delegated under the Scheme of Delegations and to advise the JDCC, to negotiate with Developers and to liaise with Cambridgeshire Horizons and facilitate the release of grant funding. With the completion of section 106 agreements and the subsequent issue of outline planning permissions for all the Southern Fringe sites these initial objectives have been successfully fulfilled and the post of Joint Director of Planning will be discontinued from 31 March 2011.
3. It is proposed that after 31 March 2011 the functions of overseeing and delivering the committed and planned growth through the planning system and the role of adviser to the Councils and the person to whom delegated authority is given under the Scheme of Delegations shall be the Head of Planning Services at Cambridge City Council (“the Head of Planning Services”).
4. In the performance of these duties the Head of Planning Services shall consult with senior officers from the Councils as appropriate and where called upon will advise the JDCC accordingly. In so doing the Head of Planning Services will seek to fairly represent the views of each of the Councils to the JDCC but the recommendations to the JDCC will be based on the Head of Planning’s professional judgement.
5. The Memorandum of Understanding will operate on an ongoing basis from 1st April 2011 and shall be reviewed each year in January to determine its effectiveness and whether or not it should be modified or replaced with any other arrangement. If the arrangements are working to the Councils’ satisfaction they shall continue until revoked or modified by the agreement of the Councils.
6. For the first year of this arrangement i.e. until 31/3/2012 the funding shall be from the residual budget currently held by Cambridgeshire Horizons. Thereafter the funding shall be discussed and agreed through the annual review process.
7. (For the avoidance of doubt) Major Developments has the same meaning as given in the Terms of Reference for the Joint Development Control Committee Cambridge Fringes (“TOR”) as amended from time to time, Costs Sharing Protocol refers to Annex C of the TOR, and Scheme of Delegations refers to Annex D of the TOR.

Joint Arrangements

~~Adopted by Council 14 April 2011~~

Responsibility for Functions (Table 7)

Commented [A1]: This scheme of delegation replaces the Delegation Rules in Part 4 of the current Constitution.

Scheme of Delegation

1. Introduction

1.1 The authority for delegating functions to the Cabinet, Committees and Officers is contained in Section 101 of the Local Government Act 1972 and Section 14 of the Local Government Act 2000. The authority for delegation of functions by the Licensing Committee is contained in Sub Section 10 (1) of the Licensing Act 2003. Certain other delegations are implicit in Standing Orders, Procedure Rules, Financial Regulations and the Contract Regulations.

1. General

1.2 Delegations may also be given by individual resolutions, on the authority of the Leader of the Council, or as part of the approval of any policy, procedure or Protocol by the Cabinet or Council.

~~4.21.3~~ Subject to the following Rules paragraphs, where any function, power or responsibility is delegated to any officer or body, that officer or body shall, unless otherwise stated in Part 3 of this Constitution, have full power to act in all respects in the name of the Council and may exercise in the name of the Council any discretion countenanced by statute, regulation or in common law in relation to the discharge of that function, power or responsibility and all matters ancillary or incidental thereto.

~~1.1~~ Unless otherwise stated or expressly limited, Directors shall have the like delegated powers, functions and responsibilities as their respective Chief Officers in their absence.

~~1.2~~ The Leader, and in his / her absence, the Deputy Leader, shall have all the delegated powers, functions and responsibilities of any portfolio holder in their absence. The Deputy Leader shall assume the full powers of the Leader in any circumstances in which the Leader is unable to act, and shall act as Leader if the post of Leader is vacant (Article 7.03 above refers).

1.4 ~~In this~~ reference to:

- (a) “Chief Officers” shall mean the Chief Executive (Head of Paid Service), Chief Finance Officer, Monitoring Officer, Chief Operating Officer and Joint Director of Planning and Economic Development.

Part 3 – Table 7: Scheme of Delegation

(b) Head of Service, for the purposes of this scheme, means the Heads of Finance, HR and Corporate Services, Housing, Shared Waste and Environment and Transformation.

(c) the ‘proper officer’ shall mean the Chief Executive or such suitably experienced senior officer as the Chief Executive shall appoint.

2. General Principles

2.1 In the scheme of delegation, the following general principles shall apply:

(a) In exercising a delegated decision, decision takers shall have regard to all other parts of the Constitution, including the Financial Regulations and Contract Regulations.

(a)(b) Wherever appropriate, the views of local members will shall be sought and their views taken into account. Where local member(s) do not support a proposed decision by an officer the matter should shall be referred to the portfolio holder lead cabinet member. Where a proposed decision of a portfolio holder lead cabinet member is not supported by any local member, the matter should shall be referred to a meeting of the Executive Cabinet, where the local member(s) would shall have the right to speak. Decision-takers should shall share with local members, at as early a stage as possible, what the proposed decision is likely to be so that local members can may take a view on the matter quickly. The requirement for a reference to the Executive cannot be made if the Cabinet shall not apply in respect of a decision which has already been made and acted upon implemented or after if five days from have elapsed since notification of the decision.

(b)(c) A portfolio holder should lead cabinet member shall not make a decision on a matter which relates to his / her their ward or to an individual, household or organisation within his / her ward their Ward. In such cases (or where for some other reason it would not be appropriate for a portfolio holder lead cabinet member to make a decision on a matter) or in the absence of the portfolio holder lead cabinet member, the decision should shall be referred to another portfolio holder previously deputised dealt with by the Executive person or body by whom the Leader, delegation was made, as set out in the Leader and the Executive in that order Cabinet Procedure Rules.

(e)(d) In exercising delegated powers, portfolio holders lead cabinet members and officers are expected to refer “upwards” any issues they consider sensitive or controversial.

(d)(e) Part 3 of this Constitution sets out the responsibility of for Council functions and Tables 2A and 2B those of the responsibility for Executive.

Part 3 – Table 7: Scheme of Delegation

~~These Tables set out in some detail functions. Table 4 of Part 3 shows~~ which functions are presently delegated to the ~~Executive Cabinet~~ as a whole and which are delegated to ~~portfolio holders~~ lead cabinet members. The following overall criteria shall apply to all functions specifically delegated to ~~Portfolio Holders~~ lead cabinet members:

- (i) Where the function involves more than one ~~portfolio~~ area of cabinet responsibility, all relevant ~~portfolio holders~~ lead cabinet members shall come together for a decision, and in default of agreement, the matter shall be referred to the ~~Executive Cabinet~~ for decision
- (ii) If the ~~portfolio holder~~ lead cabinet member(s) think(s) the matter in question is of such a significance that the ~~Executive Cabinet~~ should decide the matter, it ~~should~~ shall be referred to the ~~Executive Cabinet~~ accordingly
- (iii) If the ~~portfolio holder~~ lead cabinet member is in any doubt as to whether any matter properly falls within ~~his, her~~ their or another ~~portfolio holder's or other portfolio holders'~~ lead cabinet member's functional responsibility or whether the matter is of such significance that the ~~Executive Cabinet~~ should determine the matter, the Leader shall rule accordingly (after consulting any persons the Leader may wish to consult) and such ruling shall be conclusive ~~).~~.

3. Restrictions on all Delegations

~~No~~3.1 This scheme does not delegate to officers:

- (a) Any matter reserved to full Council in accordance with Article 4;
- (b) Any matter expressly reserved to Cabinet or a lead cabinet member in accordance with Table 4 of Part 3 of the Constitution;
- (c) Any matter reserved to regulatory and other committees and sub committees in accordance with Part 3, Table 3;
- (d) Any power which has been withdrawn from delegation;
- (e) Any matter that by law may not be delegated to an officer ~~shall~~;
- (~~a~~) (f) Any power to set fees or charges;
- (g) Any matter reserved to a specific statutory officer by law or under the provisions of this Constitution.

Part 3 – Table 7: Scheme of Delegation

- 3.2 Except as may be provided in this Constitution or authorised by full Council, no officer, ~~portfolio holder~~ lead cabinet member, member, committee, sub-committee or the Executive Cabinet shall exercise any power, function or responsibility in a way which is not in accordance with , or is contrary to, the budget or policy framework of the Council or is contrary to any policy of the Council bearing upon the matter in question.

4. No officer, or body shall Delegations to Officers

Delegation of Functions

4.1. Authority to exercise any the powers and carry out all of the functions of the Council shall be delegated to Chief Officers and Heads of Service, subject to the exceptions set out in paragraph 3 above.

4.2. Chief Officers and Heads of Service shall have full power, function or to do all such things and exercise all such discretions within their respective functions and areas of responsibility in relation to all operational matters. These powers, although described in general terms, are intended to allow Chief Officers and Heads of Service freedom of operational management, in their respective service areas within policy and budget. The exercise of delegated powers is subject to the General Principles and Limitations set out in paragraphs 2 and 3 above.

Chief Executive's General Delegated Power

4.3. The Chief Executive shall have power to act in the name of any other Chief Officer or Head of Service to whom a power has been delegated in this scheme of delegation, in their absence, except where such power is restricted by law to a Statutory Chief Officer (Chief Finance Officer or Monitoring Officer).

4.4. The Chief Executive (or any other Chief Officer or Head of Service in their absence) may exercise any power or function, which had been delegated but where the power, is in law capable of delegation, in any emergency threatening life, limb or substantial damage to property within the District. The Chief Executive shall consult with the Leader of the Council (unless the Leader cannot be contacted after all reasonable efforts have been made) in which case the Deputy Leader shall be consulted. The exercise of such power or function or shall be confined to the minimum necessary to deal with the emergency and shall be reported to the next meeting of the Cabinet or the Council, whichever shall be the first.

4.5. The Chief Executive (or any other Chief Officer in their absence) may, after consultation with the Leader (or in their absence the Deputy Leader), act in a case of urgency in respect of any matter affecting the Council, subject to a

Part 3 – Table 7: Scheme of Delegation

report on the circumstances being made to the next Council or Cabinet meeting as appropriate.

Ancillary Powers of all Chief Officers/Heads of Service

4.1.4.6. Paragraphs 4.1 and 4.2 provides that all operational functions within their respective areas of responsibility ~~has been withdrawn or has been reserved to any other person or body.~~ are delegated to Chief Officers/Heads of Service. However, for the avoidance of doubt, Chief Officers/Heads of Service shall have full delegated powers in the areas set out below:

2. Supplementary Provisions

<u>Power</u>	<u>Delegated to:</u>
<u>1. To undertake day-to-day management of the premises and services for which they are responsible.</u>	<u>All Chief Officers/Heads of Service</u>
<u>2. To undertake day-to-day management and control of the staff reporting to them including:</u> <u>2.1. making arrangements for recruitment and selection of staff and taking disciplinary action (including dismissal) in accordance with the Council's disciplinary procedures. (Officers at Head of Service level and below only. Recruitment and dismissal of Chief Officers shall be undertaken in compliance with the Officer Employment Procedure Rules).</u> <u>2.2. appointing staff on a temporary basis within approved budgets and in accordance with Financial Regulations.(Officers at Head of Service level and below only)</u> <u>2.3. authorising or refusing applications for regrading of relevant staff.</u> <u>2.4. authorising any desired changes in workforce establishment</u>	<u>All Chief Officers/Heads of Service</u>

Part 3 – Table 7: Scheme of Delegation

<p><u>3. To approve all new posts within approved budget</u></p>	<p><u>Head of Paid Service</u></p>
<p><u>4. To approve disposals and acquisitions of land and property in accordance with the provisions of the HRA Asset Sustainability Policy (Disposals and Acquisitions)</u></p> <p>[Note:</p> <p><u>4.1 Subject to the consultations/notifications and conditions set out in the delegations approved within that policy.</u></p> <p><u>4.2 The Leader varied the delegations in the above policy in November 2018. Paragraphs 66, 67 and 69 of Table 4, Part 3 (Responsibility for Executive Functions) refer]</u></p>	<p><u>All Chief Officers/Heads of Service</u></p>
<p><u>5. To approve the acquisition and disposal of any interest in property by the Council (not covered by the HRA Asset Sustainability Policy referred to in 4 above or by the Council's Investment Strategy) where the value does not exceed Level 2 (provided the terms have been approved by the District Valuer, or the Council's valuer, and the Chief Finance Officer and the acquisition or disposal is a necessary part of a policy, scheme or plan approved by the Cabinet, or where required, the Council).</u></p>	<p><u>All Chief Officers/Heads of Service</u></p>
<p><u>6. To dispose, for the best terms available, of vehicles, stores and equipment which, following consultation with the Chief Finance Officer, they consider to be surplus to requirements.</u></p>	
<p><u>7. To approve, subject to the conditions below:</u></p> <p><u>7.1 Non-statutory grants up to and including level 2; and</u></p> <p><u>7.2 Statutory grants, such as disabled facility grants, up to and including level 3.</u></p> <p>[Conditions:</p>	<p><u>All Chief Officers/Heads of Service</u></p>

Part 3 – Table 7: Scheme of Delegation

<p><u>Such awards to be consistent with policy (eg: the Cambridgeshire Housing Adaptations and Repairs Policy (April 2019)].</u></p>	
<p><u>8. To approve any requests for financial assistance, grants or services from the Council falling outside the normal rules or policies. (Examples would include (but not exclusively):</u></p> <p><u>8.1 Rate relief;</u></p> <p><u>8.2 Rents or charges;</u></p> <p><u>8.3 Ex-gratia payments or compensation up to and including Level 2.)</u></p>	<p><u>All Chief Officers/Heads of Service</u></p>
<p><u>9. To accept tenders and other procurement decisions in compliance with the Council's Contract Regulations. (see paragraphs 28 and 29 of Table 4 of Part 3 (Responsibility for Executive Functions) as to matters reserved to Cabinet or lead cabinet member)</u></p>	<p><u>All Chief Officers/Heads of Service</u></p>
<p><u>10. To write off any individual debt up to and including Level 2, subject to being satisfied that all action for recovery of the debt appropriate to the amount has been taken (see Financial Regulation 13.8)</u></p>	<p><u>Chief Finance Officer</u></p>
<p><u>11. To determine applications for discretionary rate relief within the approved policy and criteria and to determine discretionary housing payments.</u></p>	<p><u>Chief Finance Officer</u></p>
<p><u>12. To approve the Council Tax base in accordance with Section 67 of the Local Government Finance Act 1992, as amended by Section 84 of the Local Government Finance Act 2003.</u></p>	<p><u>Chief Finance Officer</u></p>
<p><u>13. To review and determine the boundaries of rural settlements for the administration of Rural Rate Relief in accordance with Section 42B of the Local Government and Rating Act 1997.</u></p>	<p><u>Chief Finance Officer</u></p>

Part 3 – Table 7: Scheme of Delegation

<p><u>14. To approve allowances or expenses to Council tenants.</u></p>	<p><u>All Chief Officers/Heads of Service</u></p>
<p><u>15. In accordance with the provisions of the Council's Investment Strategy:-</u></p> <p><u>15.1. To progress investment opportunities, including due diligence checks; and</u></p> <p><u>15.2. To submit non-binding offers in line with market practice.</u></p>	<p><u>Chief Finance Officer</u></p>
<p><u>16. To make appointments, removals or replacements of members to any committee, sub-committee or other forum (including substitutes), in accordance with the wishes of the Leader of the political group to which the seat has been allocated.</u></p>	<p><u>Head of Paid Service/Monitoring Officer</u></p>

5. Sub-Delegation of Powers

5.1 Unless limited by any provision in this Constitution, ~~any officer with delegated powers or functions may~~ Chief Officers/Heads of Service shall have authority to delegate ~~these their~~ powers or functions and responsibilities, wholly or in ~~whole or part,~~ to another Chief Officer/Head of Service or to any other suitably experienced and qualified officer. ~~These officers shall themselves have discretion to delegate powers to be exercised by suitably qualified and experienced officers within their areas of responsibility, subject to any limitations on further delegation which may be imposed. In all cases:~~

(a) General and specific delegations, and any limitations upon them, shall be set out in writing ~~but~~ and kept up to date.

~~(a)~~(b) Chief Officers/Heads of Service shall remain accountable for the actions of subordinate officers and may ~~himself or herself~~ continue to exercise or share those powers, ~~functions or responsibilities.~~

~~(b)~~(c) Any body or member of the ~~Executive Cabinet~~, with delegated powers may delegate any such power or responsibility to the relevant Chief Officer ~~or Head of Service~~ but shall remain accountable and may ~~itself, himself or herself~~ continue to exercise or share those powers, functions or responsibilities.

Part 3 – Table 7: Scheme of Delegation

~~(e)~~(d) The exercise of any delegated power, function or responsibility may be restricted by the delegating person or body. Restrictions may be financial, numerical, subject to local member(s)', Leader's and / or committee ~~Chairman's~~Chair's consultation or approval, subject to time limit, or in any other way.

6. Recording and Reporting of Delegation of Powers

~~4.4.6.1~~ All persons and bodies with delegated powers shall record and report substantive decisions made under those powers in accordance with ~~Article 13.02~~the requirements of the Access to Information Procedure Rules. Any key decision taken by a lead cabinet member or officer shall be recorded and published in accordance with the requirements of the Access to Information Procedure Rules.

~~2.1 Chief Executive's General Delegated Power to act in the Name of any Chief Officer or in Emergency~~

~~2.1.1 The Chief Executive shall have power to act in the name of any other Chief Officer in his or her absence~~

~~2.1.2 The Chief Executive (or any other Chief Officer in his or her absence) may exercise any power or function, which is in law capable of delegation, in any emergency threatening life, limb or substantial damage to property within the District. The Chief Executive shall consult with the Leader of the Council (unless the Leader cannot be contacted after all reasonable efforts have been made). The exercise of such power or function shall be confined to the minimum necessary to deal with the emergency and shall be reported to the next meeting of the Executive or the Council, whichever shall be the first.~~

~~2.2 Ancillary Powers of all Chief Officers~~

~~All Chief Officers shall have full delegated power:~~

~~2.2.1 to undertake day to day management and control of the staff reporting to them and the premises and services for which they are responsible~~

~~2.2.2 to approve the acquisition and disposal of any interest in property by the Council where the value does not exceed Level 2 provided the terms have been approved by the District Valuer, or the Council's valuer, and the Chief Finance Officer and the acquisition or disposal is a necessary part of a policy, scheme or plan approved by the Council.~~

Part 3 – Table 7: Scheme of Delegation

~~(i) — The Affordable Homes Director has authority to approve or refuse the disposal of housing land for public amenity use or for use as garden land or otherwise improve the access or amenity of a dwelling, subject to the approval of the local member(s) and (in the case of a proposed disposal) subject to the confirmation of the Planning and New Communities Director that the land is not capable of development which will significantly increase its value.~~

~~(ii) — The Affordable Homes Director has authority to approve making land / property available at nil cost for affordable housing schemes, using the following mechanisms:~~

- ~~• — Accepting a higher level of shared ownership on appropriate affordable housing sites in order to cross-subsidise social rented housing;~~
- ~~• — Accepting that some housing on affordable sites may need to be sold at full market value in order to cross-subsidise rented housing;~~
- ~~• — Accepting a lower percentage of built units on S106 sites; and~~
- ~~• — Accepting a financial contribution in lieu of on-site provision of affordable housing on S106 sites~~

~~The above mechanisms to be subject to:~~

- ~~• — The approval of the Portfolio Holders for Housing and Planning & Economic Development and appropriate local member(s);~~
- ~~• — An annual limit of £1 million for land / property made available at nil cost, without reference to Cabinet; and~~
- ~~• — Compliance with current planning policies and the available General Consent for disposal of land to Registered Social landlords under Section 25 of the Local Government Act 1988.~~

~~2.2.3 — to dispose, for the best terms available, of vehicles, stores and equipment which, following consultation with the Chief Finance Officer, they consider to be surplus to requirements~~

~~2.2.4 — to initiate appropriate action, in consultation with the Head of Paid Service, on matters relating to recruitment, selection and career development of staff generally except Directors and to take disciplinary action (including dismissal) in accordance with the Council's disciplinary procedures~~

~~2.2.5 — to appoint staff on a temporary basis on a similar salary grade and other terms as the established post, not exceeding a period or periods of three months, without further authorisation (but previously reporting to the Chief Finance Officer) to cover maternity or other extended leave, to accommodate~~

Part 3 – Table 7: Scheme of Delegation

~~increased workload or to cover seconded staff but not in any appointment, after available virement, so as to increase base budget for the service; otherwise to recommend to Management Team for authority of the Executive or of Council (as the case may require) (the Chief Executive has authority to approve all new posts within approved budgets)~~

~~2.2.6 to refuse applications for regrading giving reasons or to authorise the regrading of relevant staff~~

~~2.2.7 to authorise any desired changes in workforce establishment.~~

Part 3 – Table 7: Scheme of Delegation

~~2.3 The following housing executive powers have been delegated to specified officers:
Management Transfers ————— Housing Services Manager~~

~~Assignment of tenancies ————— Housing Services Manager~~

~~Discretionary points award outside ————— Housing Advice and Options
Manager~~

~~normal allocations policy~~

~~3. Reporting Delegation of Powers~~

~~3.1 The Leader's scheme of delegation of executive functions, set out in Part 3 of this Constitution, shall have effect from the date new executive arrangements, required under Section 14 of the Local Government Act 2000, amended in accordance with Section 63 of the Local Government and Public Involvement in Health Act 2007 were implemented by the Council.~~

~~4.26.2 The Leader may refine the allocation of functions and responsibilities set out in Tables 2A-2B as he / she wishes, Table 4 in Part 3 of this Constitution as they wish. To effect changes, the Leader shall provide details of the changes he / she wishes they wish to make in writing to the Chief Executive, such changes to have effect immediately upon subsequent written notification to all Members. Details of the changes made shall be reported to the Cabinet at its next Meeting members.~~

~~3.2 Delegations by Council, and any changes in the delegation scheme previously approved by the Council, shall be formally agreed by the Council.~~

~~4.36.3 Changes to the Scheme of Delegation to Officers shall be authorised by the Chief Executive and published as an annexe to the Constitution, except where they involve the withdrawal or limitation of officer delegation which shall be authorised by the Council, Leader of the Council or committee of the Council as appropriate Executive.~~

5.7. Validity of Decisions Taken Under Delegated Powers

~~5.47.1 It shall be presumed that any recorded delegated power remains extant (within any limits set thereon if appropriate) unless the Leader of the Council, Council or Chief Executive, as the case may be, determines or changes that~~

Part 3 – Table 7: Scheme of Delegation

delegation and either the proper officer certifies that fact or there is an approved minute of any such determination or change.

7.2 In the event that a post ceases to exist or where the name of a post changes or where responsibilities are transferred to another post holder, temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.

~~5.27.3~~ The exercise or purported exercise of any recorded delegated power shall be valid for all purposes, notwithstanding that there may have been any inadvertent defect in formality in the giving of notice of any meeting to any councillor, inadvertent failure to consult any person or observe any protocol or code contained in this Constitution or any other administrative error. This shall not apply to any purported exercise of any power by a non-quorate body.

6.8. General Delegated Powers and Proper Officer Responsibilities **[Article 12.08]**

- (a) ~~Authority to exercise the powers and carry out all of the functions of the Council shall be delegated to the Chief Officers, subject to the following exceptions:~~
- ~~(i) Matters reserved to the Council in accordance with Article 4.~~
 - ~~(ii) Matters reserved to the Cabinet and individual portfolio holders in accordance with Part 3, Tables 2A and B.~~
 - ~~(iii) Matters reserved to regulatory and other committees and sub-committees in accordance with Part 3, Tables 8, 1 and 3.~~
 - ~~(iv) Matters reserved to specific officers by law or under the provisions of this Constitution.~~

~~6.14.1~~ Chief Officers shall have authority to delegate their powers, functions and responsibilities, wholly or in part, to the Chief Executive or Directors or other senior staff reporting directly to them. These officers shall themselves have discretion to delegate powers to be exercised by suitably qualified and experienced officers within their areas of responsibility, subject to limitations on further delegation which may be imposed. ~~In all cases:~~

- ~~• General and specific delegations, and any limitations upon them, shall be set out in writing.~~
- ~~• Delegated powers shall be exercised in accordance with the Council's agreed corporate priorities set out in the budget and policy framework agreed by the Council and with the Delegation Rules set out in Part 4 of this Constitution.~~

Part 3 – Table 7: Scheme of Delegation

~~• Accountability for the actions of Directors and subordinate officers shall remain with the Chief Officers.~~

~~(b) The Chief Officers shall have full power to do all such things and exercise all such discretions within their respective functions and areas of responsibility as set out in Article 12.01(b) above in relation to all operational matters, subject strictly to the Delegation Rules in Part 4. These powers, though described in general terms, are intended to allow Chief Officers freedom of operational management, within service areas, within policy and within budget.~~

~~(c) Any limit or restriction upon the general delegated powers under paragraph 3.3 of the Delegation Rules shall be reported to the Council and recorded by the proper officer [paragraph 4, ibid]. In this paragraph and in all the Part 4 rules relating to committee, Executive and Council administration, reference to the 'proper officer' shall mean the Chief Executive or such suitably experienced senior officer as the Chief Executive shall appoint~~

Unless otherwise provided by law or in this Constitution, each Chief Officer/Head of Service, within ~~his or her~~their respective functions and areas of responsibility ~~set out in Article 12.01(b),~~ shall also be the respective 'proper officer' in all cases where statute or regulation requires or provides for the Council to appoint a 'proper officer' but any Chief Officer/Head of Service may delegate any such responsibility to a suitably experienced senior officer.

8.2 All proper officer appointments not already set out in this Constitution, other than general ~~appointment~~appointments under paragraph ~~(d)~~8.1 above, whether of, or under delegation by, any Chief Officer, shall be recorded by the Chief Executive and that record shall be kept up to date and available for inspection in the same manner as the scheme of delegations of powers.

~~(d)~~

~~(e) The Chief Executive is authorised to cancel, postpone or alter the date or time of a Cabinet, Council and / or any other meeting of the Council as deemed appropriate but, before doing so, shall consult all members of the committee about the need for the change and about convenient alternative dates and times. If reasonably practicable, the Chief Officer will consult all members of a committee before setting a date and time for a special meeting of that committee.~~

~~4. Limit of Approvals of Grants by the Council~~

Part 3 – Table 7: Scheme of Delegation

~~Chief Officers may approve any Disabled Facility Grant or Renovation Grant above Level 1, up to and including Level 2, such awards to be consistent with policy and in consultation with local members~~

~~PART~~ Part 4: RULES OF
~~PROCEDURE~~ Rules of Procedure

A. Council Standing Orders

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~~24.27.~~ Interpretation of Standing Orders

1. Annual Meeting of the Council

1.1 ~~1.1~~ Timing and business

- (a) In a year when there is an ordinary election of councillors, the annual meeting ~~will~~shall take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting ~~will~~shall take place ~~in between~~ March, ~~April or and~~ May inclusive.
- (b) The annual meeting ~~will~~shall:
- (i) elect a person to preside if the ~~Chairman~~Chair of Council is not present;
 - (ii) elect the ~~Chairman~~Chair of Council; (in accordance with Standing Order 1.2 below);
 - (iii) ~~elect~~appoint the Vice-~~Chairman~~Chair of Council;
 - (iv) approve the minutes of the last meeting;
 - (v) in a year when there is ~~an ordinary~~any election of councillors, receive the Returning Officer's Return of councillors elected.
 - (vi) receive any announcements from the ~~Chairman~~Chair, Leader of Council and / or Head of Paid Service;
 - ~~(vii) upon in a year when there is an ordinary election of councillors, or if the expiry of the Leader's normal term of office as Leader is vacant, elect the Leader;~~
 - ~~(vii)(viii) receive a statement from the Leader concerning appointments to the Cabinet, including, where available, notification by the the statutory Deputy Leader of the number of members he / she is appointing to the Executive (Cabinet), their names and their portfolios, and the Leader's Scheme of Delegation of Executive Functions;~~
 - ~~(i) appoint up to five substitute members per committee from each political group in a hierarchical list to all statutory committees and sub-committees;~~
 - ~~(viii)(ix) appoint at least one scrutiny and overview committee, a Civic Affairs Committee, the Licensing Committee (2003 Act) and such other committees as the Council considers appropriate to deal in accordance with matters which are neither reserved to the Council nor are executive functions (as set out in Part Standing Order 1.3 of this Constitution);~~below;
 - ~~(x) designate one of the Council's scrutiny and overview committees as its crime and disorder committee in accordance with sections 19 and 20 of the Police and Justice Act 2006;~~
 - ~~(ix)(xi) 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 3 of this Constitution);~~
 - ~~(ii) 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 meeting, in accordance with Standing Order 10 below;~~

- ~~(x)(xii)~~ receive reports and recommendations from the Executive Cabinet and the Council's committees and receive questions and answers on any of those reports;
- ~~(xi)(xiii)~~ receive the Leader of the Major Opposition Group's written Annual statement on his/her Group's priorities for action and objectives for the forthcoming municipal year annual statement, if they wish to give one; and;
- ~~(xiv)~~ consider any other business set out in the notice convening the meeting including consideration.

1.2 Election of proposals Chair

- ~~(a)~~ The Chair of the Council shall be elected from the among the councillors as the first business transacted at the annual meeting.
- ~~(b)~~ Where the Chair of Council is retiring, they should, if present, preside over the election of their successor.
- ~~(c)~~ Where the retiring Chair is not present, the Chief Executive in relation (or an officer nominated by them) shall preside.
- ~~(a)(d)~~ Where it is expected that the retiring Chair will stand for re-election to the Council's budget that office, the Chief Executive (or an officer nominated by them) shall preside, and policy framework and reports of the Partnerships Review Committee or Scrutiny and Overview Committee for debate; and the Chair should leave the room for the duration of the election.
- ~~(iii)~~ receive questions from, and provide answers to, members in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting, in accordance with Standing Order 11 below.

1.3 1.2 Selection of Councillors on Committees and Outside Bodies

- ~~(a)~~ At the annual meeting, the council meeting ~~will~~ shall:
 - ~~(i)~~ decide which committees to establish for the municipal year;
 - ~~(ii)~~ decide the size and terms of reference for those committees ~~with the exception of the Licensing Committee (2003 Act);;~~
 - ~~(iii)~~ decide the number and allocation of seats and substitutes to political groups in accordance with the political balance rules set out in Part 5, Section A requirements of the Local Authorities (Committees and Political Groups) Regulations 1990;
 - ~~(iv)~~ receive nominations of councillors to serve on each committee, joint committee and outside body; ~~and~~
 - ~~(v)~~ appoint to these committees and outside bodies joint committees, except where appointment to those bodies is exercisable only by the Cabinet;
 - ~~(vi)~~ appoint up to five substitute members per committee from each political group in a hierarchical list to all committees and sub-committees;

- ~~(vii) elect the Chairs and Vice-Chairs of the committees;~~
- ~~(viii) appoint the Council's spokesperson on any joint committee, where required by that committee's terms of reference; and~~
- ~~(v)(ix) appoint members and, where permitted, substitutes to outside bodies, except where appointment of those bodies has been delegated by the Council or is exercisable only by the Executive Leader.~~

~~Appoint the Chairmen and Vice-Chairmen~~

- ~~(b) The Chair of the Council shall preside over the election of Chairs of committees established under Standing Order 1.2(a)(i) above.~~

- ~~(b) Executive Members shall be entitled to sit on the following committees as *ex officio* members:~~

- ~~• Employment and Staffing Committee: Executive Member with responsibility for staffing matters;~~
- ~~• Licensing Committee, Licensing Committee (2003 Act), Licensing Committee (2005 Gambling Act): Executive Member with responsibility for licensing matters;~~
- ~~• Planning Committee: Executive Member with responsibility for development control matters.~~

- ~~(a) Executive Members shall not be entitled to sit on the following committees:~~

- ~~• Audit and Corporate Governance Committee;~~
- ~~• Partnerships Review Committee;~~
- ~~• Scrutiny and Overview Committee;~~
- ~~• Any other scrutiny and overview committee.~~

- ~~(c) Where an election is contested, nominees for Chair shall leave the room prior to voting.~~

2. Ordinary Meetings

2.1 ~~2.1~~ Agenda for Ordinary Meetings

Ordinary meetings of the Council ~~will~~shall take place in accordance with a programme agreed by Council. Ordinary meetings ~~will~~shall:

- ~~(a) elect a person to preside if the ~~Chairman~~Chair and Vice-~~Chairman~~Chair are not present;~~
- ~~(b) approve the minutes of the last meeting;~~
- ~~(c) receive any declarations of interest from members;~~
- ~~(i) elect the Leader of the Council, in the event that the position becomes vacant during the Civic Year including, where available, notification by the Leader of the number of members he / she is appointing to the Executive (Cabinet), their names and their portfolios, and the Leader's Scheme of Delegation of Executive Functions;~~
- ~~(ii) appoint members to committees and outside bodies where vacancies have arisen, except where appointment to outside bodies has been delegated by the Council or is exercisable only by the Executive;~~

- (d) receive any announcements from the ~~Chairman~~Chair, Leader, ~~the Executive Cabinet members~~ or the Head of Paid Service;
- ~~(e) receive and deal with questions and statements 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 meeting, in accordance with Standing Order 10 below~~ the Council's Public Speaking Scheme;
- ~~(f) receive petitions presented by District councillors~~
- ~~(e)(g) debate any petitions received under the Council's Petitions Scheme, which have the requisite number of signatures;~~
- ~~(f)(h) deal with any business from the last Council meeting;~~
- ~~(g)(i) receive reports and recommendations from the Executive Cabinet and the Council's committees and receive questions and answers on any of those reports;~~
- ~~(h)(j) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;~~
- ~~(iii) consider motions;~~
- ~~(k) note changes in membership of committees and fill vacancies on outside bodies, except where appointment to outside bodies has been delegated by the Council or is exercisable only by the Leader;~~
- ~~(i)(l) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Partnerships Review Committee and the Scrutiny and Overview Committee for debate; and;~~
- ~~(j)(m) receive questions from, and provide answers to, members in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting, in accordance with Standing Order 11 below.12; and~~
- ~~(n) consider motions in accordance with Standing Order 13;~~

3. Extraordinary Meetings

3.1 ~~3.1~~ **Calling extraordinary meetings**

- (a) ~~Those listed below~~ The following persons may request the proper officer¹ (see note 1 below) to call Council meetings in addition to ordinary meetings:
 - (i) the Council by simple majority;
 - (ii) the ~~Chairman~~Chair of the Council;
 - (iii) the Monitoring Officer; and
 - (iv) any five members of the Council if they have signed a requisition presented to the ~~Chairman~~Chair of the Council and ~~he / she~~ the Chair

¹ ~~In all the Part 4 Rules relating to Committee, executive and Council administration, reference to the 'proper officer' shall mean the Chief Executive or such suitably experienced senior officer, as the Chief Executive shall appoint.~~

has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

(Note 1: In all the Part 4 Rules relating to Committee, Cabinet and Council administration, reference to the 'proper officer' shall mean the Chief Executive or such suitably experienced senior officer as the Chief Executive shall appoint.)

- (b) The request shall state the subject for which the meeting is called.

3.2 ~~3.2~~ Business

An extraordinary meeting shall not consider previous minutes, reports from committees or any other matter than the subject for which that meeting is called.

4. Appointment of Substitute Members of Committees, Sub-Committees and Outside or Joint Bodies

4.1 ~~4.1~~ Allocation

- (a) Substitutes ~~will~~shall be allowed on committees and sub-committees, and Council may allocate seats for substitute members on outside or joint bodies, where those bodies allow. The substitute must be a member of the same political group as the member for whom they are substituting~~—~~, unless the Council, with no one voting against, agrees otherwise. Substitute members ~~will~~shall be appointed in a hierarchical list by Council at its ~~Annual Meeting~~annual meeting.
- (b) ~~Executive Members-Cabinet members~~ shall be allowed to substitute on all committees, other than ~~the Partnerships Review Committee, the Scrutiny and Overview Committee or any other~~ scrutiny and overview committee and the Audit and Corporate Governance Committee.

4.2 ~~4.2~~ Powers and duties

Substitute members ~~will~~shall have the powers and duties of any ordinary member of the committee or sub-committee, outside or joint body (where those bodies allow) but ~~will~~shall not be able to exercise any special powers or duties exercisable by the person for whom they are substituting. These powers and duties ~~will~~shall only be available to the substitute members from the start until the close of the meeting at which they are substituting~~—~~ (including any adjournment thereof).

4.3 4.3 — Substitution

Substitute members may attend meetings in that capacity only:

- (a) to take the place of the ordinary member for whom they are the substitute;
- (b) where the ordinary member will be absent for the whole of the meeting, and;
- (c) after notifying Democratic Services before the start of the meeting of the intended substitution.

4.4 4.4 — Substitution at meetings of Planning Committee and Licensing Committee

Members acting as substitutes at meetings of the Planning Committee, and Licensing Committee when determining applications, shall be subject to the same requirement to have undertaken suitable training as ordinary members of those committees.

4.5 — Vacant positions

~~Individual Group Leaders can appoint a substitute to fill any vacancy that may arise on a committee, sub-committee, outside body or joint body, where those bodies allow, until a replacement has been appointed at a meeting of Council.~~

4.5 Variation of Membership

The appropriate Group Leader must notify the proper officer, in writing, of any changes in membership or substitute membership of any committee, sub-committee, other forum or outside body allocated to their group and such changes will be reported to the next meeting of the Council. Such notification must be provided to the proper officer or their nominee prior to the commencement of the body in question to enable it to have effect for that meeting. Appointments to non-executive outside bodies shall be subject to approval of the Leader.

5. Times and Places of Meetings

The times and places of meetings ~~will~~shall be determined by the proper officer and notified in the summons.

6. Notice of and Summons to Meetings

The proper officer ~~will~~shall give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive ~~will~~shall send a summons by e-mail and / or post to each member of the Council, or leave it, at ~~his or her last known address or,~~

~~if notified in writing to the proper officer, his or her preferred address, their usual residence.~~ The summons willshall give the date, time and place of each meeting and specify the business to be transacted, and willshall be accompanied by such reports as are available.

7. ChairmanChair of Meeting

The person presiding at the meeting may exercise any power or duty of the ~~Chairman, except where there is equality of votes on an appointment, in which case the provisions of Standing Order 16.7 below shall be followed.~~ Chair. Where these Standing Orders apply to committee or sub-committee meetings, references to the ~~Chairman~~Chair also include the ~~Chairman~~Chair of committees and sub-committees.

~~7.2 The Chairman of the Council shall preside over the election of Chairmen of Committees and Sub-Committees of the Council. Where the Chairman of Council is not present, the Chief Executive or an officer nominated by him or her may preside at the election of the Chairman but shall not be entitled to vote. In the event of a tie, the provisions of Standing Order 16.7 below shall be followed.~~

~~7.3 The Chairman of the Council shall be elected from among the councillors as the first business transacted at the Annual Council Meeting. Where the Chairman of Council is retiring, he / she should preside over the election of his / her successor. Where it is expected that he / she is to continue for a second year, the Chief Executive should preside, and the Chairman should leave the room for the duration of the election.~~

~~7.4 In all cases, nominees for the Chairmanship shall leave the room prior to voting on the Chairmanship.~~

8. Quorum

8.1 The quorum of a meeting willshall be one quarter of the whole number of members of the Council or the relevant body of the Council, or three, whichever is the greater, unless this Constitution otherwise provides. During any meeting, if the ChairmanChair counts the number of members present and declares there is not a quorum present, then the meeting willshall adjourn immediately. Remaining business willshall be considered at a time and date fixed by the ~~Chairman.~~ Chair. If ~~he / she does~~they do not fix a date, the remaining business willshall be considered at the next ordinary meeting.

8.2 If there is no quorum at the published start time for the meeting, a period of ten minutes willshall be allowed, or longer, at the ~~Chairman's~~Chair's discretion. If there remains no quorum at the expiry of this period, the meeting willshall be declared null and void.

~~24.1 The Chief Executive is authorised to cancel a meeting before the agenda has been published, following consultation with the Chairman.~~

~~24.224.1 Where, in exceptional circumstances, it is necessary to cancel a meeting after the agenda has been published, the Chief Executive shall be authorised to do so following consultation with the Chairman of the body concerned. The notice advising of the cancellation shall specify the exceptional circumstances in which the decision was taken. Outstanding business shall be held over to the next scheduled meeting or considered at a reconvened meeting on a date to be arranged which satisfies the notice requirements set out in the Local Government Act 1972 and Access to Information Rule 4.~~

9. Duration of Meetings

Unless three-quarters of members present vote for the meeting to continue, any meeting that has lasted for four hours, excluding adjournments ~~will, shall~~ adjourn immediately. Remaining business ~~will~~shall be considered at a time and date fixed by the ~~Chairman.~~ Chair. If ~~he / she doesthey do~~ not fix a date, the remaining business ~~will~~shall be considered at the next ordinary meeting.

10. ~~Questions by the Public~~ Speaking

10.1 ~~General~~

~~At the discretion of the Chairman, members of the public may ask questions of any member at ordinary meetings of the Council. This standard protocol is to be observed by questioners:~~

10.1 ~~Questioners will~~ Public Speaking Scheme

~~The Council's Public Speaking Scheme shall be agreed by the Civic Affairs Committee and reviewed by the committee from time to time. Public speaking shall be dealt with in accordance with the provisions of the Public Speaking Scheme which is available on the Council's website include link.~~

11. Petitions

~~11.1 The Council's Petitions Scheme shall be agreed by the Civic Affairs Committee and reviewed by the committee from time to time.~~

~~11.2 Petitions shall be dealt with in accordance with the provisions of the Council's Petitions Scheme which is available on the Council's website include link.~~

~~(a) 11.3 Members of the Council may present petitions at any ordinary Council meeting at the relevant point on the agenda. A member presenting a petition shall not make any speech or comment on it except to announce its title.~~

~~subject and purpose. The Monitoring Officer shall arrange for such petitions to be dealt with in accordance with the Council's Petitions Scheme. be permitted to raise the competence or performance of a councillor or officer, nor any matter involving exempt information or normally considered 'confidential'. Questioners cannot make any abusive speech or defamatory comments.~~

- ~~(b) Each questioner must make comment on it clear whether he or she is speaking as a private individual or as a representative of an organisation.~~
- ~~(c) If any clarification of what the questioner has said is required, the Chairman will have the discretion to allow councillors to ask questions.~~
- ~~(d) The questioner will not be permitted to participate in any subsequent discussion and will not be entitled to vote.~~
- ~~(e) The Chairman will decide when and what time will be set aside for questions depending on the amount of business on the agenda for the meeting. Normally questions will be dealt with as the first substantive item of the meeting. A maximum of ten minutes will be allowed for public questions on any specific agenda item.~~
- ~~(f) Individual questioners will be permitted to speak for a maximum of three minutes.~~

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

~~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 seven working days before the day of the meeting. The proper officer shall acknowledge the receipt of each question in writing. Each question must give the name to announce its title, subject and address of the questioner. The Chairman may permit a question to be asked if shorter notice is given. If a substantive answer cannot be given at the meeting, the Chairman may refer the question to any other body of the Council or for a written response within five working days by the member or by the relevant Chief purpose. The Monitoring Officer.~~

10.4—Number of questions

~~At any one meeting no person may submit more than one question but one supplementary question may also be asked at the meeting. More than one question shall not be submitted on behalf of any organisation.~~

10.5—Scope of questions

~~The Chairman, having regard to the advice of 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 district;~~
- ~~(b)(a) is defamatory, frivolous or offensive;~~
- ~~(c)(a) is substantially the same as a question which has been put at the meeting or a meeting of the Council in the past six months; raises issues about the competence or performance of a councillor or officer;~~
- ~~(d)(a) requires the disclosure of confidential or exempt information; or~~
- ~~• relates to a planning application which has yet to be determined.~~

~~The Chairman shall have the discretion to limit the length of preamble or other background information supplied with the question.~~

10.6 — Record of questions

~~The proper officer will keep a record of submitted questions 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.~~

10.7 — Asking the question at the meeting

~~The Chairman will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf or appoint a representative to do so. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given within five working days or decide, in the absence of the questioner, that the question will not be dealt with.~~

10.8 — Supplementary question

~~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 or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Standing Order 10.5 above.~~

10.9 — Written answers

~~Any question which cannot shall arrange for such petitions to be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer. Written answers shall be circulated to the questioner within five working days of the meeting and shall be included as an appendix to the minutes.~~

10.10 Reference of question to the Executive or a committee

~~Discussion can take place on a question only if the Chairman agrees. However, any member may move, in accordance with Standing Order 13(d) that a matter raised by a question be referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion the Council's Petitions Scheme.~~

10.11 Public participation at Planning Committee

~~Members of the public shall be entitled to address the Planning Committee in accordance with a scheme agreed by Council which may be amended by the committee from time to time.~~

11.12. Questions by Members

12.1 11.1—On reports of the Executive Cabinet or committees

A member of the Council may ask the Leader, ~~portfolio holder~~ or the Chairman Chair of a committee any question without notice upon an item of the report of the Executive Cabinet or a committee when that item is being received or is under consideration by the Council.

12.2 11.2—Questions on notice at full Council

Subject to Standing Order 11.12.4, a member of the Council may ask:

- (a) the Chairman Chair;
- (b) the Leader, who may respond on behalf of the Cabinet or ~~who~~ may appoint a member of the Executive Cabinet to respond; or
- (c) the Chairman Chair of any committee or sub-committee

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

12.3 11.3—Questions on notice at committees and sub-committees

Subject to Standing Order 11.12.4, a member of a committee or sub-committee may ask the Chairman Chair of it a question on any matter in relation to which the Council has powers or duties, or which affect the district and which falls within the terms of reference of that committee or sub-committee.

11.12.4 Notice of questions

A member may only ask a question under Standing Order 11.12.2 or 11.12.3 if either:

- (a) they have given to the proper officer ~~at least seven working days'~~ notice in writing of the question not later than seven clear working days before the date of the meeting; or
- (b) they have submitted their question to the proper officer prior to the commencement of the agenda item.

Questions submitted under 11.12.4(a) will shall be taken first and will shall be asked in the order in which notice of them was received, except that the Chairman Chair may group together similar questions.

Questions submitted under 11.12.4(b) will shall be drawn at random by the Chairman Chair until there are no further questions or the time limit, referred to in Standing Order 12.5 below, expires.

Only one question may be asked per member, per meeting, but one supplementary question may also be asked at the meeting.

12.5 Time Limit for questions

A total of 30 minutes ~~will~~shall be allowed for questions.

12.6 Scope of questions

The ~~Chairman~~Chair, having regard to the advice of 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 district;
- (b) is defamatory, frivolous or offensive;
- ~~(e)~~(c) is substantially the same as a question which has been put at the meeting or a meeting of the Council in the past six months;
- (d) raises issues about the competence or performance of a councillor or officer;
- (e) requires the disclosure of confidential or exempt information; or
 - ~~• is not about a matter for which the local authority has a responsibility or which affects the district;~~
 - ~~• is defamatory, frivolous or offensive;~~
 - ~~• is substantially the same as a question which has been put at the meeting or a meeting of the Council in the past six months;~~
 - ~~• raises issues about the competence or performance of a councillor or officer;~~
 - ~~• requires the disclosure of confidential or exempt information; or~~
- (f) relates to a planning or licensing application which has yet to be determined.

The ~~Chairman~~Chair shall have the discretion to limit the length of preamble or other background information supplied with the question.

12.7 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 response which ~~will~~shall normally be circulated within five working days to the questioner and included as an appendix to the minutes.

12.8 Supplementary question

A member asking a question under Standing Order ~~4112.2~~ or ~~4112.3~~ may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. It may be rejected by the ~~Chairman~~Chair on any of the grounds set out in Standing Order ~~4112.6~~ above.

12.9 Questions not dealt with

Any question of which notice has been given under Standing Order 12.4(a) and which is not dealt with at the meeting owing to expiry of the 30 minute period shall, at the preference of the member raising the question, either be included on the agenda for the next meeting of the Council or receive a written response (which shall be circulated normally within five working days to the questioner and included as an appendix to the minutes).

12.13. Notice of Motions

13.1 ~~12.1~~ Notice

- (a) Except for motions which can be moved without notice under Standing Order ~~13~~14 and any motion to remove the Leader from office as Leader ~~or the members of the Executive from office collectively~~, written notice of every motion, signed by a councillor, must be delivered to the proper officer not later than ~~seventen~~ working days before the date of the meeting. E-signatures shall be acceptable for the purposes of this rule. Save that the Chair shall have the discretion to admit a motion to the agenda by reason of special circumstances on the grounds of urgency, in accordance with the provisions of Part VA of the Local Government Act 1972, where they are satisfied that the matter will not admit of delay until the next meeting of Council.
- (b) In the case of any motion for the removal of the Leader from office as Leader, ~~the removal of any individual member of the Executive or the removal of the members of the Executive from office collectively~~, written notice signed by at least one quarter of the councillors must be delivered to the proper officer not later than ~~seventen~~ clear working days before the date of the meeting. Motions under this provision may not be submitted electronically. Any such motion shall be carried by simple majority of the members present and voting at the meeting.
- (c) In the case of any motion for the removal of the Leader from office as Leader being passed, the Council shall elect a new Leader at the same meeting, or at a subsequent meeting. ~~In the case of any motion for the removal of the members of the Executive from office collectively, the Council shall elected a new Leader immediately.~~
- (d) A record of notices of motion ~~will~~shall be ~~open to public inspection~~kept.
- (e) Only one Motion may be submitted per member per meeting.

12.13.2 ~~The Chairman~~**Number** of the Council shall have discretion to determine the number **Motions**

~~A maximum of notices of motion five motions shall be accepted for debate at any one ordinary meeting of Council. He / she shall also have discretion to ask Council whether it wishes to consider a particular Motion. In the Council under this event, consent of three quarters standing order. Motions will be accepted in the order in which notice of the members present and voting shall be required to prevent a Motion being further considered. If full written motion is received.~~

13.3. Similar Motions

~~Where similar motions have been submitted, the Motion has yet to be proposed, Council shall proceed to Chair is authorised to ask the next business. If proposers to work together to agree a mutually agreeable form of words. Where that does not prove possible, the Motion has been proposed and seconded, the question Chair shall decide which motion shall be put immediately accepted.~~

12.313.4 Motion set out in agenda

Motions for which notice has been given and accepted by the ~~Chairman~~ **Chair shall** be listed on the agenda in the order **in** which notice was received, unless the councillor giving notice states, in writing, that ~~he or she proposes~~ **they propose** to move it to a later meeting or withdraw it. Subject to a written proposal by the councillor to move it at a later meeting, any motion not moved at the relevant meeting shall be deemed to be withdrawn.

12.413.5 Scope

Motions must be about matters for which the Council has a responsibility or which affect the district.

The ~~Chairman~~ **Chair**, having regard to the advice of the proper officer may reject a ~~Motion~~ **motion** if it:

- (a) is not about a matter for which the local authority has a responsibility or which affects the district;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a ~~Motion~~ **motion** which has been put at the meeting or a meeting of the Council in the past six months. (This does not apply to ~~Motions~~ **motions** moved in pursuance of a recommendation of Cabinet, a Committee or a Chief Officer **or motions which have been withdrawn from a previous meeting**);
- (d) requires the disclosure of confidential or exempt information; ~~or~~
- (e) would, if carried, commit the Council to a course or courses of action contrary to agreed processes or outside its authority to act ~~;~~ **or**

- (f) 12.5 relates to a planning or licensing application which has yet to be determined.

13.6 Automatic Reference to the Cabinet or a Committee

- (a) If a motion seeks to determine an executive function it shall, upon being duly moved, seconded and debated, stand referred to Cabinet to take the final decision in respect of the motion.
- (b) If the subject matter of a motion falls within the terms of reference of a committee, it shall, upon being moved, seconded and debated, stand referred to that committee.
- (c) Notwithstanding (a) and (b) above, Council may by resolution agree to refer a motion to Cabinet or a committee or other body without prior debate at the meeting.
- (d) If the motion stands referred to Cabinet or a committee for decision, and the mover of the motion is not a member of the Cabinet or the committee, then they shall be entitled to attend and address the meeting at which the motion is discussed, but shall not vote.

13.7 Time limit

A maximum period of thirty minutes shall be allowed for each ~~Motion~~motion to be moved, seconded and debated, including dealing with any amendments. At the expiry of the thirty-minute period, debate shall cease immediately, the mover of the original ~~Motion will~~motion shall have the right of reply before the ~~Motion~~motion or amendment is put to the vote. If the original motion has been amended, the mover of the amendment now forming the substantive motion shall have the right of reply before it is put to the vote.

13.14. Motions Withoutwithout Notice

The following motions may be moved without notice:

- (a) to appoint a ~~Chairman~~Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to ~~an appropriate body or individual. the Cabinet or a committee~~. If passed, the matter shall stand immediately deferred and shall not be further considered at the meeting;
- (e) to defer consideration of an item of business;
- ~~(e)~~(f) to appoint a committee or member arising from an item on the summons for the meeting;
- ~~(f)~~(g) to receive reports or adoption of recommendations of the ~~Executive~~Cabinet, committees or officers and any resolutions following

from them. Such recommendations shall be moved and seconded prior to any debate, in accordance with Standing Order 1415.1 below;

~~(g)~~(h) to withdraw a motion;

~~(h)~~(i) to amend a motion;

~~(i)~~(j) Closure Motions in accordance with Standing Order 1415.11;

~~(j)~~(k) that the meeting continue beyond 4 hours in duration;

~~(k)~~(l) to suspend a particular ~~council procedure~~Council Standing Order;

~~(l)~~(m) to exclude the public and press in accordance with the Access to Information Rules;

~~(m)~~(n) to not hear further a member named under Standing Order 20.321.4 or to exclude them from the meeting under Standing Order 20.421.5; and

~~(n)~~(o) to give the consent of the Council where its consent is required by this Constitution.

14.15. Rules of Debate

1415.1 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.

1415.2 Right to require motion in writing

Unless notice of the motion has already been given, the ~~Chairman~~Chair may require it to be written down and handed to ~~him / her~~them before it is discussed.

1415.3 Secunder's speech

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

1415.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation, point of order or point of ~~order~~information. No proposer's speech may exceed five minutes, nor any other speech exceed three minutes, without the consent of the ~~Chairman~~Chair.

1415.5 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/~~ shethey last spoke;
- (c) if ~~his/ her~~ their first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which ~~he/ she~~ they spoke was carried);
- (d) at the Chair's discretion, in the case of the Leader, Cabinet member or committee chair, to respond to a question directly addressed to them.
- ~~(d)~~ (e) in exercise of a right of reply in accordance with Standing Order 4415.9;
- ~~(e)~~ (f) on a point of order;
- ~~(f)~~ (g) at the ~~Chairman's~~ Chair's discretion, to raise a point of information;
- ~~(g)~~ (h) by way of personal explanation; or
- ~~(h)~~ (i) to move a Motion under Standing Order 4415.10 (Motions which may be moved during debate).

4415.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and ~~will~~ shall either be:
 - (i) to leave out words;
 - (ii) to leave out words and insert or add others; or
 - (iii) to insert or add words.

as long as the effect ~~of (ii) or (iii)~~ is not to negate the motion.
- (b) The ~~Chairman~~ Chair may request the mover and seconder of the original ~~Motion~~ motion to indicate whether they are prepared to accept the amendment through its incorporation into their ~~Motion~~ motion. If they are willing to do so, ~~and the mover of the amendment gives consent,~~ the original ~~Motion will~~ motion shall stand altered accordingly, the amendment shall be deemed withdrawn and debate proceed on the original ~~Motion~~ motion, as altered. If they are not willing to do so, consideration of the amendment shall proceed in accordance with the normal rules of debate.
- (c) ~~Normally, only~~ 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. Exceptionally, the ~~Chairman~~ Chair may allow, after notice of a proposal, concurrent discussion of a subsequent amendment before both are disposed of in whatever order the ~~Chairman~~ Chair thinks fit, if it appears to the ~~Chairman~~ Chair that this course would facilitate the proper conduct of the Council's business.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) 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.

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- (f) After an amendment has been carried, the ~~Chairman will~~Chair shall read out the amended motion before accepting any further amendments, ~~or if there are none, put it to the vote.~~
- (g) Amendments ~~will~~shall be written down and handed to the ~~Chairman~~Chair before they are debated, unless the ~~Chairman~~Chair is willing to accept any amendments made verbally.
- (h) The ~~Chairman will~~Chair shall have the discretion to refuse to accept amendments if they are solely based on typographical or grammatical points.
- (i) Any ~~significant~~proposed amendment ~~proposed when considering~~at the Council's annual budget ~~must have meeting, which in the opinion of the Chief Finance Officer, is significant, shall be rejected by the Chair unless it has been considered~~subject to prior consideration by the Scrutiny and Overview Committee or the Cabinet ~~before being accepted for debate at the respective meetings of those bodies at which the annual budget report is presented.~~

1415.7 Alteration of motion

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

1415.8 Withdrawal of motion

A member may withdraw a motion of which ~~he / she has submitted or they have given notice with the consent of the meeting or may withdraw a motion which they have~~ moved with the consent of both the meeting and, where it has been seconded, the seconder. The meeting's consent ~~will~~shall be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused. In accordance with Standing Order ~~12.3~~13.4, any motion not moved at the relevant meeting shall be deemed to be withdrawn.

1415.9 Right of reply

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

- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on ~~his or her~~ their amendment.

1415.10 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) Closure ~~Motions~~motions in accordance with Standing Order 1415.11
- (d) that the meeting continue beyond four hours in duration;
- (e) to exclude the public and press in accordance with the Access to Information Rules;
- (f) to not hear further a member named under Standing Order 20.321.4 or to exclude them from the meeting under Standing Order 20.421.5; or
- (g) to refer something to ~~an appropriate body~~the Cabinet or ~~individual~~a committee in accordance with Standing Order 1314(d) above.

1415.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the ~~Chairman~~Chair thinks the item has been sufficiently discussed, ~~he or she will~~they shall give the mover of the original motion a right of reply and then put the procedural motion to the vote. The Chair may reject the procedural motion if they think that the matter before the meeting has not been sufficiently discussed.
- (c) If a motion that the question be now put is seconded and the ~~Chairman~~Chair thinks the item has been sufficiently discussed, ~~he / she will~~they shall put the procedural motion to the vote. If it is passed ~~he / she will~~, they shall give the mover of the original motion a right of reply before putting ~~his / her~~the motion to the vote. The Chair may reject the procedural motion if they think that the matter before the meeting has been not been sufficiently discussed.

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- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the ~~Chairman~~Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, ~~or if the meeting has previously resolved to continue beyond four hours' duration in accordance with Standing Order 9, he / she will~~they shall put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.15.12 Point of order

A member may raise a point of order at any time by standing and stating "Point of Order". The ~~Chairman will~~Chair shall hear it immediately. A point of order may only relate to an alleged breach of these Council Standing Orders or the law. The member must indicate the Standing Order or law and the way in which ~~he / she considers~~they consider it has been broken. The ruling of the ~~Chairman~~Chair on the admissibility of a Point of Order ~~will~~shall be final.

14.15.13 Point of information

A member may ask to raise a point of information at any time by standing and stating, "Point of Information", but ~~will~~shall be permitted to speak only at the ~~Chairman's~~Chair's discretion. A point of information may only be made where a member is aware that the Council has incorrect information before it on a material point. The member who raises the point of information must be able to cite evidence to support their statement. The point of information may be raised whilst another member is speaking but only if that member is willing to give way. The ruling of the ~~Chairman~~Chair on the admissibility of a point of information ~~will~~shall be final.

14.15.14 Personal explanation

A member may make a personal explanation at any time by standing and stating "Personal explanation". 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. The ruling of the ~~Chairman~~Chair on the admissibility of a personal explanation ~~will~~shall be final.

15.15 Application of Rules of Debate

These Rules of Debate shall apply to the consideration of all Council business where debate is allowable under these Standing Orders or at the ~~Chairman's~~Chair's discretion.

15-16. Previous Decisions and Motions

1516.1 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~~shall not be moved unless the notice of motion is signed by at least twelve members.

1516.2 Motion similar to one previously rejected

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

16-17. Voting

1617.1 Majority

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

1617.2 ~~Chairman's~~Chair's casting vote

If there are equal numbers of votes for and against, the ~~Chairman will~~Chair shall have a second or casting vote. There ~~will~~shall be no restriction on how the ~~Chairman~~Chair chooses to exercise a casting vote. This Standing Order shall not apply to situations in which there is equality of voting between two candidates on an appointment. In such cases, the provisions of Standing Order ~~16-7~~17.8 below shall apply.

1617.3 Method of voting

Unless a recorded vote is demanded, except for full Council and Planning Committee where all votes ~~will~~shall be recorded in the manner described in Standing Order ~~1617.5~~ (Recorded Vote), apart from those taken by affirmation, the ~~Chairman will~~Chair shall normally take the vote either by electronic means or by show of hands, at ~~his or her~~their discretion, or, if there is no dissent, by the affirmation of the meeting. Exceptionally, a paper ballot may be considered by the ~~Chairman~~Chair to be appropriate. This procedure shall not apply to voting on appointments which shall be dealt with in accordance with Standing Order 17.8.

1617.4 Announcement of Result

Whatever the method of voting, the ~~Chairman will~~Chair shall announce the result or the numerical result of the vote immediately the result is known.

1617.5 Recorded vote

~~If six members or one quarter of those present at the meeting, whichever is the fewer, demand it, At all Council and Planning Committee meetings, the names for and against the~~ motion or amendment, or abstaining from voting or not voting will~~shall~~ be taken down in writing recorded and entered into the minutes. ~~A demand for~~ For all other meetings to which these Standing Orders apply, if one member demands it, a recorded vote ~~will override a demand for a ballot. shall take place in the same way.~~ This procedure shall not apply to meetings of a Licensing sub-committee or to voting on appointments.

1617.6 Recorded vote on budget decisions

~~In accordance with statutory requirements, if~~ the Council is considering an item on the Council's budget or the setting of the Council Tax, the names for and against the motion or amendment, abstaining from voting or not voting ~~will~~shall be taken down in writing and entered into the minutes.

1617.7 Right to require individual vote to be recorded

~~Where~~Except for Council and Planning Committee meetings, where all votes shall be recorded, where any member requests it immediately after the vote is taken, their vote ~~will~~shall be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

1617.8 Voting on appointments

Where there are ~~three or more candidates~~than two people nominated for appointment any position to be filled and there is, ~~after balloting, no candidate with not~~ a clear majority, meaning of votes in this case favour of one person, ~~then~~ the votes of more than 50% of members present and voting, name of the candidate~~person~~ with the least number of votes shall ~~withdraw and there be taken off the list and a new vote taken. The process shall be a fresh ballot of the remaining candidates; and so on as necessary~~continue until there is a candidate has that majority. Where there are two candidates only, or two candidates remain, a vote shall be taken. of votes for one person. In the event of a tie, a second vote shall be taken. In the event of a continuing tie, the matter shall be decided by the toss of a coin.

17-18. Minutes

1718.1 Signing the minutes

The ~~Chairman will~~Chair shall sign the minutes of the proceedings at the next suitable meeting. The ~~Chairman will~~Chair shall move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

1718.2 No requirement to sign minutes of previous meeting at extraordinary meeting

There shall be no requirement to sign the minutes of a previous ordinary meeting at an extraordinary meeting of the Council convened under Standing Order 3 above. Any unsigned minutes of previous ordinary meetings and the minutes of the extraordinary meeting shall be signed at the next ordinary meeting.

1718.3 Form of minutes

Minutes ~~will~~shall contain all motions and amendments in the exact form and order the ~~Chairman~~Chair put them.

18-19. Record of Attendance

~~18.1~~—All members are required to sign the attendance sheet before the conclusion of the meeting to assist with the record of attendance.

~~18.2~~—The Council may remove a member from a body to which he or she has previously been appointed, if the member has missed four consecutive meetings of the body concerned.

19-20. Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Standing Order ~~24~~22 (Disturbance by Public).

20-21. Members' Conduct

2021.1 Indicating wish to speak

Where a member wishes to speak, they must indicate their wish to do so by raising their hand. No member may speak (except when raising a point of order, point of information or a personal explanation) unless and until invited by the Chair.

21.2 Standing to speak

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

20.2 ~~Chairman~~21.3 Chair standing

When the ~~Chairman~~Chair stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

20.321.4 Member not to be heard further

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

20.421.5 Member to leave the meeting

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

20.521.6 General disturbance

If there is a general disturbance making orderly business impossible, the ~~Chairman~~Chair may adjourn the meeting for as long as ~~he / she thinks~~they think necessary. An adjournment in these circumstances shall not require a ~~Motion~~motion to be passed.

21.22. **Disturbance by Public, ~~Recording of Proceedings~~**

21.22.1 **Removal of member of the public**

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

21.22.2 **Clearance of part of meeting room**

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

21.22.3 **Banners, placards, etc**

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The ~~Chairman~~Chair may require any to be removed.

22.23. **~~21.4~~ Recording of Business Meetings**

23.1 The recording in any format of any meeting of the Council, the ~~Executive Cabinet~~, or any committee or sub-committee of the Council or the ~~Executive Cabinet~~, is permitted, except: -

- (a) Where the ~~Chairman~~Chair, or person presiding the meeting, rules that filming is being undertaken in such a way that is disruptive or distracting to the good order and conduct of the meeting.
- (b) Where the public have been excluded from the meeting in accordance with the Council's Access to Information Procedure Rules (Rule 10) during the consideration of exempt or confidential information. (this also applies to any recordings made by members of the Council).

24. **Cancellation of meetings**

24.1 The Chief Executive is authorised to cancel a meeting before the agenda has been published, following consultation with the Chair.

24.2 Where, in exceptional circumstances, such as severe weather or other disruptive circumstances, it is necessary to cancel a meeting after the agenda has been published, the Chief Executive shall be authorised to do so, following consultation with the Chair. The notice advising of the cancellation shall specify the exceptional circumstances in which the decision was taken.

Outstanding business shall be held over to the next scheduled meeting or considered at a reconvened meeting on a date to be arranged which satisfies the notice requirements set out in the Local Government Act 1972 and Access to Information Rule 4.

23.25. Suspension and Amendment of Council Standing Orders

2225.1 Suspension

All or any of these Standing Orders, except Standing Orders ~~46.6~~17.7 (Right to require individual vote to be recorded) and ~~17~~18.2 (No requirement to sign minutes of previous meeting at extraordinary meeting), may be suspended by motion on notice or without notice if requested by at least two thirds of councillors present and voting. The mover of the motion shall specify which Standing Order(s) ~~he or she wish~~they wish to suspend as well as the business to which the suspension shall apply. Suspension may be for no longer than the duration of the meeting.

2225.2 Amendment

Any motion without notice to add to, vary or revoke these Standing Orders ~~will~~shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

24.26. Application to Executive Cabinet, Committees and Sub-Committees

26.1 All of the Standing Orders apply to meetings of full Council.

26.2 None of the Standing Orders apply to meetings of the Executive Cabinet except Standing Order 10 (Public ~~Questions~~Speaking), Standing Order 11 (Petitions), and Standing Order 24 (Cancellation of Meetings).

26.2 Only Standing Orders 4-9 and ~~11-23~~12-25 (but not Standing Order ~~20.1~~21.2, standing to speak) apply to meetings of all committees and sub-committees.

26.3 Standing Order 10 (Public Speaking) shall apply to all Executive Cabinet meetings open to the public and all committee and sub-committee meetings open to the public other than regulatory committees or sub-committees. ~~Detailed guidelines for questions at the Partnerships Review Committee and Scrutiny and Overview Committee are set out in Part 5 – Codes and Protocols~~A separate public speaking scheme shall operate for Planning Committee.

26.4 The Licensing Committee (2003 Act) has resolved to operate under the Local Government Act 1972 (as amended). Standing Orders 4-9 and ~~11-23~~12-25

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(but not ~~SO-20~~Standing Order 21.1) consequently apply to meetings of the full committee, but not to meetings of its sub-committees.

~~25.1.~~ **24.** ~~Cancellation of meetings~~

~~Should a meeting require cancelling due to lack of business, severe weather or other exceptional or disruptive circumstances, the Chief Executive will consult with the Chairman of the Council or the committee/body (or Vice-Chairman in their absence), then consult with political group leaders before resolving whether to cancel or adjourn the meeting. This process will not apply to Portfolio Holder Meetings.~~

~~25.27.~~ **25.** ~~Interpretation of Standing Orders (Article 16.022)~~

The ruling of the ~~Chairman~~Chair of Council as to the application of these Standing Orders shall be final. Such interpretation shall have regard to the purposes of the Constitution set out in Article 1.

B. Access to Information Procedure Rules

1. ~~1.~~ Scope

These rules apply to all meetings of the Council, ~~Partnerships Review Committee, Scrutiny and Overview Committee, area and the Cabinet, committees, sub-committees and joint committees (if any), the Civic Affairs Committee, Portfolio Holder~~The Licensing Committee has resolved to adopt the rules for the purpose of its meetings and regulatory committees and public meetings of the Executive (together called meetings), but separate proceedings shall apply to the hearings of its sub-committees. It is a matter for advisory groups to determine to what extent the public ~~should~~shall be excluded from ~~group meetings.~~ ~~Whilst these Rules do not apply to advisory group meetings the Council will have regard to paragraphs 4—8 of these Rules and the general desirability of openness.~~their meetings.

2. ~~2.~~ Additional Rights to Information

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

3. ~~3.~~ Rights to Attend and Speak at Meetings

Members of the public may attend all meetings subject only to the exceptions in these rules. ~~exclusions set out in Rule 10 (Exclusion of Access by the Public to Meetings) or where an Advisory Group has determined that its meetings should not be open to the public~~

~~At the discretion~~

- ~~Public speaking at meetings of the Chairman of the Council, Cabinet, Partnerships Review Committee or Scrutiny and Overview Committee, members of or other committees shall operate in accordance with the public may ask questions at those meetings.~~At Public Speaking Scheme agreed by the discretion of the Chairman, members of the public may make a further statement at Partnerships ReviewCivic Affairs Committee ~~or Scrutiny and Overview Committee meetings on matters relevant to~~reviewed by that committee from time to time.

~~Guidelines for members of the public wishing to speak at the Partnerships Review Committee and Scrutiny and Overview Committee are set out in Part 5—Codes and Protocols; these guidelines may be changed at any time by the relevant committee.~~

~~Members of the public shall be entitled to speak~~Public speaking at meetings of the Planning Committee shall operate in accordance with ~~the~~a scheme agreed by the ~~Council~~Planning Committee and ~~reviewable~~reviewed by ~~the~~that committee ~~as appropriate.~~ from time to time.

Subject to Rule 10, a UNISON representative, acting as such, may attend any meeting of the ~~Executive~~Cabinet or committee of the ~~Executive~~Cabinet. At the discretion of the Leader, or other person presiding at the meeting, he or she may speak at the meeting on any matter relevant to officers of the Council.

4. ~~4.~~ Notices of Meeting

The Council ~~will~~shall give at least five clear days' notice of any meeting by posting details of the meeting at all offices of the Council and on the Council's web site, www.scams.gov.uk.

5. ~~5.~~ Access to Agenda and Reports ~~Before~~before the Meeting

The Council ~~will~~shall make copies of the agenda and reports open to the public available for inspection at the designated office and on the Council's web site at least five clear days before the meeting. 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~~proper officer shall make each

such report available to the public as soon as the report is completed and sent to councillors) ~~will~~shall be open to inspection ~~for~~from the time the item was added to the agenda.

6. ~~6.~~ Supply of Copies

The Council ~~will~~shall supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda;
- (c) any written record of executive decisions;
- (d) any background papers; and
- (e) 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 a charge for postage and any other costs.

7. ~~7.~~ Access to Minutes etc after the Meeting

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

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the ~~Executive~~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;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. ~~8.~~ Background Papers

8.1 List of background papers

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report but do not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and, in respect of ~~executive~~ Cabinet reports, the advice of a political advisor.

8.2 Public inspection of background papers

The Council ~~will~~shall make available for public inspection for ~~six~~four years after the date of the meeting one copy of each of the documents on the list of background papers. ~~One copy of each of the documents will be retained for this purpose and will also be available on the Council's website, www.scambs.gov.uk.~~

9. ~~9.~~ Summary of Public's Rights

These Access to Information Procedure Rules are the Council's written summary of the public's rights to attend meetings and to inspect and copy documents. They are available for public inspection, together with the whole Constitution, at South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB3 6EA and on the Council's website, www.scambs.gov.uk.

10. ~~10.~~ Exclusion of Access by the Public to Meetings

10.1 Confidential information – requirement to exclude public

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

10.2 Exempt information – discretion to exclude public

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

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting ~~will~~shall 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

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 any enactment or Court Order.

10.4 Meaning of exempt information

Exempt information means information falling within the following categories (subject to any relevant conditions):

<u>Para No.</u>	<u>Category</u>	<u>Condition</u>
1.	Information relating to any individual	<u>None specified</u>
2.	Information which is likely to reveal the identity of an individual	<u>None specified</u>
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information is not exempt information if it is required to be registered under: (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993
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.	<u>None specified</u>
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	<u>None specified</u>
6.	Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	<u>None specified</u>
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	<u>None specified</u>

8. (7A)	Information which is subject to any obligation of confidentiality.	Relates to meetings of Civic Affairs Committee / sub-committee convened to consider a matter referred under the provisions of paragraph 10 of the Schedule
9. (7B)	Information which relates in any way to matters concerning national security	Relates to meetings of Civic Affairs Committee / sub-committee convened to consider a matter referred under the provisions of paragraph 10 of the Schedule
10. (7C)	The deliberations of the Civic Affairs committee or a sub-committee of the Civic Affairs committee reaching any finding on a matter referred under the provisions of The Localism Act 2011 in relation to the Code of Conduct.	

Notes:

(1) As long as the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

~~(1)~~(2) Information is not exempt information if it relates to any 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 categories 1 to 10 (7C) above; and~~

~~(b) is not prevented from being exempt by virtue of the conditions attached to paragraph 3 or regulation 3 of the Town and Country Planning General Regulations 1992~~

~~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.~~

11.11. Exclusion of Access by the Public to Reports

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports ~~will~~shall be marked "Not for publication" together with the category of information likely to be disclosed.

12. 12. Application of Rules to the Executive Cabinet

Rules 13 - 24 apply to the Executive Cabinet and its committees. If the Executive 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) applies. A **key decision** is as defined in Article 13.03 of this Constitution.

13.13. Procedure Prior to Private meetings of the Cabinet

13.1 At least 28 clear days before a private meeting of the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, area committees or under joint arrangements, the decision maker must make available and publish on the Council's website a notice including a statement of the reasons for the meeting, or part of the meeting, to be held in private. For ease of reference this notice shall be incorporated into the Notice of Key Decisions.

13.2 At least five clear days before the meeting, a further notice shall be published which shall include details of any representations made to the decision-maker about reasons given for the likely public exclusion and the response of the decision-maker to such representations. For ease of reference, this notice shall be incorporated into the agenda for the meeting in question.

13.14. Procedure Before Taking Key Decisions

14.1 Subject to Rule 15 (general exception~~Key Decisions – General Exception~~) and Rule 16 (special urgency~~Key Decisions - Special Urgency~~), a key decision shall not be taken unless:

- (a) a notice (called the Notice of Key Decisions) ~~has been published~~ in connection with the matter in question ~~has been published~~ at least 28 clear days before the decision is to be taken, setting out: -
- the matter in respect of which the decision is to be made;
 - where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
 - the date on which, or the period within which, the decision is to be made;
 - a list of the documents submitted to the decision maker for consideration in relation to the matter, including details of where they are to be made available for public inspection; ~~where and how to request details of those documents.~~
- (b) Where the decision is to be taken at a meeting of the Executive Cabinet, or its committees, notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

~~A forward plan will~~14.2. The Notice of Key Decisions shall be prepared on a monthly basis by the Leader of the Council ~~to cover a period of one month and may be used to give non-statutory advance notice of future decisions.~~

~~The forward plan will~~and shall contain matters which the Leader ~~of the Council~~ has reason to believe will be subject of a key decision to be taken by the Executive Cabinet, a committee of the Executive Cabinet, individual members of the Executive Cabinet, officers, area committees or under joint arrangements ~~in the course of during the period covered by the Notice. The Notice shall be available for inspection at the discharge of an executive function 28 clear days following the publication of the plan. It will describe the same particulars as listed under (a) above~~Council's offices and published on its website.

14.3 Notices ~~will~~shall not include any exempt or confidential information.

14. Private meetings of the Executive

~~If the Executive, a committee of the Executive, individual members of the Executive, officers, or area committees operating under joint arrangements in the course of the discharge of an executive function takes a decision to hold a meeting, or part of a meeting, during which the public are excluded subject to Rule 10 above (Exclusion of Access by the Public to Meetings) and/or Rule 11 (Exclusion of Access by the Public to Reports), public notice will be made at least 28 clear days before the date of the intention to hold a private meeting. This notice will include the reasons given for the likely public exclusion from all or part of the meeting.~~

~~A further notice will be published five clear days before the meeting, which will include details of any representations made to the decision-maker about reasons given for the likely public exclusion and the response of the decision-maker to such representations.~~

~~14.15.~~ **15.— Key Decisions - General Exception**

~~If a matter which the Leader of the Council has reason to believe will be subject of is likely to be a key decision has not been included in the Notice of Key Decisions for~~ at least 28 clear days before the date on which the decision is to be taken then, subject to Rule 16 (~~special urgency~~**Key Decisions - Special u=Urgency**), the decision may still be taken if:

- (a) the proper officer has informed the ~~Chairman~~**Chair** of the Scrutiny and Overview 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;
- (b) the proper officer has made copies of that notice available to the public at the offices of the Council and on the Council's website, www.southcamb.gov.uk; and
- (c) at least five clear days have elapsed since the proper officer complied with (a) and (b) above.

~~15.16.~~ **16.— Key Decisions - Special Urgency**

16.1 Key Decisions

If by virtue of the date by which a decision must be taken Rule 15 (~~general exception~~**Key Decisions - 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~~**has been obtained from** the ~~Chairman~~**Chair** of the Scrutiny and Overview Committee that the taking of the decision cannot be reasonably deferred. If there is no ~~Chairman~~**Chair** of the Scrutiny and Overview Committee, or if he / she is unable to act, then the agreement of the ~~Chairman~~**Chair** of the Council, or in his / her absence the ~~Vice-Chairman will~~**Chair shall** suffice.

~~As~~**16.2. Matters to be considered in private**

~~Where it is impracticable to comply with the 28 day notice requirements set out in Rule 14 (private meetings of the Cabinet), the meeting may only be held in private where agreement has been obtained from the Chair of the Scrutiny and Overview Committee that the meeting is urgent and cannot reasonably be deferred. If there is no Chair of the Scrutiny and Overview Committee, or if he/she is unable to act, then the agreement of the Chair of the Council, or in his/her absence the Vice-Chair shall suffice.~~

~~In the case of both key decisions and matters to be considered in private, as~~ soon as the decision-maker has obtained agreement, the proper officer ~~will~~**shall** make a copy of a notice available to the public at the offices of the Council and on the Council's website, www.southcamb.gov.uk, setting out the reasons why the decision is urgent and cannot be reasonably deferred.

~~16.17.~~ **17.— Report to Council**

17.1 When the Scrutiny and Overview Committee can require a report

~~If the Scrutiny and Overview Committee thinks that a key decision has been taken which should have been treated as a key decision, was not:~~

- (a) ~~Included in accordance with the definition~~**Notice** of a key decision as set out in paragraph 13.03**Key Decisions**;
- (b) ~~The subject of Article 3 in this Constitution, the Committee~~**General Exception Procedure (Rule 15)**;

(c) The subject of an agreement with a relevant overview and scrutiny committee Chair or the Chair of the Council or the Vice Chair of the Council, under the Special Urgency Procedure (Rule 16)

the committee may require the Leader of the Council, or the executive decision-maker, to submit a report to the Council. The Scrutiny and Overview Committee may by resolution request such a report, but the proper officer will/shall also require a report when so requested by the Chairman/Chair or five members of the Scrutiny and Overview Committee.

17.2 Executive's Cabinet's report to Council

The Executive will/Cabinet shall 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 resolution of the committee or request, then the report may be submitted to the meeting after that. The report to Council will/shall 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

In any event the Leader will/shall submit quarterly reports to the Council on the Executive executive decisions taken in the circumstances set out in Rule 16 (special urgency/Key Decisions – Special Urgency) in the preceding three months. The report will/shall include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

~~17.18.~~ 18.—Recording and Publication of Decisions

- 18.1 After any meeting of the Executive Cabinet or any of its committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, will/shall produce a written record of every decision taken at that meeting as soon as practicable, which will/shall include: -
- a record of the decision including the date it was made;
 - a record of the reasons for the decision;
 - details of any alternative options considered and rejected by the decision-maker at the meeting at which the decision was made;
 - a record of any interest relating to the matter decided which is declared by any member of the decision-making body; and
 - in respect of declarations of interest, a note of any dispensations granted.
- 18.2 When a decision is made by an individual member of the Executive Cabinet or a key decision is made by an officer with delegated authority from the Executive Cabinet, the proper officer will/shall be instructed to produce a written statement of the decision as soon as practicable, which shall include:—:—
- a record of the decision including the date it was made;
 - a record of the reasons for the decision;
 - details of any alternative options considered and rejected by the decision-maker when making the decision;
 - a record of any declarations of interest relating to the decision which have been made by any member of the Executive Cabinet who is consulted by the decision-maker; and
 - in respect of declarations of interest, a note of any dispensations granted.
- 18.3 The record in 18.1 and 18.2 will/shall specify that the decision will/shall come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless called in under Rule 76 of the Budget and Policy Framework Procedure Rules or Rule 4213 of the Scrutiny and Overview Procedure Rules.

~~19. Executive Meetings Relating to Matters which are Not Key Decisions~~

~~Meetings relating to matters which are not key decisions will be held in public unless the Executive determines otherwise.~~

~~18.19. 20. Notice of Meeting of the Executive Cabinet~~

~~Members of the Executive Cabinet or its committees will shall 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.~~

~~19.20. 21. Attendance at Meetings of the Executive Cabinet~~

- ~~(a) A councillor may attend and may speak at any meeting of the Executive or Cabinet, any committee or group of the Executive Cabinet or individual member of the Cabinet where a matter on the agenda for that meeting is stated to relate specifically to his or her ward.~~
- ~~(b) Any other councillor may be invited by the Executive Cabinet or any committee or group of the Executive Cabinet to attend any meeting on any issue.~~

~~20.21. 22. Decisions by Individual Members of the Executive Cabinet~~

~~2221.1 Decision-making~~

~~Decisions taken by individual members of the Executive Cabinet at a meeting shall be made in public, except where the provisions of Rule 10 (Exclusion of Access by the Public to Meetings) apply.~~

~~2221.2 Reports intended to be taken into account~~

~~Where an individual member of the Executive Cabinet or an officer receives a report which he / she intends to take into account in making any key decision, then he / she will shall not make the decision until at least five clear days after receipt of that report.~~

~~2221.3 Provision of copies of reports to Partnerships Review Committee and Scrutiny and Overview Committee~~

~~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 Chair of the Partnerships Review Committee or Scrutiny and Overview Committee (whichever is relevant) as soon as reasonably practicable, and make it publicly available at the same time.~~

~~2221.24 Record of individual decision~~

~~As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive Cabinet or a key decision has been taken by an officer, he / she they will shall 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. The provisions of Rules 7 and 8 (inspection of documents access to minutes etc after meetings) will shall also apply to the making of decisions by individual members of the Executive Cabinet. This does not require the disclosure of exempt or confidential information.~~

~~21.22. 23. Partnerships Review Committee and Scrutiny and Overview Committee Access to Documents~~

~~2322.1 Rights to copies~~

~~Subject to Rule 23.2 below, the Partnerships Review Committee and Scrutiny and Overview Committee (including their sub-committees) will shall be entitled to copies of any document which is in the possession or control of the Executive Cabinet or its committees and which contains material relating to:~~

- (a) any business transacted at a public or private meeting of the ExecutiveCabinet or its committees;
- (b) any decision taken by an individual member of the ExecutiveCabinet; and
- (c) any decision made by an officer in accordance with executive arrangements.

~~23~~22.2 The ExecutiveCabinet must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the request has been received by the ExecutiveCabinet.

~~23~~22.3 **Limit on rights**

The ~~Partnerships Review Committee and~~ Scrutiny and Overview Committee ~~will~~shall 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; and
- (c) any document or part of a document containing the advice of a political adviser.

~~22.23.~~ ~~24.~~ **Additional Rights of Access for Members**

~~24~~23.1 **Material relating to previous business**

All members are entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a private meeting unless it appears to the Monitoring Officer that it discloses exempt information:

- (a) as described in categories 1, 2, 4, 5 or 7 of Part 1 of Schedule 12A of the Act; or
- (b) relating to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract; or
- (c) involving the disclosure of advice provided by a political advisor or assistant.

Exempt information as described in category 3 (except to the extent described in 24.1(b) above) or category 6 of Part 1 of Schedule 12A is open to inspection by members.

~~24.23.~~2 **Material relating to key decisions**

All members of the Council ~~will~~shall be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the ExecutiveCabinet or its committees which relates to any key decision unless paragraph 234.1 (a) or (b) above applies.

~~24~~23.3 **Nature of rights**

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

C. Budget and Policy Framework Procedure Rules

Contents

1. The framework for Cabinet decisions
2. Process for developing the framework
3. Decisions outside the budget or policy framework
4. Urgent decisions outside the budget or policy framework
5. Budget rollovers, carry forward and virement
6. In-year changes to policy framework
7. Call-in of decision outside the budget or policy framework (“Departure decision”)

1. The Framework for ~~Executive~~Cabinet Decisions

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

2. Process for developing the Framework

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

- (a) ~~(1)~~ (i) Subject to ~~the particular provisions of~~ paragraphs ~~(a)(2ii)~~ and ~~(3iii)~~ below relating to financial strategy and budget, at least 3 months before a plan / strategy / budget forming part of the budget and policy framework needs to be adopted, the ~~Executive will~~Cabinet shall publish **initial** proposals for the budget and policy framework, having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Details of the ~~Executive's~~Cabinet's consultation process shall be published at the Council's main offices. Any representations made to the ~~Executive~~Cabinet shall be taken into account in formulating the initial proposals, and shall be reflected in any report dealing with them. If the matter is one where ~~the Partnerships Review Committee or Scrutiny~~ scrutiny and ~~Overview Committee~~ overview committee has carried out a review of policy, then the outcome of that review ~~will~~shall be reported to the ~~Executive~~Cabinet and considered in the preparation of initial proposals.
- (ii) ~~(2)~~ Recognising the chronological framework within which the Council is able to prepare **the financial strategy** ~~performance,~~ **business plan and budget** for the year from the following 1 April and set a budget, the **initial** proposals for a ~~performance~~business plan and budget ~~will~~shall be published in January each year and the financial strategy in February. The ~~rough~~ draft financial strategy ~~will~~shall be prepared (but not published) the previous October but cannot be finalised until the ~~Executive~~Cabinet has formally considered the proposed budget for the coming year. ~~The provisions of the normal procedure set out in (a)(1) above are modified only in these respects.~~
- (iii) ~~(3)~~ The setting of the Council's **budget** shall be governed by the relevant Standing Orders Regulations (~~paragraphs 6 to 10 of~~

Schedule 2 Part II), which are reproduced in the Annex to these Rules, see note 1) and any statutory modification thereof.

[Note 1: The Executive's Local Authorities (Standing Orders) (England) Regulation 2001 – paragraphs 6 – 10 of Schedule 2 Part II]

- (b) The Cabinet's initial proposals shall be referred to the relevant Scrutiny and Overview Committee for further advice and consideration. The proposals will be referred by sending a copy to the proper officer who shall forward them to the Chair of the relevant Scrutiny and Overview Committee. If there is no such Chair, a copy must be sent to every member of the relevant committee. The relevant Scrutiny and Overview 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 Executive Cabinet. The relevant Scrutiny and Overview Committee shall report to the Executive Cabinet on the outcome of its deliberations. The Scrutiny and Overview Committee shall have six weeks to respond to the initial proposals of the Executive Cabinet unless the Executive Cabinet considers that there are special factors that make this timescale inappropriate. If it does, it will inform the relevant Scrutiny and Overview Committee of the time for response when the proposals are referred to it.
- (c) Having considered the report of the relevant Scrutiny and Overview Committee, the Executive Cabinet, if it considers it appropriate, may amend its proposals before submitting them to the Council for consideration. It will also report to Council on how it has taken into account any recommendations from the relevant Scrutiny and Overview Committee.
- (d) The Council will consider the proposals of the Executive Cabinet and may adopt them, amend them, refer them back to the Executive Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Executive's Cabinet's proposals and any report from the relevant Scrutiny and Overview Committee.
- (e) The Council's decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Executive's Cabinet's proposals without amendment) or (if the Executive's Cabinet's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of seven working days after the publication of the notice of decision, unless the Leader objects to it in that period.

- (f) If the Leader objects to the decision of the Council, ~~s/he/she~~ shall give written notice to the proper officer to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the proper officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
 - (g) The Council meeting must take place within twenty-one working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
 - (h) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately.
- 2.2 In approving the budget and policy framework, the Council (if it requires any changes to either paragraph 5 or paragraph 6 below) ~~will~~shall also specify any changes to the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the ExecutiveCabinet, in accordance with paragraphs 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 paragraph 5 (virement) the ExecutiveCabinet, committees of the ExecutiveCabinet, individual members of the ExecutiveCabinet and any officers, area committees or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to the or not wholly in accordance with the budget approved by full ~~council~~Council, then that decision may only be taken by the Council, subject to 4 below.
- 3.2 If the ExecutiveCabinet, committees of the ExecutiveCabinet, individual members of the ExecutiveCabinet and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and / or the 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. If the advice of either of those officers is that the decision would not be in line with the existing budget and / or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent Decisions Outside the Budget or Policy Framework

- 4.1 The ~~Executive Cabinet~~, a committee of the ~~Executive Cabinet~~, an individual member of the ~~Executive Cabinet~~ or officers, area committees 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:
- (a) if it is not practical to convene a quorate meeting of the full Council; and
 - (b) if the ~~Chairman chair~~ of the ~~Scrutiny relevant scrutiny~~ and ~~Overview Committee overview 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 chair~~ of the ~~Scrutiny relevant scrutiny~~ and ~~Overview Committee's overview 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 chair~~ of the ~~Scrutiny relevant scrutiny~~ and ~~Overview Committee overview committee~~, the consent of the ~~Chairman Chair~~ of the Council, and, in the absence of both, the Vice-~~Chairman will~~ Chair of the Council, shall be sufficient.
- 4.3 Following the decision, the decision taker ~~will~~ shall provide a full report to the next available Council meeting explaining the decision, the reason for it and why the decision was treated as a matter of urgency.

5. Budget Rollovers, Carry Forward and Virement

- 5.1 Steps taken by the ~~Executive Cabinet~~, a committee of the ~~Executive Cabinet~~, an individual member of the ~~Executive Cabinet~~ or officers, area committees or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each main service. However, such bodies or individuals shall be entitled to carry forward unspent budgets and reserves from one financial year to the next and to vire across budget heads subject to the following constraints:
- (a) Rollover of unspent budget provision from the previous financial year to the current year ~~will~~ shall only be permitted in exceptional cases (excluding employees). A list of rollovers ~~will~~ shall be completed and reported for approval to the ~~Lead Cabinet Member for~~ Finance ~~Portfolio Holder~~ by 31 July each year. Rollovers may then only be used with the approval of the ~~Section 151~~ Chief Finance Officer, approval being on an individual basis during the year when the corporate/cost centre manager can demonstrate that the current year's budget is fully spent/committed and that there are

no other sources of funding, including virement. Rollovers are for specific items and cannot be vired;

- (b) Carry forward of uncommitted balances on the reserve accounts for grants shall be with the approval of the relevant ~~portfolio holder~~lead cabinet member, unless the balance is more than two years old, in which case the approval of the Executive Cabinet as a whole ~~will~~shall be required;
- (c) Virement is permitted within and between revenue and capital budgets, subject to financial considerations to be determined by the Chief Finance Officer and final approval as follows:
 - (i) Within the same portfolio or within the Staffing and Central Overhead Accounts, with the approval of the Chief Finance Officer;
 - (ii) Across two or more portfolios, with the approval of the relevant ~~portfolio holders~~lead cabinet members, in addition to the Chief Finance Officer;
 - (iii) In all other cases, with the approval of the Executive Cabinet, in addition to the Chief Finance Officer.

6. In-Year Changes to Policy Framework

6.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive Cabinet, a committee of the Executive Cabinet, an individual member of the Executive Cabinet or officers, area committees 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:

- (a) which will result in the closure ~~of~~or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) 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;

- (d) which will result in the settlement of costs awarded against the Council or tribunal or court action or threat of action in any matter which, if not settled, would put the Council at real risk of greater prejudice.

7. Call-In of Decision Outside the Budget or Policy Framework (“Departure Decision”)

7.1 Where the ~~Chairman~~chair of the ~~Scrutiny~~scrutiny and ~~Overview Committee~~overview committee, or the ~~Scrutiny~~relevant scrutiny and ~~Overview Committee~~overview committee, or any five councillors, whether or not they are members of the ~~Scrutiny~~scrutiny and ~~Overview Committee~~overview committee, are minded to request call-in of any executive decision by any of the following (“executive decision takers”):

- (a) the ~~Executive~~Cabinet;
- (b) any member of the ~~Executive~~Cabinet;
- (c) any committee ~~or group~~ of the ~~Executive~~Cabinet;
- (d) any officer (key decision only);
- (e) an area committee; or
- (f) a committee under joint arrangements

~~is or and~~ are of the opinion that the decision if already made, whether or not published in accordance with ~~rule~~Rule 18 of the Access to Information Procedure Rules, is, or if not yet made, would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council’s budget (“Departure Decision”), then it or they may invoke the call-in procedure set out in Rule ~~12~~13 of the Scrutiny and Overview Procedure Rules.

~~ANNEX: Extract of the relevant Standing Orders Regulations relating to the procedure for setting the budget.~~

~~6. Subject to paragraph 10, where, before 8 February in any financial year, the authority's Executive submits to the authority for its consideration in relation to the following financial year:~~

- ~~(a) — estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;~~
 - ~~(b) — estimates of other amounts to be used for the purposes of such a calculation;~~
 - ~~(c) — estimates of such a calculation; or~~
 - ~~(d) — amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,~~
- ~~and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph 7.~~

~~7. — Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Executive Leader of any objections which it has to the Executive's estimates or amounts and must give to him instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.~~

~~8. — Where the authority gives instructions in accordance with paragraph 7, it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may:~~

- ~~(a) — submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts"), which have been reconsidered in accordance with the authority's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or~~
- ~~(b) — inform the authority of any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for any such disagreement.~~

~~9. — When the period specified by the authority, referred to in paragraph 8, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:~~

- ~~(a) — any amendments to the estimates or amounts that are included in any revised estimates or amounts;~~
- ~~(b) — the Executive's reasons for those amendments;~~
- ~~(c) — any disagreement that the Executive has with any of the authority's objections; and~~
- ~~(d) — the Executive's reasons for that disagreement,~~
- ~~(e) — which the Executive Leader submitted to the authority, or informed the authority of, within the period specified.~~

~~10. — Paragraphs 6 to 9 shall not apply in relation to:~~

- ~~(a) — calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and~~
- ~~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.~~

Executive D. Cabinet Procedure Rules

Contents

1. How the Executive Cabinet Operates
2. How Cabinet meetings are conducted
3. Advisory Groups
- 4.1

1. How the Cabinet Operates

1.1 Who may make ~~the executive~~ Executive decisions?

~~The functions of the Executive consist of all the functions of the Council which are not reserved to the Council in the Articles, or by law, or set out in the preceding section or specifically reserved to it at any time.~~

~~Article 7 of this Constitution sets out the form and composition of the Executive.~~

~~The Leader of the Council will make~~The Leader may personally exercise executive functions or may provide for executive functions to be discharged by:

- (a) the Cabinet as a whole;
- (b) a committee of the Cabinet (which may only comprise Cabinet members);
- (c) an individual member of the Cabinet;
- (d) an officer;
- (e) joint arrangements; or
- (f) another local authority

The Leader may amend the Scheme of Responsibility for Executive functions at any time during the year by giving notice to the proper officer.

The arrangements for the discharge of ~~Executive (Cabinet)~~ executive functions, as shall be set out in Part 3 of this Constitution.

1.2 ~~1.2~~ — Executive Cabinet meetings – when and where

~~The Executive will meet at least six times per year at times of~~frequency and timing of meetings of the Cabinet shall be agreed~~determined~~ by the Leader. The ~~Executive~~Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

~~The Chief Executive is authorised to cancel a meeting before the agenda has been published, following consultation with the Leader of the Council.~~

~~Where, in exceptional circumstances, it is necessary to cancel a meeting after the agenda has been published, the Chief Executive shall be authorised to do so following consultation with the Leader of the Council. The notice advising of the cancellation shall specify the exceptional circumstances in which the decision was taken. Outstanding business shall be held over to the next scheduled meeting or considered at a reconvened meeting on a date to be arranged which satisfies the notice requirements set out in the Local Government Act 1972 and Access to Information Rule 4.~~

1.3 — Public meetings of the Executive

~~Cabinet, Portfolio Holder or any executive committee meetings will normally be held in public whether or not any key decision is to be taken, except where confidential or exempt information as defined in the Access to Information Procedure Rules is to be discussed; however, nothing prevents Cabinet, where its business is intended to be wholly of the form of a working party or discussion without coming to an executive decision, from meeting informally in private.~~

1.3 1.4 — Meetings of the Cabinet

Cabinet meetings shall normally be held in public. The Access to Information Rules in Part 4 of this Constitution set out the requirements relating to access to meetings of the Cabinet and specify when meetings of the Cabinet may be held in private.

1.31.4 Quorum

The quorum for a meeting of the Executive Cabinet, or a committee of it, shall be ~~the majority of the Cabinet not less than three (including the Leader or Deputy Leader, but (Statutory) in the case of a committee or group of the Executive the quorum shall be one half of the committee or group and need not include the Leader or Deputy Leader.~~the Cabinet).

1.41.5 1.5 — How decisions are to be taken by the Executive Cabinet

- (a) Executive decisions which have been delegated to the Executive Cabinet as a whole will shall be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution

(b) Where executive decisions are delegated to a committee of the Executive Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive Cabinet as a whole.

(c) The Access to Information Procedure Rules also govern the procedure for decision making by individual members of the Cabinet.

1.51.6 Interests

(a) ~~AnyWhere any~~ member of the ~~Executive having a declarable interest, or Cabinet has~~ a conflict of ~~interests due to perceived bias or predetermination, interest this~~ should ~~declare the same and act be dealt with~~ in accordance with the Council's Code of Conduct for Members in Part 5 of this Constitution.

(b) If the exercise of an executive function has been delegated to an individual member or an officer and ~~he or she declares a disclosable pecuniary interest or a conflict of interests due to perceived bias or predetermination 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 5 of this Constitution~~ a conflict of interest should arise, then the member or officer shall be expected to refer the decision upwards.

1.2. How Executive Cabinet Meetings are Conducted

2.1 Who presides?

If the Leader is present ~~he / she will, they shall~~ preside. In ~~his / her their~~ absence, then the Deputy Leader ~~and in his / her absence — in the case of a committee or group of the Executive — a person appointed to do so by those present (Statutory)~~ shall preside. The Leader or other person presiding shall, in the event of a voting tie, have a second or casting vote.

2.2 Who may attend?

~~Any councillor may attend in the circumstances described in Rule 21 of the The~~ Access to Information Rules in Part 4 of this Constitution ~~(matters specifically relating set out the rights of the public to the ward). The agenda item will signal this entitlement by beginning with the name(s) of the ward or wards in capital lettering. All other attend Cabinet meetings and also cover attendance is covered in the Access to Information Rules and speaking rights of councillors.~~

2.3 What business?

At each meeting of the ExecutiveCabinet the following business ~~will~~shall be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) ~~questions by the~~ public speaking, in accordance with Council Standing Order 10;
- (d) matters referred to the ExecutiveCabinet (whether by ~~the Partnerships Review Committee, Scrutiny~~ scrutiny and ~~Overview Committee~~ overview committee or by the Council) for reconsideration by the ExecutiveCabinet in accordance with the provisions contained in the Scrutiny and Overview Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (e) consideration of reports from ~~the Partnerships Review Committee or Scrutiny and Overview Committees~~ scrutiny and overview committees; and
- (f) matters set out in the agenda for the meeting, and which shall indicate which are key decisions, and which are not, in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the ExecutiveCabinet from any member of the ExecutiveCabinet or an officer on proposals relating to the budget and policy framework ~~must~~shall contain details of the nature and extent of consultation with stakeholders, the ~~Partnerships Review Committee, the Scrutiny~~ relevant scrutiny and ~~Overview Committee~~ overview committee, and the outcome of that consultation. Reports about other matters ~~will~~shall set out the details and outcome of consultation as appropriate. The level of consultation required ~~will~~shall be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the ExecutiveCabinet agenda?

- (a) The Leader ~~will decide upon the schedule for the meetings of the Executive. He / she~~ may put on the agenda of any ExecutiveCabinet meeting any matter which ~~he / she wishes~~ they wish, whether or not authority has been delegated to the executiveCabinet, a committee of it or any member or officer in respect of that matter. The proper officer ~~will~~shall comply with the Leader's requests in this respect.

- (b) There ~~will~~shall be a standing item on the agenda of each meeting of the ~~Executive Cabinet~~ for matters referred by the ~~Partnerships Review Committee~~scrutiny and ~~Scrutiny and Overview Committee~~overview committees.
- (c) The Monitoring Officer and / or the Chief Finance Officer may include an item for consideration on the agenda of ~~an Executive a Cabinet~~ meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. ~~In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.~~

2.6 Meetings of Individual Portfolio Holders~~Lead Cabinet Members~~

~~3.1~~ Meetings of Individual Portfolio Holders

~~Individual Portfolio Holders~~ An individual lead cabinet member may take ~~decisions outside of~~ make a decision in a public meeting where they consider it expedient to do so. Formal meetings, when held, ~~will~~shall be ~~held~~ in public in accordance with the provisions of the Access to Information Rules in Part 4 of the Constitution, except where confidential or exempt information, as defined in those Rules is to be discussed.

~~procedure rules 1.3 and 1.6 above.~~

~~3.2~~ Speaking rights at Portfolio Holder Meetings

~~The following persons shall be entitled to speak once, to ask questions and / or make representations, on each item of business under consideration at a Portfolio Holder meeting:~~

- ~~• Monitors appointed by the Scrutiny and Overview Committee~~
- ~~• Spokespersons appointed by the Major Opposition Group~~
- ~~• Other members of the Council who may be present~~

~~No member shall speak for longer than three minutes without the Portfolio Holder's permission; this includes members who are appointed to both the above positions.~~

~~The Portfolio Holder may, at his / her discretion:~~

- ~~• Allow monitors and / or spokespersons and other members to speak more than once;~~
- ~~• Allow other persons present at the meeting to speak.~~

~~2.3. Advisory Groups~~ **Advisory Groups**

~~2.1.~~

~~3.1~~ **The Executive Cabinet** may establish advisory groups to inform its decisions and assist it in the discharge of its functions, whether by the **Executive Cabinet** as a whole or by a committee of the **Executive Cabinet** or by a ~~portfolio holder.~~ **Cabinet member**. It may do so upon its own initiative or upon the recommendation of ~~the Partnerships Review Committee or Scrutiny~~ **scrutiny** and ~~Overview Committee~~ **overview committee** or any councillor or councillors. The **Executive Cabinet** shall appoint the members of each advisory **group** ~~(which may include non-Cabinet members and co-opted non-members of the Council, where appropriate) and shall determine the terms of reference and working term of each group.~~ **Advisory groups shall, wherever practicable, comprise representatives of more than one political group.**

- (a) ~~3.2~~ **Advisory Groups should normally not exceed nine elected members and the Executive may co-opt non-members of the Council. The relevant portfolio holder shall be an additional member. Appointment shall be according to relevant experience, knowledge and interest. The proper officer shall take appropriate soundings from available members in this behalf and shall suitably advertise any vacancies for membership of existing or proposed advisory groups. The Chairman and Vice-Chairman of Council and the relevant portfolio holder shall be consulted before any appointment is made.**
- (b) ~~Advisory Groups shall have a nominated lead officer (appointed by the relevant Chief Officer(s)).~~
- (c) ~~A member of the Partnerships Review Committee or Scrutiny and Overview Committee shall be eligible for appointment to any advisory group(s) but shall not be involved in the scrutiny of any matter considered by any advisory group of which he / she is a member.~~
- (d) ~~The terms of reference of each advisory group and its working term shall be determined by the Executive. These may be varied from time to time by the Executive after consulting the portfolio holder. The Executive shall keep terms of reference and working terms of each advisory group under regular review.~~

~~(e) The advisory groups shall each elect their own Chairman and Vice-Chairman who shall be a councillor but need not be the relevant portfolio holder.~~

3.2 All members of the Council may attend and (with the agreement of the ~~Chairman~~Chair) speak at advisory group meetings. The ~~Chairman~~Chair may invite any other person or body to attend a meeting of an advisory group to inform discussion on any matter within its terms of reference.

~~(f) Advisory group meetings should normally be minuted, and the minutes sent to all members but formally reported to the Executive only if relevant to current matters under consideration or for decision.~~

~~Any~~3.3 ~~An~~ advisory group may meet in any location jointly with any other committee or advisory group of the Council or with any joint committee or any other group or body of any other local authority to discuss any matter within its terms of reference.

E. Scrutiny and Overview Procedure Rules

What will be the Contents

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- 1.2. Membership of Executive Decisions and Council Services? Scrutiny and Overview Committees
3. Co-optees
4. Meetings of Scrutiny and Overview Committee(s)
5. Quorum
6. The Council will have Chairs and Vice-Chairs
7. Work programme
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11. Members and officers giving account at a Scrutiny and Overview Committee, as required
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16. Procedure at Scrutiny and Overview Committee meetings
17. Operating guidelines for Task and Finish Groups set up by a Scrutiny and Overview Committee

1. Arrangements for Scrutiny and Overview Committees

~~1.1 The Council shall not be members of the Executive. The~~ have one or more scrutiny and overview committees as indicated in Article 6.

~~1.1.2 A scrutiny and overview committee may appoint~~ such sub-committees or task and finish groups as ~~they consider~~ considers appropriate, ~~as referred to in their Terms of Reference.~~

2. The Terms Membership of Reference for the committees set up under the Council's Overview and Scrutiny Committees

All councillors, except members of the Cabinet, may be members of a scrutiny and overview ~~arrangements are set out in Article 6 above.~~

~~1. Members of the Partnerships Review Committee and Scrutiny and Overview Committee~~

~~No~~ committee, sub-committee or task and finish group. However, no member may be involved in scrutinising a decision or policy made by a body of which ~~he / she was~~ they were a member at the time the decision was made, but ~~he / she~~ they may attend to give evidence.

1.3. Co-Opteesoptees

3.1 ~~The committees~~ A committee may not co-opt persons who are not councillors but may invite representatives from any body or organisation or any individual to attend meetings to give their views on any matter being considered.

3.2 This restriction does not extend to task and finish groups established by ~~either~~ a committee.

2.4. Meetings of the Partnerships Review Committee and Scrutiny and Overview Committee(s)

~~There shall be at least three ordinary Meetings of an overview and scrutiny committee shall be held on such dates and times as may be specified in the Council's calendar of meetings of. However, such dates may be varied at the Partnerships Review Committee and at least five ordinary meetingsdiscretion of the Scrutiny and Overview Committee in each year. Chair of the committee. In addition, extraordinary meetings may be called from time to time as and when appropriate. A committee meeting may be called by the ChairmanChair of the relevant Committee, by half the members or by the proper officer if he / she considers they consider it necessary or appropriate. All members of the Council may attend meetings of both committees and, by an overview and scrutiny committee and, with the agreement withof the ChairmanChair, may address the meeting.~~

~~The Chief Executive is authorised to cancel a meeting before the agenda has been published, following consultation with the Chairman. Where, in exceptional circumstances, it is necessary to cancel a meeting after the agenda has been published, the Chief Executive shall be authorised to do so following consultation with the Chairman. The notice advising of the cancellation shall specify the exceptional circumstances in which the decision was taken. Outstanding business shall be held over to the next scheduled meeting or considered at a reconvened meeting on a date to be arranged which satisfies the notice requirements set out in the Local Government Act 1972 and Access to Information Rule 4.~~

~~2.1. Quorum~~

5. Quorum

The quorum for ~~thea~~ committee shall be at least one quarter of its membership.

3.6. ChairmenChairs and Vice-ChairmenChairs

~~The ChairmanChair and Vice-Chairman of the Partnerships Review Committee and the Scrutiny and Overview Committeem, and any sub-committees Chair of a scrutiny and overview committee shall be appointed by them, will be drawn from among the councillors sitting on the committees / sub-committees, and subject to this requirement the committees / sub-committees may appoint such a person as~~

~~they consider appropriate as Chairman or Vice-Chairman. The Chairman or other person presiding, in the event of a voting tie, shall have a second or casting vote. Task~~the Council at its annual meeting. Sub-committees, task and finish groups and other groups established by ~~either a~~ committee, from time to time, may elect a ~~Chairman~~Chair from amongst their membership.

4.7. Work Programmes~~Programme~~

7.1 ~~The Partnerships Review Committee and Scrutiny and Overview Committee will be~~A scrutiny and overview committee shall be responsible for setting ~~their~~its own work ~~programmes~~programme and, in doing so, ~~they shall~~it may use the following process:

- (a) initial topic selection, including input from officers, Cabinet and external stakeholders;
- (b) establishment by the committee of priority work areas based on key factors such as importance to residents, ability of the committee to influence, Council / local performance in the work area concerned;
- (c) consultation with ~~Executive Management~~Senior Leadership Team; ~~and~~
- (d) consultation with Leader and Cabinet; ~~and~~
 - ~~final adoption by the committee.~~

7.2 The Chair and Vice Chair of a scrutiny and overview committee shall review the Cabinet's Notice of Forthcoming Key and Non-Key Decisions and shall select which key and, where considered appropriate, non-key decisions should be the subject of pre-scrutiny by the committee. Urgent decisions (as defined in Rule 13.19) shall not be subject to pre-scrutiny.

7.3 The Leader may request the Chair of a scrutiny and overview committee to consider inclusion of an item within the committee's work programme.

8. Agenda Items

8.1 Any member of an overview and scrutiny committee may give written notice to the proper officer that they wish to refer to the committee an item relevant to its functions

8.2 Any member of the Council may give written notice to the proper officer that ~~he~~ they wish to refer to an overview and scrutiny committee an item which is

relevant its functions, relates to all or she wishes an item to be included on the agenda of either committee. part of their Ward and is not an excluded matter (see note 1 below).

~~8.18.3~~ If the proper officer receives ~~such~~ a notification under 8.1 or 8.2 above, then he / she will consult the ~~Chairman of the relevant committee who will decide, having regard to the agreed Work Programme and other current priorities, whether to they shall~~ include the item on ~~the first available or anyan~~ agenda of ~~the committee~~ for consideration by the committee.

~~8.28.4~~ TheA scrutiny and overview committee shall also respond, as soon as ~~theirits~~ work programme permits, to requests from the Council ~~and, if they consider it appropriate, or the ExecutiveCabinet~~ to review particular areas of Council activity. Where ~~they do it does~~ so, the ~~committeescommittee~~ shall report ~~theirits~~ findings and any recommendations back to the ~~ExecutiveCabinet~~ and / or Council. The Council and / or the ~~ExecutiveCabinet~~ shall consider the report of ~~eitherthe~~ committee as soon as reasonably practicable after receiving it.

~~(b) The Scrutiny and Overview Committee may decide to allocate roles to individual members of the committee to oversee specific functions of the Executive and ensure that all functions of the Executive and all services provided by the Council are open to scrutiny. The committee may form any group or sub-group of non-executive members to carry out specific tasks or projects.~~

~~(c) Projects for formal review will be carried out by either committee in accordance with their agreed Work Programmes and will normally not exceed five each year. The agreed Work Programmes will be published on a roll-forward basis as frequently as the committee shall decide.~~

~~2. Making Sure that Reports from the Partnerships Review Committee and Scrutiny and Overview Committee are Considered by the Executive (Cabinet)~~

[Note 1: "Excluded matter" means any matter which is:

(a) A local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters); or

(b) A matter specified by the Secretary of State including any matter relating to a planning decision; a licensing decision, a matter where another right or recourse or appeal exists or any matter which is vexatious,

discriminatory or not reasonable to be included in agenda for, or discussed at, an overview and scrutiny committee meeting.]

9. Cabinet consideration of issues arising from Scrutiny and Overview Committee(s)

- 9.1 The agenda for ExecutiveCabinet meetings shall include an item entitled 'Issues arising from ~~the Partnerships Review Committee and~~ Scrutiny and Overview Committee'. Overview. Any reports of either a scrutiny and overview committee referred to the ExecutiveCabinet shall be included at this point in the agenda ~~(unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within two months of the committee completing its report / recommendations.~~
- 9.2 Once either a committee has completed its deliberations on any matter it will/shall forward a copy of its final report to the proper officer who will/shall allocate it to either or both the ExecutiveCabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the proper officer refers the matter to Council, ~~he / she will~~ they shall also serve a copy on the Leader with notice that the matter is to be referred to Council. The Executive will/Cabinet shall have three weeks, from the date of receiving the report, in which to respond ~~to the report~~, and the Council shall not consider it within that period. When the Council does meet to consider any referral from the committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the ExecutiveCabinet to the committee proposals.

(These Scrutiny and Overview Committee Procedure Rules have been updated to reflect changes approved at the meeting of the Council on 31 January 2013)

- 9.3 Where either a committee agrees to submit a report for consideration by the ExecutiveCabinet in relation to a matter where the Leader ~~or Council~~ has delegated decision-making power to another individual member of the ExecutiveCabinet, then the committee will/shall submit a copy of its report to him / her/them for consideration. At the time of doing so, the committee shall serve a copy on the proper officer. The member with delegated decision-making power must/shall consider the report and respond in writing to the committee within three weeks of the date of receiving it. A copy of his / her/their written response to it shall be sent to the proper officer and the Leader. The member will/shall also attend a future meeting of the committee to present his or her/their response.

5.10. Rights of Committee Members to Documents

- 10.1 In addition to their rights as councillors, members of ~~the Partnerships Review Committee~~ scrutiny and ~~the Scrutiny and Overview Committee~~ overview committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 10.2 Nothing in this paragraph prevents more detailed liaison between the ~~Executive Cabinet~~ and ~~either a~~ scrutiny and overview committee as appropriate depending on the particular matter under consideration.

6.11. Members and Officers ~~Giving Account~~ giving account at the Partnerships Review Committee and ~~the~~ Scrutiny and Overview Committee

- 11.1 ~~The Partnerships Review Committee~~ A scrutiny and ~~Scrutiny and Overview Committee~~ overview committee, or any of ~~their~~ its sub-committees, may scrutinise and review decisions made, or actions taken, in connection with the discharge of any Council functions as ~~specified~~ specified in ~~their Terms~~ its terms of ~~Reference~~ reference. As well as reviewing documentation, ~~they~~ it may require any member of the ~~Executive Cabinet~~, the Head of Paid Service, ~~Executive Director~~ the Chief Operating Officer, any Director and / or any Head of Service to attend before it to explain in relation to matters within their remit:
- (a) any particular decision or series of decisions;
 - (b) the extent to which the actions taken implement Council policy; and / or
 - (c) their performance;
- and it is the duty of those persons to attend if so required.

- 11.2 Where any member or officer is required to attend a meeting of ~~the~~ a committee under this provision, the ~~Chairman~~ Chair of ~~either the~~ committee ~~will~~ shall 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~~ they are required to attend. The notice ~~will~~ shall state the nature of the item on which ~~he / she is~~ they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned ~~will~~ shall be given sufficient notice to allow for preparation of that documentation. **Wherever possible, invitations should be made and accepted without recourse to the formal summons outlined here, which should be used only in the event of disputes which cannot be resolved by other means.**

11.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

7.12. Attendance by Others

~~Either~~A committee may invite people other than those referred to in paragraph ~~4011~~ above to address it, discuss issues of local concern and / or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The public has a right to speak at open meetings of the committee as set out in the Access to Information Rules and the ~~Guidance in Part 5: Codes and Protocols~~Council's Public Speaking Scheme.

8.13. Call-In by the Scrutiny and Overview Committee

13.1 Call-in should be used only in exceptional circumstances and ~~can~~shall relate only to executive decisions made by the executive decision takers referred to in the Budget and Policy Framework Rules, Rule 7⁴.- (see note 2 below). There are only two grounds on which call-in of any decision can be requested:

- (a) It is or would be contrary to the policy framework or contrary or not wholly in accordance with the Council's budget – a "Departure Decision" as defined in Budget and Policy Framework Rule 7; or
- (b) It is not in accordance with the principles set out in Article 13 (Decision-making) ("Outside Article 13 decision")

~~The Chairman~~[Note 2: "Executive decision taker" means the Cabinet; any member of the Scrutiny Cabinet; any committee or group of the Cabinet; any officer (key decision only); an area committee; or a committee under joint arrangements.]

13.2 ~~The Chair of the relevant scrutiny and Overview Committee~~overview committee (see note 3 below) has discretion, unless otherwise advised by the Monitoring Officer, to refuse a call-in request if ~~s/he considers~~they consider

~~4~~ ~~The Cabinet; any member of the Cabinet; any Committee or group of the Cabinet; any officer (key decision only); an area committee; or a committee under joint arrangements.~~

that the reasons given do not satisfy the grounds above; or may limit the issues to be considered to those satisfying the grounds.

Procedure

- 13.3 When a decision is made by any of the executive decision takers referred to in Budget and Policy Framework Rule 7, the decision ~~will~~shall be published in accordance with Rule 18 of the Access to Information Procedure Rules.
- 13.4 At any time until the expiry of the call-in period (five working days after publication), or before the decision is made, the proper officer shall call-in an executive decision for scrutiny by the ~~Scrutiny~~relevant scrutiny and ~~Overview Committee~~overview committee if so requested by the ~~Chairman~~Chair of the committee, or any five councillors, whether or not they are members of that committee, on either of the grounds in ~~42~~13.1 above, and shall notify the executive decision taker straightaway of the call-in.
- 13.5 No further action on the decision or any implementation shall take place other than in accordance with these Rules.
- 13.6 Before invoking call-in of any **departure decision**, the ~~Chairman~~Chair of the ~~Scrutiny~~relevant scrutiny and ~~Overview Committee~~overview committee or the five invoking councillors ~~must~~shall seek advice from the Monitoring Officer, and / or the Chief Finance Officer as appropriate, on whether the decision is contrary to the policy framework or the budget. The invoker shall notify the proper officer accordingly and within the call-in period.
- 13.7 In the case of a **departure decision**, the Monitoring Officer and / or Chief Finance Officer (as appropriate), or an experienced senior officer authorised by them ~~will, shall~~ report as soon as possible to the executive decision-taker(s), proper officer, the invoker and the ~~Chairman~~Chair of the ~~Scrutiny and Overview Committee~~overview committee on whether the decision is, or would be, a departure from policy or budget. If the report concludes that the decision is not a departure, the ~~Chairman~~Chair of the ~~Scrutiny and Overview Committee~~committee has discretion to refuse the call-in request or put the matter before the committee for consideration.
- 13.8 In all cases, unless the decision is revoked or withdrawn by the executive decision taker(s) or is not to be proceeded with, or has been refused by the ~~Chairman~~Chair of the ~~Scrutiny~~relevant scrutiny and ~~Overview Committee~~overview committee, the proper officer shall, within five working days of the request to call-in, call a meeting of the ~~Scrutiny and Overview Committee~~committee on such date as the proper officer may determine, where possible after consultation with the ~~Chairman~~Chair of the committee, to consider the decision.

13.9 If, having considered the decision, the Scrutiny and Overview Committee is concerned about it or agrees that the decision is a departure, it may take one of the following courses:

- (a) refer the decision back to the executive decision taker for re-consideration, setting out in writing the nature of its concerns. If referred back, the executive decision taker shall then respond within five working days, re-considering the decision, before confirming the original decision, adopting an alternative decision or adopting a course of action leading to a final decision, such as, but not limited to, further consultation or exploration of other options, and confirming the deadline by which the final decision will be taken. The final decision, once taken, may be implemented immediately;
- (b) refer the matter to Council; or
- (c) not refer the matter back or to Council, in which case the decision if made may be implemented immediately following the Scrutiny and Overview Committee meeting.

Referral to Council

13.10 In the case of decisions referred to Council by the Scrutiny and Overview Committee under Rule 13.9.2(b) the following provisions shall apply.

13.11 The Council shall meet within twenty-one days of the reference by the Scrutiny and Overview Committee. This period may be extended by agreement of the Chairman of the committee. If the matter is urgent an extraordinary meeting of Council may be called if the Scrutiny and Overview Committee so requests.

13.12 At its meeting the Council shall receive a report of the decision made or to be made, any report and advice of the Monitoring Officer and / or the Chief Finance Officer, any report of the Executive Cabinet, the request from and the concerns of the Scrutiny and Overview Committee and any other relevant material.

13.13 The Council may, in the case of Departure Decisions:

- (a) endorse the decision or proposal of the executive decision taker as falling within the existing budget and policy framework. The decision can be implemented immediately.
- (b) 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. The decision can then be implemented.

- (c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, it ~~will~~shall require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer / Chief Finance Officer.

13.14 The Council may, in the case of any Outside Article 13 decision~~;~~:

- (a) not object, in which case the decision if made may be implemented immediately after the Council meeting.
- (b) refer the decision back to the executive decision taker(s) together with the Council's views on the decision. The executive decision taker(s) shall then re-consider within five working days, amending the decision or not, before adopting a final decision, which may be implemented immediately.

13.15 If the Council fails to meet by the end of twenty-one days from reference by the ~~Scrutiny~~scrutiny and ~~Overview Committee~~overview committee or other date agreed between the ~~Chairman~~Chair of the committee and the ~~Chairman~~Chair of Council, the decision may be implemented immediately.

Liability for Further Call-in

13.16 Any decision referred back by ~~the Scrutiny~~scrutiny and ~~Overview Committee~~overview committee or by Council for reconsideration by Cabinet or the decision-taker(s) shall not be subject to further call-in, whether or not it is altered or adjusted to accommodate some or all of the concerns of the invoker.

13.17 Any decision proposed but not yet made, and considered by the ~~Scrutiny~~scrutiny and ~~Overview Committee~~overview committee under the call-in provisions, shall be subject to the ~~record~~recording, publication and call-in rules under ~~Rule 18~~Rule 18 Access to Information Procedure Rules if it is to proceed.

13.18 Any decision not formally referred back but taken back by the executive decision-taker for reconsideration shall be subject to further call-in procedure in accordance with Rule 18 Access to Information Rules, but only to the extent that the decision on reconsideration does not accommodate the concerns of the original invoker.

Call-in and urgency

13.19 The call-in procedure set out above shall not apply where the decision being taken by the executive decision taker is urgent. A decision ~~will~~shall 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.

13.20 The ~~Chairman~~Chair of the Council and ~~Chairman~~the Chair of ~~Scrutiny~~the relevant scrutiny and ~~Overview Committee~~must~~overview committee shall~~ previously agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the ~~Chairman~~Chair, the Vice-~~Chairman's~~Chair's consent shall be required. In the absence of both, the ~~Head of Paid Service or his / her nominee's~~ consent of the Chair of the Audit and Corporate Governance Committee, or Vice-Chair in their absence, shall be required. Decisions taken as a matter of urgency ~~must~~shall be reported to the next available meeting of the Council, together with the reasons for urgency.

13.21 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.

~~3.~~ **Councillor Call for Action**

~~13.1~~ Any councillor may submit a request for a Councillor Call for Action in accordance with the ~~provisions set out in these paragraphs.~~ A Councillor Call for Action may be included on the ~~agenda of the Scrutiny and Overview Committee if all of the following conditions are met:~~

- ~~a) the Councillor Call for Action must relate to a local government matter, which is defined as a function for which the District Council is responsible.~~
- ~~b) the Councillor Call for Action cannot relate to an excluded matter, such as anything specified in an order by the Secretary of State;~~
- ~~c) the Councillor Call for Action must relate to an issue of neighbourhood concern and be limited to all or part of the electoral ward which the Councillor submitting the request represents;~~
- ~~d) the Councillor Call for Action request cannot relate to a matter which could be subject to the District Council's complaints process;~~
- ~~e) the Councillor Call for Action request cannot relate to a licensing or planning appeal, where alternative means of resolution are available;~~
- ~~f) the Councillor submitting the Councillor Call for Action must submit evidence that all other means of resolving the matter have been explored;~~
- ~~g) the Councillor Call for Action should not have been considered under the Councillor Call for Action procedure in the previous six months prior to the date of submission of the Councillor Call for Action request.~~

~~13.2~~ Taking into account the provisions in paragraphs (1) ~~to~~ (5) above, the Proper Officer, in liaison with the Chairman of the Scrutiny and Overview Committee, will determine whether the Councillor Call for Action is to be included on the agenda of the next available meeting of the ~~Scrutiny Overview Committee.~~ If the Councillor Call for Action request is rejected, this will be reported to the next meeting of the Scrutiny and Overview Committee.

[Note 3: The Vice-Chair may exercise any powers of the Chair of the relevant scrutiny and overview committee set out in the Rule 13 above in their absence]

9.14. Crime and Disorder Matters

14.1 ~~14.1~~—The ~~Partnerships Review Committee has been allocated~~Council shall designate one of its scrutiny and overview committees as the Council's Crime and Disorder Committee ~~and will with responsibility for scrutinising crime and disorder and community safety matters and the designated committee shall~~ meet in this capacity at least once a year, or as required. The ~~Committee can:~~ committee may:

- (a) consider the decisions and actions undertaken by the responsible authorities involved in the ~~Crime and Disorder Reduction~~Community Safety Partnership and make any recommendations or reports to the Partnership;
- (b) request information from the responsible authorities;
- (c) ~~require~~request attendance of officers or employees of responsible authorities to answer questions or to provide information; and
- (d) receive Councillor Calls for Action under Rule 14.2 below in relation to crime and disorder and community safety issues in accordance with the Police and Justice Act 2006.

14.2 Any member of the Council may give notice to the Monitoring Officer to include an item that they consider to be a crime and disorder matter (see note 4 below) relating to their Ward to be included on the agenda for discussion at a meeting of the scrutiny and overview committee responsible for crime and disorder.

14.3 On receipt of the request, the Monitoring Officer shall notify the Chair of the committee of the receipt of the item and ensure that the item is included on the next available or subsequent agenda for consideration by the committee.

14.4 If the relevant committee decides not to make a report or recommendation in relation to the matter, it shall notify the member who referred the matter of its decision and the reasons for it.

14.5 Where the committee makes a report or recommendations it shall, as it considers appropriate:

- (a) Provide a copy of the report or recommendations to the member who referred the matter to the committee; and
- (b) Provide a copy of the report or recommendations to the responsible authorities (within the meaning of Section 5 of the Crime and Disorder Act 1998) and the co-operating persons and bodies (i.e. those persons and bodies with which the responsible authorities have a duty to co-operate under Section 5(2) of the Crime and Disorder Act 1998).

[Note 4: “Local crime and disorder matter” in relation to a member means a matter concerning:

- (i) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- (ii) the misuse of drugs, alcohol and other substances,

which affects all or part of their Ward.]

10.15. Party Whip

When considering the review of any decision in respect of which a member of ~~either~~ scrutiny and overview committee is subject to a party whip, the member ~~must~~shall declare the existence of the whip, and the nature of it, before the commencement of the committee’s deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes.

11.16. Procedure at ~~Partnerships Review Committee and~~ Scrutiny and Overview Committee Meetings

16.1 ~~The Partnerships Review Committee~~ A scrutiny and Scrutiny and Overview Committee, overview committee, and any of ~~their~~its sub-committees, (unless otherwise specified) shall consider the following business:

- (a) minutes of the last meeting;
- (b) declarations of interest (including whipping declarations);
- (c) consideration of any matter referred to the committee for a decision in relation to call in of a decision ~~(Scrutiny and Overview Committee only)~~;
- (d) responses of the ~~Executive Cabinet~~ to reports of ~~the Partnerships Review Committee or~~ scrutiny and Overview Committee overview committee;

- (e) any recommendations or reports from ~~either of~~ the committee's panels; task and finish groups;
- (f) reports from ~~Monitors who have attended Cabinet Portfolio Holder's meetings (Scrutiny and Overview Committee only)~~; Scrutiny Monitors; and
- (g) the business otherwise set out on the agenda for the meeting.

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

16.3 Where ~~the Partnerships Review Committee or Scrutiny~~ scrutiny and ~~Overview Committee~~ overview committee conducts investigations, the ~~relevant~~ committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

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

16.4 The Chairman Chair may alter the structure of meetings at his / her their discretion in order to ensure that the above principles are followed.

12.17. Operating Guidelines guidelines for Task and Finish Groups set up by ~~the Partnerships Review Committee and the~~ Scrutiny and Overview Committee

Formal Agenda	Optional
Formal, detailed minutes / notes	No

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Lead Officer(s)	Democratic Services Team Leader, Democratic Services Officer or <u>Scrutiny and Governance Adviser</u> and lead officer(s) from the relevant service area
Action notes	To be compiled by the allocated lead officer and reviewed from meeting to meeting. Normally to be made available to the public on request after publication of the final report.
External / public involvement	Meetings will <u>shall</u> not be public; however, stakeholders will <u>shall</u> be invited to attend and to contribute to the panels' group's work programmes, including co-option to the panel <u>group</u> , as appropriate.
Politically proportionate	No <u>No, but there is an expectation that task and finish groups shall include representatives from more than one political group, as far as reasonably practicable.</u>
Composition	Appointed by the Partnerships Review Committee <u>relevant scrutiny and Scrutiny and Overview Committee</u> overview committee from non-executive members with the relevant experience / interest. The <u>lead</u> Cabinet portfolio holder <u>member</u> may be invited to contribute in an advisory capacity to reviews overseen by the Partnerships Review Committee and Scrutiny and Overview Committee.
Size	This will <u>shall</u> vary according to the matter under discussion; however, panels <u>groups</u> should not normally comprise more than five members of the Council.
Terms of Reference	Terms of Reference must <u>shall</u> be agreed by the Partnerships Review Committee <u>relevant parent scrutiny and Scrutiny and Overview Committee</u> overview committee at the point of establishment and must <u>shall</u> include: (a) The specific issue to be considered;

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	<ul style="list-style-type: none">(b) A timescale and deadline;(c) Principal aims and objectives.
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(These Scrutiny and Overview Committee Procedure Rules have been updated to reflect changes approved at the meeting of the Council on 31 January 2013)

F. Financial Regulations

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1. General

- 1.1 The Chief Finance Officer shall, for the purposes of Section 151 of the Local Government Act 1972, be responsible for the proper administration of the Council's financial affairs under the general direction of the ~~Executive Cabinet~~. The Chief Finance Officer ~~will~~shall also, therefore, be the Responsible Officer for the purposes of Section 114 of the Local Government Finance Act 1988 (unlawful expenditure etc.) and to ensure the proper administration of the financial affairs of the Council as required by the Accounts and Audit (England) Regulations 2011. The Chief Finance Officer ~~will~~shall also have responsibility for the execution and administration of treasury management decisions. ~~He/ she will~~shall act in accordance with the Council's Borrowing and Investment Strategy and treasury management practices and the Chartered Institute of Public Finance and Accountancy's (CIPFA's) Code of Practice for Treasury Management.
- 1.2 Where the Council has delegated powers to Chief Officers, these shall be exercised in accordance with Financial Regulations.
- 1.3 For the purposes of these Financial Regulations, references to Directors shall also apply to the Head of Legal Practice.

1.2. Accounting

1.12.1 The Chief Finance Officer shall be responsible for:

- (a) the preparation of the Authority's Statement of Accounts, in accordance with proper practices as set out in the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom.

In preparing this Statement of Accounts, the Chief Finance Officer ~~will~~shall:

- (i) select suitable accounting policies and then apply them consistently;
- (ii) make judgements and estimates that are reasonable and prudent;
and
- (iii) comply with the local authority Code.

The Chief Finance Officer ~~will~~shall also:

- (i) keep proper accounting records which are up to date; and

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(ii) take reasonable steps for the prevention and detection of fraud and other irregularities. ~~and~~

(b) preparing and submitting all financial returns, reports and statistics to meet both Council and statutory requirements.

4.22.2 The Chief Finance Officer shall prescribe the form, security and maintenance of financial records kept by any department of the Council.

4.32.3 In order to administer the financial affairs of the Council, the Chief Finance Officer shall have authority to issue such detailed instructions as ~~he / she~~ they may deem appropriate.

4.42.4 The Chief Finance Officer shall be consulted regarding introducing or amending books, forms or procedures relating to cash, income or expenditure and accounts (whether for stores or otherwise). The Chief Finance Officer shall ensure that a satisfactory and, so far as possible, uniform system is adopted across service areas.

4.52.5 The Chief Finance Officer shall review annually the specific financial limits laid down in these Financial Regulations. These financial limits are defined in the Glossary to the Constitution:

<http://scambsmodern.gov.co.uk/documents/s66680/02Definitions.pdf.pdf>

[add link to Glossary]

4.62.6 Any revision in these limits shall be reported for approval to the Executive Cabinet by the Chief Finance Officer.

4.72.7 The following principles shall be observed in the allocation of accounting duties:

- (a) the duties of providing information on sums due to or payable by the Council and of calculating, checking and recording these sums shall be separated as far as possible from the duties of collecting or disbursing such sums; and
- (b) officers charged with the duties of examining and checking accounts of cash transactions shall not themselves be engaged in any of these transactions.

2.3. Financial Control

2.43.1 Each Chief Officer and Director is responsible for the security, custody and control of all resources within services reporting to ~~him / her~~them.

2.23.2 The Chief Finance Officer shall be informed immediately of any decision, course of action, or entry of item of account, actual or proposed which may give rise to a report under Section 114 (2) of the Local Government Finance Act 1988. Where the Chief Finance Officer believes that the Council, the ~~Executive Cabinet~~, one of its committees or one of its officers is about to make a decision which would be unlawful then ~~he / she must~~they shall, as required by Section 114 of the Local Government Finance Act 1988:

- (a) send a report to all members of the Council; and
- (b) notify the External Auditor.

2.33.3 The Council shall hold a meeting within twenty-one days of the report, paragraph 3.2(~~ia~~), and refrain from the course of action reported until the meeting is held.

2.43.4 The Monitoring Officer shall report on any contravention of law or of a code of conduct and any act of maladministration in accordance with the Local Government and Housing Act 1989.

2.53.5 Each Chief Officer and Director shall ensure that Contract Regulations, Financial Regulations and any accounting instructions or procedures are observed.

2.63.6 A system of cash limits shall operate within the Authority. The Chief Finance Officer shall be consulted as soon as possible with respect to any matter which is liable to affect substantially the finances of the Council and for which provision is not made in the current budget, before any provision or other commitment is incurred. The Chief Finance Officer shall then report to the Chief Executive in order that the necessary action can be taken. No body of the Council nor any officer ~~will~~shall commit items of expenditure not provided in their estimates, unless, in cases of extreme importance and after opportunities for virement have been exhausted, specifically approved by the ~~Executive Cabinet~~ up to Level 3 and within approved policy or specifically approved by Council if outside approved policy and / or above Level 3. Virement and rollover may be permitted, but only in accordance with the annual cash limits and virement approved by Council (see Budget and Policy Framework Procedure Rule 5 above).

2.73.7 Each body of the Council and every officer shall at all times endeavour to secure the best value for money and shall:

- (a) establish wherever possible, cost limits and output measures for its various services and functions; and
- (b) establish sound arrangements for the planning, appraisal, authorisation and control of all resources and ensure that these are functioning properly in order to achieve economy, efficiency and effectiveness in its operations.

2.83.8 In the case of trading units, the relevant Chief Officer or Director, being the chief officer in whose service area the trading unit is located, shall be responsible for exercising control over resources.

2.93.9 The relevant Chief Officer or Director shall prepare such business plans and financial statements as deemed necessary by the Chief Finance Officer for the proper monitoring of the trading position and performance of the trading unit or any part thereof.

2.103.10 Any material change to the commercial operations of a trading unit which may have a financial impact upon its expenditure or income shall be reported to the Executive Cabinet by the relevant Chief Officer or Director.

3.4. Long-Term Planning

3.14.1 The Chief Finance Officer shall ensure that reports are made on all proposals which lead to new financial commitments. Such reports shall include the following:

- (a) the revenue consequences of the decision over at least a three-year period and any future year where these are significant;
- (b) in the case of capital expenditure, a cost comparison illustrating the difference between costs of a conventional borrowing route and the chosen financing option; and
- (c) the implications for the financial strategy.

3.24.2 The Chief Finance Officer shall ensure that a financial strategy is prepared in accordance with approved operational and financial guidelines. Existing proposals rolled forward in the strategy shall be re-examined in the light of changing circumstances and the Council's objectives and priorities, and new proposals shall be added for the succeeding year.

4.5. Annual Estimates and Budgetary Control

4.15.1 The Chief Finance Officer shall prepare annually in consultation with other Chief Officers or Directors, estimates of income and expenditure on revenue for the ensuing year and on capital in a five-year forecast, consistent with the general directions of the Council. These estimates shall be submitted for approval by the Executive Cabinet in February of each year.

4.25.2 The Executive Cabinet shall recommend to the Council:

- (a) the amount required from the Collection Fund for District Council purposes; and
- (b) the Council Tax for District purposes for the coming financial year.

4.35.3 In order that they may exercise proper budgetary control each Chief Officer or Director shall have direct access to financial information contained within the Authority's Financial Management system. In addition, the Chief Finance Officer shall provide each Chief Officer or Director with periodical statements of income received and expenditure incurred, as and when requested.

4.45.4 Each Chief Officer or Director shall furnish information regarding outstanding commitments and expected income and expenditure for the remainder of the financial year upon request.

4.55.5 Any report to Council, or any body of the Council which would involve the Council in any expenditure shall indicate the extent to which such expenditure is covered by estimates approved by the Council.

5.6. Operation of Bank Accounts

5.16.1 All arrangements with the Council's bankers, including agreement of bank charges and overdraft levels shall be made under arrangements approved by the Chief Finance Officer who shall also be authorised to operate all necessary bank accounts.

5.26.2 All cheques shall be ordered only on the written authority of the Chief Finance Officer who shall also make arrangements for their safe custody upon receipt.

5.36.3 The normal method of Council payment shall be by bank automated clearing system (BACS), clearing house automated payment system (CHAPS) or cheque, drawn on the authority's bank account.

5.46.4 All cheques, CHAPS and BACS transmissions and other payment orders or instructions

- (a) for amounts to be determined from time to time by the Chief Finance Officer but not exceeding one half of Level 1 (“basic amount”) shall bear the computer printed name of the Chief Finance Officer.
- (b) for amounts more than the basic amount but less than an amount to be determined from time to time by the Chief Finance Officer, but not exceeding one half of Level 2 (“higher amount”) shall bear the signature of one authorised officer; and
- (c) in excess of the higher amount shall bear the signatures of two authorised officers.

Such authorised officers shall include the Chief Finance Officer and such other officers as ~~he/she~~ the Chief Finance Officer may determine with the agreement of the ~~Chairman~~ Chair of the Audit and Corporate Governance Committee. The Chief Finance Officer or the ~~Chairman~~ Chair of the Audit and Corporate Governance Committee shall be authorised to delete authorised signatories from the list with immediate effect. Members shall be informed through the Weekly Bulletin of any potential new signatory, which shall take effect 7 working days after publication unless an objection is received from one or more ~~Members~~ members, in which case the name of the proposed signatory ~~will~~ shall be submitted to the Civic Affairs Committee for consideration and subsequently full Council.

5.56.5 For all payroll payments (by BACS), the total value of the payment shall be reconciled by the Payroll team to the payroll system and authorised by the Head of People and Organisational Development, or, in ~~his / her~~ their absence, one of the authorising officers in paragraph 6.4 above

5.66.6 This BACS transmission shall then be authorised by one of the following officers, or, in their absence, one of the authorising officers in paragraph 6.4 above:

- (a) Head of People and Organisational Development
- (b) Payroll Officer

5.76.7 BACS receipts (direct debits) shall be authorised by one of the following officers:

- (a) The Revenues Manager
- (b) The Revenues Accounting Officer

(c) The Senior Revenues Assistant

5.86.8 The Chief Finance Officer shall make arrangements for all the Council's bank accounts to be independently reconciled and ensure that this is undertaken on a regular basis.

6.7. Investment Borrowing and Trust Funds

6.17.1 All investments and borrowing undertaken by the Council shall be transacted in the name of the Council and in accordance with the Borrowing and Investment Strategy:

http://www.scams.gov.uk/documents/retrieve.htm?pk_document=912693 ins ert link

6.27.2 The Chief Finance Officer shall, within the guidelines laid down by the Council, be responsible for all funds for which the Council acts as a Trustee.

7.8. Authorisation for Expenditure

7.18.1 Other than to comply with Court Orders, etc. ~~under Rule 4 of the Legal Proceedings Rules~~, no expenditure shall be incurred unless it is included in the approved budget. Exceptionally, the Chief Executive, in consultation with the Chief Finance Officer, may authorise additional expenditure in the case of a local emergency.

7.28.2 Contracts and purchasing of goods and services shall be in accordance with the Contract Regulations.

7.38.3 Higher value contracts shall be managed according to the provisions of the Public Supplies / Services / Works Contracts Regulations which lay down strict guidelines on the advertising of contracts, selection of tenderers, requirement specification and the evaluation of bids. In addition, contracts shall comply with EU contract procedures. It shall be the responsibility of Chief Officers or Directors to ensure that their service areas comply with these Directives.

7.48.4 Any extra or variation to a contract which would result in that contract moving to the next Level specified in the Contract Regulations shall be reported to the Executive Cabinet as soon as practicable by the Chief Officer or Director concerned.

7.58.5 Official orders for the purchase of goods of all kinds or the execution of works on behalf of the Council shall be on electronic ordering systems and in a form previously approved by the Chief Finance Officer and shall be approved only by Chief Officers, Directors or officers authorised in writing by them subject nevertheless to the relevant provisions of Contract Regulations, and a

designated officer, other than the authorising officer, to record the receipt of goods or services.

~~7.68.6~~ Official orders for the purchase of information technology equipment and software exceeding £500 shall be approved by officers authorised by the Head of ICT.

~~7.78.7~~ Each order shall conform with the directions of practice of the Council with respect to central purchasing and the standardisation of supplies and materials. Orders shall only be placed for goods and services in respect for which there is provision in the current year's estimate or where prior approval to exceed cash limits has been given by the Council.

9. Payments

~~2.1. Payments~~

~~7.89.1~~ All payments due by the Council shall be made by the Chief Finance Officer or from petty cash advances authorised by ~~him/her.~~ them. The normal method of payment of money due from the Council shall be by BACS, CHAPS, cheques and, exceptionally, the payment of court and legal costs by corporate credit card drawn on the Council's appropriate bank account.

~~7.99.2~~ Before any payment is made the invoice shall be certified by the appropriate Chief Officer, Director or ~~his/her~~ their authorised representative. Before certifying an invoice, the certifying officer shall, save to the extent that the Chief Finance Officer shall otherwise determine, have satisfied ~~himself/~~ herself/themselves that:

- (a) the work, goods or services to which the account relates have been received, carried out, examined and approved;
- (b) the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;
- (c) the relevant expenditure has been properly incurred and provision made therefore in the financial estimates of the Portfolio concerned;
- (d) appropriate entries have been made on copy orders and in inventories, stores records or stock books as required electronic or otherwise;
- (e) the account has not been previously passed for payment and is a proper liability of the Council; and
- (f) the payment is lawful.

7.109.3 The names of officers authorised to certify such documents shall be notified in advance to the Chief Finance Officer, together with specimen signatures, and any change in such authorisation shall be similarly notified to the Chief Finance Officer.

7.119.4 Duly certified accounts shall be passed without delay to the Chief Finance Officer who shall examine them to the extent that ~~he/she~~ considerthey consider necessary, for which purpose ~~he/she~~ they shall be entitled to make such enquiries and to receive such information and explanations as ~~he/she~~ they may require.

7.129.5 Each Chief Officer or Director shall, not later than a date to be specified by the Chief Finance Officer, notify ~~him/her~~ them of all outstanding expenditure within ~~his/her~~ their purview which relates to the previous financial year and which has not already been passed to ~~him/her~~ them as duly certified "old year" accounts for payment in April.

8.10. Contracts for Building Construction or Engineering Works

8.110.1 Where contracts provide for payment to be made by instalments, the Chief Finance Officer or Director shall keep a register showing the state of account on each contract between the Council and the contractor, together with any other payments and the related fees.

8.210.2 Payment to contractors on account of contracts shall be made only on a certificate issued by the appropriate Chief Officer, Director, ~~his/her~~ their nominated representative or consultant formally engaged by the Council and certified by an officer authorised under paragraph 9.3.

8.310.3 Subject to the provisions of the contract in each case every extra or variation shall be authorised by the Chief Officer, Director or ~~his/her~~ their nominated officer.

8.410.4 Where it appears to the Chief Officer or Director concerned that the cost of the work comprised in any contract (where the contract sum is Level 2 or more) will exceed the contract sum by 5%, ~~he/she~~ they shall report the variance to the Chief Finance Officer and the ExecutiveCabinet as soon as practicable.

8.510.5 The Chief Finance Officer shall, to such an extent as ~~he/she~~ considerthey consider necessary, examine final accounts for all contracts and shall be entitled to make such enquiries and receive, in a timely manner, such documents explanations and information as ~~he/she~~ they may require in order to satisfy ~~himself/herself~~ themselves as to the accuracy of such accounts.

8.610.6 Claims by and compensation from contractors in respect of matters not expressly referred to in the terms of any existing contract shall be reviewed

by the relevant Chief Officer or Director for technical consideration and by the Chief Executive for consideration of the Council's legal liability, if any, and, where necessary, by the Chief Finance Officer for financial consideration before a settlement is reached.

8.710.7 Where completion of a contract is delayed beyond the agreed period (including any extensions granted), it shall be the duty of the Chief Officer or Director concerned to take appropriate action in respect of any claim for liquidated damages.

8.810.8 Work carried out by any in-house trading unit shall conform to the terms of any legislation on competitive tendering. Chief Officers shall supervise the work and approve payments to the in-house contractor strictly under the terms of the agreement as they would any external contractor.

8.910.9 Where there is a separation of client and contractor functions, officers shall co-operate to obtain value for money and provide an effective service, whilst fully observing Contract Regulations and Financial Regulations.

9.11. Salaries, Wages and Other Emoluments

9.411.1 The Chief Finance Officer shall be responsible for the calculation of all salaries, wages, compensation and other emoluments to officers and the production of other necessary records in connection with pensions, national insurance, income tax, maternity and sick pay.

9.211.2 The Chief Finance Officer shall be responsible for the payment of members' allowances and for the authorisation and payment of salaries, wages and other emoluments. All associated accounting arrangements shall be approved and controlled by the Chief Finance Officer. Each Chief Officer or Director shall notify the Chief Finance Officer as soon as possible, and in a form to be prescribed by ~~him / her~~ them, of all matters affecting the payment of such emoluments and in particular:

- (a) The appointments, resignations, dismissals, suspensions, secondments and transfers;
- (b) absences from duty for sickness or other reason, apart from approved leave;
- (c) changes in remuneration, other than normal increments and pay awards and agreements of general application; and
- (d) any information which is necessary to maintain records of service for pensions, income tax, national insurance, etc.

~~9.3~~11.3 ~~11.3~~—Appointments of all employees of the Council shall be made in accordance with:

- (a) the approved Establishment; and
- (b) prescribed procedures.

~~9.4~~11.4 ~~11.4~~—Approval of new posts within budget shall be agreed by the Chief Executive.

~~9.5~~11.5 ~~11.5~~—Approval of new posts outside of the agreed budget shall be agreed by the Council.

~~9.6~~11.6 ~~11.6~~—All time-records or other pay documents shall be in a form prescribed or approved by the Chief Finance Officer and shall be certified in manuscript by an authorised officer. The names of officers authorised to sign such documents shall be sent in advance to the Chief Finance Officer by each Chief Officer or Director together with specimen signatures and any change shall be duly notified to the Chief Finance Officer.

10.12. Travelling, Subsistence and Attendance Allowances

~~10.4~~12.1 All claims for the payment of car allowances, subsistence, removal and disturbance allowances, travelling and incidental expenses shall be submitted promptly in a form approved by the Chief Finance Officer. After certification by or on behalf of the appropriate Chief Officer or Director details of amounts due shall be submitted to the Chief Finance Officer for payment.

~~10.2~~12.2 The names of officers authorised to sign such records, together with specimen signatures, shall be sent to the Chief Finance Officer and shall be amended on the occasion of any change. Certification shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses were properly and necessarily incurred, and that the allowances are properly payable by the Council.

~~10.3~~12.3 Payments to members, including any co-opted members of the Council or its committees, who are entitled to claim travelling or other

allowances, shall be made by the Chief Finance Officer, upon receipt of the prescribed form duly completed.

11.13. Income

11.113.1 Arrangements for the collection of all money due to the Council shall be approved by and under the supervision of the Chief Finance Officer.

11.213.2 Each Chief Officer or Director shall ensure that all money received in ~~his / her~~their service area by an officer on behalf of the Council shall be receipted in a manner specified by the Chief Finance Officer and shall, without delay, be deposited with the Chief Finance Officer or, as ~~he / she~~they may direct, with the Council's bankers.

11.313.3 No deduction shall be made from such money except to the extent that the Chief Finance Officer may specifically authorise it.

11.413.4 Every transfer of official money from one member of staff to another shall be evidenced in the records of the departments concerned by the signature of the receiving officer.

11.513.5 Every officer who receives money on behalf of the Council or for which ~~he / she is~~they are accountable to the Council, shall keep such records as required by the Chief Finance Officer, and shall produce them for inspection as and when required by the Chief Finance Officer.

11.613.6 Each Chief Officer or Director shall be responsible for the prompt notification to the Chief Finance Officer of particulars of all sums due to the Council.

11.713.7 The Chief Finance Officer shall be responsible for arranging or supervising arrangements for ordering and maintaining stocks of all receipt books and other numbered accounting documents used by the Council and shall satisfy ~~himself / herself~~themselves as to the arrangements for their control.

11.813.8 The Chief Finance Officer shall have authorisation to write off any individual debt up to and including Level 2, provided that ~~he / she is~~they are satisfied that all action for recovery of the debt appropriate to the amount has been taken. ~~The~~The Lead Cabinet Member for Finance ~~and Staffing Portfolio Holder~~ shall have executive power to write off any debt above Level 2. The Chief Finance Officer and the Lead Cabinet Member for Finance ~~and Staffing Portfolio Holder~~ shall report annually for information to Council on the number and value of amounts written off under their respective delegated powers.

12.14. Stocks, Stores and Other Assets

12.114.1 Each Chief Officer or Director shall be responsible for the care, custody and recording of stocks and stores held by ~~his / her~~their department. The Chief Finance Officer shall agree the form and content of records to be kept for this purpose. Stocks shall not exceed the quantities considered necessary by the Chief Officer or Director concerned to meet the reasonable requirements of the Council.

12.214.2 Chief Officers or Directors responsible for stocks shall arrange for periodical checks of stocks by persons other than those responsible for the stocks and the Chief Finance Officer shall ensure that such checks are made at least once in every financial year.

12.314.3 The Chief Finance Officer shall have authorisation to write-off physical differences or losses (including obsolescence) of stocks, stores or other assets amounting to less than one half of Level 1 in aggregate, by department. Variances in excess of one half of Level 1 shall be reported to the Council for authorisation.

12.414.4 Chief Officers or Directors responsible for stocks and stores shall forward to the Chief Finance Officer as soon as possible after 31 March in each year a certificate as to the value of stocks held at the close of the financial year.

13.15. Inventories

13.115.1 Each Chief Officer or Director shall maintain an inventory and this shall record an accurate description of furniture, fittings, equipment, plant and machinery so as to enable identification. The extent to which the property of the Council shall be recorded and the form in which the inventory shall be kept will be specified by the Chief Finance Officer.

13.215.2 Each Chief Officer or Director shall be responsible for undertaking an annual check of all items on the inventory and annotating the inventory accordingly. A report containing details of any surpluses or deficiencies identified by the annual check shall be submitted to the Chief Finance Officer immediately following the 30 September in each year. The Chief Finance Officer shall be authorised to write-off any deficit amounting to less than one half of Level 1 in aggregate, by department. Variances in excess of one half of Level 1 shall be reported to the Council for authorisation.

13.315.3 All property owned or acquired by the Council shall, so far as practicable, be effectively marked as Council property. The Council's property shall only be used in the ordinary course of the Council's business.

14.16. Insurances

- 14.116.1** The Chief Finance Officer shall effect insurance cover and prescribed procedures for claims, consulting with Chief Officers or Directors as appropriate.
- 14.216.2** Chief Officers or Directors shall notify the Chief Finance Officer promptly of all new risks, property or vehicles to be insured and every matter which may affect existing insurances.
- 14.316.3** Chief Officers or Directors shall notify forthwith in writing any loss, liability or damage or any event likely to lead to a claim to the Chief Finance Officer, who ~~will~~**shall**, in turn, notify the Council's Insurers. In appropriate instances, the Chief Finance Officer shall inform the Police.
- 14.416.4** The Chief Finance Officer shall ensure that all relevant employees of the Council are included in a suitable fidelity guarantee insurance.
- 14.516.5** The Chief Finance Officer shall annually, or at other such periods as ~~he / she~~**they** may consider necessary, review all insurances in consultation with Chief Officers and Directors.
- 14.616.6** Chief Officers or Directors shall consult the Chief Finance Officer with respect to the terms of any indemnity that the Council is requested to give.

15.17. Land and Property

- 15.117.1** The Director of ~~Affordable~~ Housing shall maintain a terrier of all properties owned by the Council showing the statutory purpose or other purpose for which the property is held, the location, extent and plan reference. In addition, the terrier shall record the purchase price and the nature of the Council's interest, together with particulars of any lease or tenancies granted by the Council.
- 15.217.2** The Chief Executive shall be responsible for ensuring the custody, under secure arrangements, of all title deeds for properties belonging to or mortgaged to the Council.
- 15.317.3** Discretionary acquisitions and disposals not otherwise authorised under any delegation shall be submitted for approval by the Council on the recommendation of the ~~Executive~~**Cabinet**.

16.18. Internal Audit

~~16.1~~18.1 The Chief Finance Officer shall:

- (a) maintain an adequate and effective internal audit of all activities of the Council;
- (b) have authority (which may be delegated to ~~his / her~~their authorised representative) to visit all departments and have a right of access at all times to such offices, officers, records, correspondence and other documents relating to any financial and other transactions of the Council and Council property that appear necessary for the purpose of the audit.
- (c) require and receive such explanations as are necessary concerning any matter under examination; and
- (d) require any council employee to produce cash, stores or any other council property under that employee's control.

~~16.2~~18.2 Unless the Chief Finance Officer has already been informed under Regulation 3.2, each Chief Officer or Director shall immediately notify ~~him / her~~them of any suspected or apparent fraud or irregularity concerning cash, stores or other property of the Council or the exercise of the functions of the Council. The Chief Finance Officer shall arrange, where appropriate, for an internal audit investigation and for the Council's external auditors and the Council's insurers to be informed. The Chief Finance Officer shall decide whether to refer any irregularity to the Police.

~~16.3~~18.3 The Regulations set out in 18.1 and 18.2 apply equally to any direct service, direct labour organisation or semi-autonomous trading unit of the Council.

~~16.4~~18.4 The Client Partner and Manager for Internal Audit Services shall report to the Chief Finance Officer who shall refer audit reports to the appropriate officers. Where in exceptional circumstances a report concerns the Chief Finance Officer in person, the Client Partner and Manager for Internal Audit Services shall have access to report direct to the Chief Executive and / or the Leader of the Council.

~~16.5~~18.5 The Chief Finance Officer shall be responsible for ensuring that the Council's Anti-Theft, Fraud and Corruption Policy and Whistle-blowing Policy is subject to periodic review and, where deemed appropriate, ~~he / she~~they shall make recommendations for improvement to the Council. Each Chief Officer or Director shall be responsible for ensuring ~~his / her~~their staff are aware of the existence of the Policies and of their contents.

17.19. Data Protection

17.119.1 Prior to the implementation of any new computer application or processing system the Head of ICT shall be consulted in writing as to the implications with respect to the Data Protection Act 1998 and the Freedom of Information Act 2000. No such applications or system shall be used to process live data until the Head of ICT has confirmed that the requirements in respect of registration and security have been met.

17.219.2 The Head of Legal Practice shall be responsible for ensuring that the Council complies with the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000 and shall be responsible for co-ordinating arrangements whereby all members and employees are fully conversant with their duties and responsibilities resulting from this Regulation.

18.20. Security

18.120.1 Each Chief Officer or Director shall be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc., under ~~his / her~~their control. The Chief Finance Officer shall satisfy ~~himself / herself~~themselves that such security arrangements are adequate.

18.220.2 Keys to safes and similar receptacles shall at all times be kept securely by those responsible and the loss of any keys ~~must~~shall be reported forthwith to the Chief Finance Officer.

18.320.3 Chief Officers or Directors shall ensure that cash holdings overnight do not exceed those sums provided for in the Council's insurance arrangements.

19.21. Imprest / Advance Accounts

19.121.1 The Chief Finance Officer shall approve such advance amounts as ~~he / she consider~~they consider appropriate. These shall be operated on an imprest basis and in a manner specified by the Chief Finance Officer.

19.221.2 Where ~~he / she consider~~they consider it appropriate, the Chief Finance Officer shall open an account with the Council's bankers, or such other financial institution as deemed appropriate, for the use by the imprest holder. The arrangements shall provide that under no circumstances is the account to go overdrawn and instances where this would otherwise have arisen shall be drawn to the attention of the Chief Finance Officer promptly.

19.321.3 Income received on behalf of the Council shall not be paid into an imprest / advance account but shall be banked or paid to the Council as provided elsewhere in these Regulations.

19.421.4 Payments shall be limited to minor items of expenditure and to such other items as the Chief Finance Officer shall approve and shall be supported by a receipt voucher to the extent that the Chief Finance Officer shall require.

19.521.5 An officer responsible for an advance amount shall sign a certificate as to the state of the advance on the 31 March in each year.

19.621.6 On leaving the employment of the Council or otherwise ceasing to be entitled to hold the advance, an officer shall account to the Chief Finance Officer for the amount of the advance.

20.22. Information Technology

20.122.1 The Executive Director (Corporate Services) is the Council's e-champion and shall be responsible for maintaining overall security and privacy of information held on all computers operating on Council premises.

20.222.2 Chief Officers or Directors shall satisfy themselves that any new systems or amendments to existing systems are developed in a controlled manner and thoroughly tested prior to implementation.

20.322.3 The Executive Director (Corporate Services) shall ensure that computer audit reviews are carried out at regular intervals and immediately in the event of a situation that demands such action.

20.422.4 The Executive Director (Corporate Services) shall ensure that all information technology initiatives are compatible with the official strategy adopted by the Council. An annual review of the strategy shall be undertaken in order to accommodate technical advances and to keep it in line with the Council's perceived needs.

20.522.5 The technical specifications and purchasing arrangements for IT-related items shall conform to the guidelines as from time to time adopted by the Management Team.

~~21.23.~~ ~~23.~~ **Risk Management**

~~21.4~~~~23.1~~ The Executive Director (Corporate Services) is the senior manager responsible for risk management and shall ensure that the Council's risk management strategy and process is reviewed at least annually, and that the Council's strategic risk register is reviewed quarterly.

~~21.2~~~~23.2~~ The risk management strategy and process and the strategic risk register shall be reported to ~~Members~~members in accordance with the above frequencies.

~~21.3~~~~23.3~~ Service managers shall review service area risk registers as part of the service plan process, for approval by ~~Portfolio Holders~~lead cabinet members, and at quarterly intervals. These shall be reviewed by the Directors to ensure that risks identified are adequately addressed. Significant corporate or common risks arising from service area risk registers shall be included in the strategic risk register.

~~21.4~~~~23.4~~ Project managers shall carry out risk management as an integral element of project management. Lead officers shall monitor risk management arrangements in partnerships. Report writers shall identify risk management implications in all reports to ~~Members~~members.

~~21.5~~~~23.5~~ Risk management shall be incorporated in the preparation of the Council's Performance Plan.

G. Contract Regulations

Under Section 135, Local Government Act 1972

A Quick Glance Guide on Contract Regulations

1. These Contract Regulations (issued under s.135 of the Local Government Act 1972) promote good purchasing practice and public accountability and deter corruption. Following the rules is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

For the purposes of these Regulations, where there is a requirement for communication to be in writing, this shall be deemed to include e-mail and ~~fax~~other electronic transmissions.

2. **Officers responsible for purchasing *must* comply with Contract Regulations.** They lay down *minimum* requirements and a more thorough procedure may be appropriate for a particular contract.

3. In the event of a Civil Emergency

3.1 Any procurement or work contracted in response to an event that is classified as a Major Incident will be deemed to comply with these Contract Regulations.

3.2 The Authority is a Category 1 responder during a civil emergency. The definition of emergency in the Civil Contingencies Act 2004 focuses on the consequences of emergencies. It defines an emergency as:

- (a) an event or situation which threatens serious damage to human welfare;
- (b) an event or situation which threatens serious damage to the environment;
or
- (c) war, or terrorism, which threatens serious damage to security.

3.3 For Part 1 of the Act, the definition sets out the range of possible incidents for which local responders must prepare when fulfilling their civil protection duties. Further information is available within the Council's Emergency Planning Manual.

4. During regular conditions

4.1 Check that there is a budget in place and that you are authorised to proceed.

4.2 Calculate the Total Contract Value. The Total Contract Value is the contract value for the contract term (e.g. £5k per year for a 3-year term contract = £15k value). Be particularly aware of the rules surrounding aggregation for the

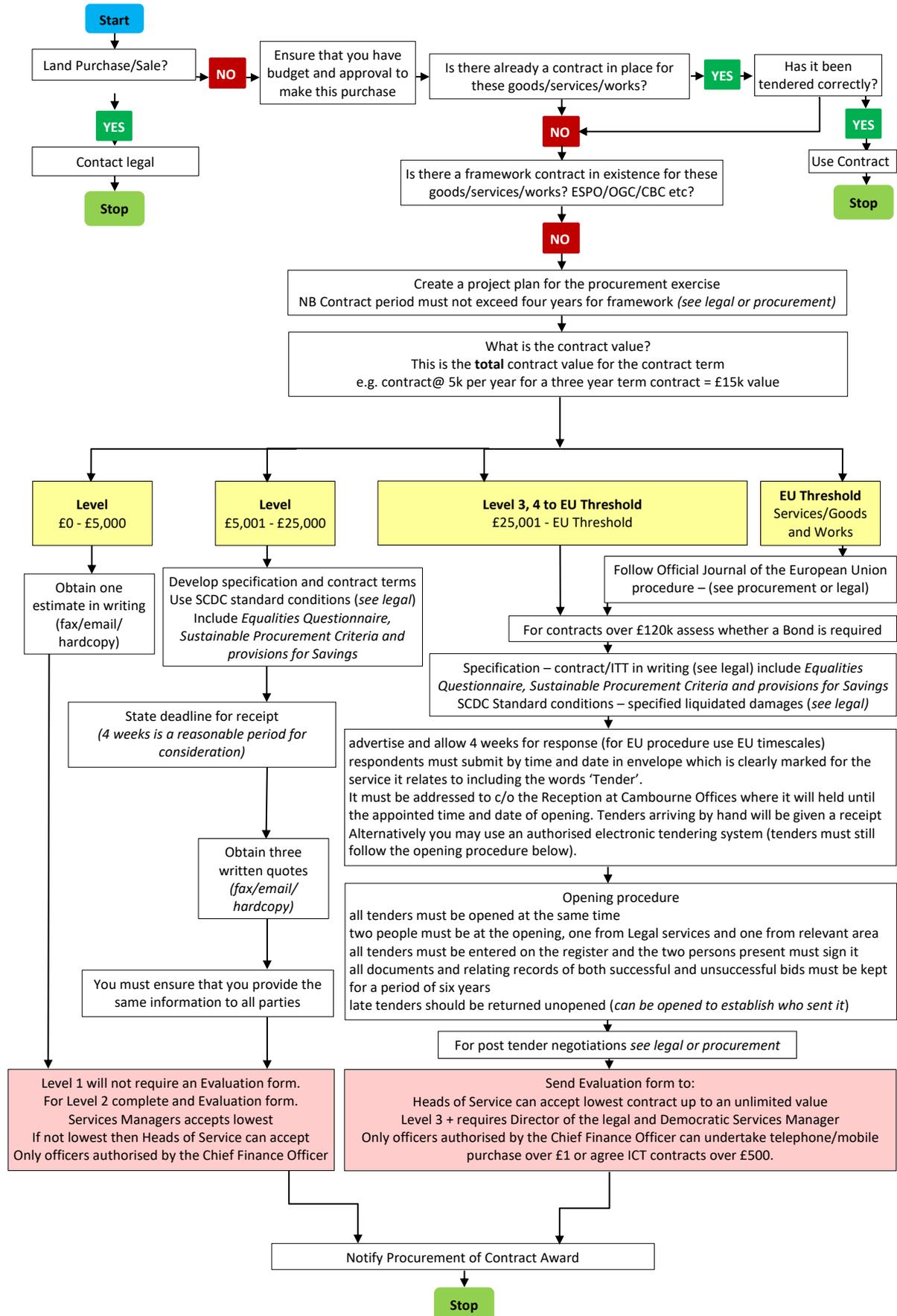
purpose of Tenders above the EU Threshold tenders. Do not break tenders up into constituent parts where it could be suggested that the Authority are avoiding European EU procurement thresholds.

- 4.3 Every purchase or contract (other than for the sale / purchase of land and direct employment contracts) made by or on behalf of the Council shall comply with the Financial Regulations of the Council and with these Contract Regulations.
- 4.4 Take all necessary legal, financial, procurement and professional advice.
- 4.5 Declare any personal financial interest in a contract to your Line Manager to assess if a conflict of interest exists. Corruption is a criminal offence.
- 4.6 Take into account the requirements from any relevant service review and appraise the purchasing need.
- 4.7 Check with the Procurement Officer whether there is an existing Corporate Contract or Consortium Framework Contract before undergoing any procurement process.
- 4.8 Evaluate the potential to work on a Collaborative Contract or Shared Service with another Local Authority or Government body and make it possible to allow other Local Authorities to utilise our contracts.
- 4.9 Normally allow four weeks for submission of bids ~~(not to be submitted by fax).~~
- 4.10 Keep bids confidential, safe and secure.
- 4.11 Include the ~~Equalities Questionnaire~~ Net Zero Carbon, Decarbonisation, Sustainable Procurement and Health & Safety elements in any enquiry or tender and ensure that they are evaluated as part of the award.
- ~~• Any post tender negotiation should be in accordance with Regulation 14.~~
- 4.12 Complete a written contract or Council purchase/works order before the supply or works begin.
- 4.13 Identify a Contract Manager with responsibility for ensuring the contract delivers as intended and ensure contract monitoring is undertaken (including ~~Equalities and~~ Health & Safety).
- 4.14 Keep records of all dealings with suppliers.
- 4.15 Assess each contract afterwards to see how well it met the purchasing need and value for money requirements.

Remember help, support and advice is available from the Head of Legal Practice / Legal Services and the Procurement Officer.

Table Guide on Procedures, Short-listing and Approval

Procurement Process



~~Please note regardless of the rules of delegation only officers authorised by the Chief Finance Officer can undertake telephone and mobile purchases over £1 or accept ICT contracts over £500~~

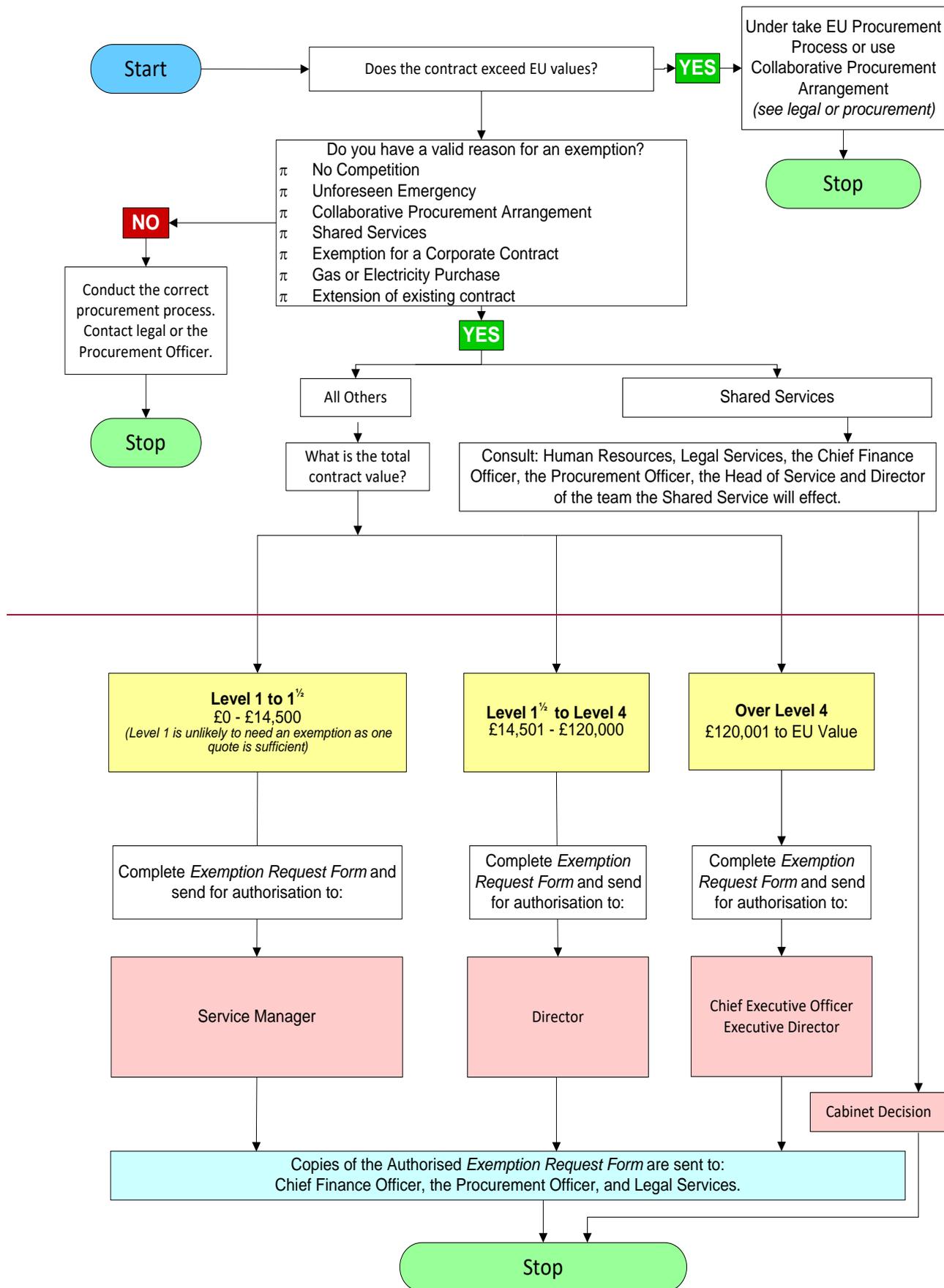
Total Value	Award Procedure	Shortlisting	Who can approve Award?
£0 to £5,000	Obtain one estimate in writing	Officer	<p>Service Managers<u>Manager</u> accept lowest;</p> <p>if not lowest then Heads of Service can accept.</p>
£5,001 – £25,000	<p>Three written Quotations and response to our Equalities Questionnaire<u>quotations</u></p>	Officer and Line Manager	<p>Send<u>Complete an</u> Evaluation form <u>and send to:</u></p> <p>Service Managers accepts lowest</p> <p>if not lowest then Heads of Service can accept.</p> <p><u>Authorised Signatory</u></p>
£25,001 – EU Threshold	<p>Invitation to Tender (that includes our response to our Equalities Questionnaire). See Para 5.4 regarding requirements for advertising;</p>	Officer and Line Manager	<p>Send<u>Complete an</u> Evaluation form <u>and send to:</u></p> <p>Heads of Service can accept lowest</p>

Part 4 - Rules of Procedure: Contract Regulations

Insufficient Candidates:	See Regulation 8.2		
	any pre-selected candidates must be approved by Line Manager.		contract up to an unlimited value. If not lowest then Director or Head of Legal Practice. <u>Authorised Signatory</u>
Above EU threshold <u>Threshold</u>	EU Procedure or, where this does not apply, Invitation to Tender by Advertisement / List to at least six <u>Candidates</u> (that includes our response to our Equalities Questionnaire) <u>candidates</u>		EU Procedure <u>PCR2015</u> must be followed. Consult with Legal Services and the Procurement Officer – see Regulation 8.54
Exemptions:	See Regulation 3.		
Disposals:	See Regulation 8.65		

NB: This Guide ~~and the Flowchart are~~ is explanatory only and ~~are~~ is not a substitute for reading the Contract Regulations.

Overview of Exemptions Procedure



Contents

Section 1 – Scope of Contract Regulations

- 1. Basic Principles
- 2. Officer Responsibilities
- 3. Exemptions
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Section 2 – Common Requirements

- 5. Steps Prior to Purchase
- 6. Records and Debriefing Candidates
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Section 3 – Conducting a Purchase

- 8. Competition Requirements for Purchase & Partnership Arrangements
- 9. Pre-tender Market Research and Consultation
- 10. Standards and Award Criteria
- 11. Invitations to Tender/Quotations
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- 13. Clarification Procedures
- 14. Evaluation and Award of Contract

Section 4 – Contract and Other Formalities

- 15. Contract Documents
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Definitions Appendix

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Section 1 – Scope Further Advice may be obtained from:

The Head of **Contract Regulations**

1. Basic Principles
2. Legal Practice/Legal Services or the Procurement Officer Responsibilities
3. Exemptions
4. Relevant Contracts

Section 2 – Common Requirements

5. Steps Prior to Purchase
6. Records and Debriefing Candidates
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Section 3 – Conducting a Purchase and Disposal

8. Competition Requirements for Purchase & Disposal of Assets, Partnership Arrangements and Appointment of Consultants
9. Pre-tender Market Research and Consultation
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11. Initiations to Tender/Quotations
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14. Clarification Procedures and Post Tender Negotiation
15. Evaluation and Award of Contract

Section 4 – Contract and Other Formalities

16. Contract Documents
17. Bonds and Parent Company Guarantees
18. Corruption

Section 5 – Contract Management

19. Managing Contracts
20. Contract Monitoring, Evaluations & Review
21. Risk Assessment & Contingency Planning

Section 6 – General

22. Amendments
23. Breaching Contract Regulations
24. Transfer of Contracts

Definitions Appendix

Further Advice may be obtained from:

The Head of Legal Practice/Legal Services

The Procurement Officer

Section 1 – Scope of Contract Regulations

1. Basic Principles

All purchasing and disposal procedures ~~must~~shall:

- 1.1 Achieve best value for public money spent;
- 1.2 Be consistent with the highest standards of integrity and professionalism when undertaking procurement;
- 1.3 Ensure fairness in allocating public contracts;
- 1.4 Comply with all legal requirements;
- 1.5 Ensure that 'Non-Commercial ~~Considerations~~Considerations' do not influence any Contracting Decision;
- 1.6 Support the Council's corporate and departmental aims and policies;
- 1.7 Comply with the Council's Procurement Strategy;
- 1.8 Build in Equalities, Net Zero Carbon, Decarbonisation, Sustainable Procurement, Health & Safety and Ongoing Savings into the procurement process;
- 1.9 Construct high quality agreements and make use of internal resources to document and provide a clear audit trail of decisions, agreements and contracts; or
- 1.10 Look for opportunities to work on a Collaborative Contract or a Shared Service with another Local Authority or Government body and evaluate whether the contract can allow other Local Authorities to utilise a SCDC contract.

2. Officer Responsibilities

2.1 Officers

- (a) The Officer responsible for purchasing or disposal ~~must~~shall comply with these Contract Regulations, Financial Regulations, the Code of Conduct, The Public Contracts Regulations 2015 (PCR2015), The Concessions Contract Regulations 2016 (CCR2016), the Social Value Act 2012 and

with all UK and European Union (or following exit from the European Union any replacement body) binding legal requirements.

- (b) The Officer mustshall have regard to the guidance from the Procurement Officer and the principles of the Council's Procurement Strategy.
- (c) The Officer mustshall check whether a suitable Corporate Contract or Consortium Framework contract exists before seeking to let another contract. Where a suitable Corporate Contract or Consortium Framework contract exists, it mustshall be used unless there is a demonstrable reason not to and in which case an exemption must be applied for. If a Corporate Contract is in place, this will be used rather than a Consortium Framework contract.
- (d) The Officer mustshall keep the records required by Regulation 6.
- (e) Tender procedures mustshall be conducted in accordance with procedures set out in the Invitation to Tender. Where the Officer can foresee forthcoming contracts over £25,000, the Officer shouldshall seek the advice of the Procurement Officer who will help by advising on regulations, frameworks, tenders, options, advertising and guide you through the procurement procedure.
- (f) Officers mustshall also ensure that agents acting on their behalf also comply.
- (g) Officers mustshall take all necessary legal, procurement, financial and professional advice.
- (h) When any employee either of the Council or of a service provider may be affected by any transfer arrangement, officers mustshall ensure that the Transfer of Undertaking (Protection of Employment) (TUPE) issues are considered and obtain the advice of Human Resources or Legal Services before proceeding with inviting tenders or quotations.
- (i) Contract Regulations mustshall be strictly followed. ~~They, as they~~ lay down minimum requirements and when contracting, however more thorough ~~procedure~~procedures may be appropriate for a particular contract.

(For example, if Regulation 8.1 would normally require that 3 quotes be obtained, it might be appropriate in particular circumstances to seek additional quotations in writing or tender submissions. Equally it may not always be appropriate to make use of an exemption under Regulation 3 even if one might apply or be granted.)

- (j) The Council declared a Climate Emergency on 28 November 2019 and pledged to ensure all strategic decisions and budgets are in line with a shift to zero carbon. Procurement is a key mechanism by which SCDC can influence carbon emissions.

The Council's procurement activity is focussed towards selecting suppliers that are pursuing carbon reduction to achieve Net Zero Carbon emissions, whilst also actively decarbonising the services provided to SCDC throughout the supply chain.

For all existing contracts or when issuing a tender or quotation document, Officers shall ask suppliers the following questions:

- confirmation that the supplier monitors their existing emissions;
- the supplier's plans to achieve Net Zero Carbon emissions; and
- clear commitments from the supplier to achieve supply chain Decarbonisation with timescales.

2.2 Directors

~~Directors must:~~

~~2.1.1 ensure their staff comply with Regulation 2.1.~~

2.2 Heads of Service

Heads of Service shall:

(a) ensure that their staff comply with Regulation 2.1;

~~(a)(b)~~ ensure that all staff complete an approved Evaluation Report Form to record all contracts and where seeking an exemption complete an Exemption Request Form in Regulation 2.2.~~3-(c)~~;

~~(b)(c)~~ ensure that:

- (i) **contracts** are completed by signature ~~(rather than by or under the Council's Council's seal—, as appropriate (see Regulation 16.4.315.8) and arrange that arrangements are made for~~ their safekeeping on Council premises.; or

- (ii) **exemptions** recorded under Regulation 3.23 and ensure ~~that the Chief Finance Officer, Legal Services and~~ the Procurement Officer receives a copy of the exemption form.

3. Exemptions

- 3.1 In most cases an exemption for a Level 1 (0 to £5k) ~~will~~shall not be required as it is sufficient to proceed with one quotation.
- 3.2 Exemptions are provided for in the Constitution (in the Financial Regulations) but are subject to the detailed requirements set out in this Regulation 3. An exemption under this Regulation 3 allows a contract to be placed by direct negotiation with one or more suppliers rather than in accordance with Regulation 8. ~~No exemption can be used if the EU procedure applies~~For above EU Threshold Contracts, only Exemptions detailed within The Public Contract Regulations 2015 can apply.
- 3.3 All exemptions, and the reasons for them, ~~must~~shall be recorded using the Exemptions Form ~~and should be copied to the Chief Finance Officer.~~ Advice should be sought from the Procurement Officer or Legal Services before applying for an exemption. Exemptions shall be authorised by:

Value	Levels	Who can authorise?
£0 to £ 14.5k <u>25k</u>	1 to 1½ <u>2</u>	Service Manager
£ 14.5k <u>25k</u> to £120k	1½ <u>3</u> to 4	Director <u>Heads of Service</u>
£120k to EU	Over 4 to EU	<u>Heads of Service or Chief Executive Officer</u> Executive Director <u>Officers</u>
EU <u>Threshold</u>	EU	EU procedures apply. <u>Only Exemptions detailed within The Public Contract Regulations 2015 can apply.</u>

		<u>No Exemption Possible</u> <u>Heads of Service or Chief Officers</u>
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3.4 The following are allowable exemptions:

- (a) the subject matter of the contract can only be supplied by one specialist firm;
- (b) an exemption is necessary because of unforeseen emergency involving immediate risk to persons, property or serious disruption to Council services; or
- (c) collaborative procurement arrangements;

In order to secure value for money the Council may enter into collaborative procurement arrangements:

- (i) The Procurement Officer or Legal Services must~~shall~~ be consulted where the purchase is to be made using collaborative procurement arrangements with another Local Authority, Government department or statutory undertaker;
- (ii) All purchases from any Government or Local Authority Purchasing Consortium are deemed to comply with Contract Regulations. An exemption is only required to formally record the decision to use the Framework Contract. The Framework Contract must comply with legal requirements and let in accordance with EU Procedures. If there is any doubt, then you should seek the guidance from Legal Services or the Procurement Officer;
- (iii) Any contracts entered into through collaboration with other Local Authorities or other public bodies, where a competitive process has been followed that complies with the Contract Regulations of the leading organisation (but does not necessarily comply with these Contract Regulations), will be deemed to comply with our Contract Regulations and an exemption is only required to formally record the decision to use the collaborative contract. However, advice must be sought from the Procurement Officer or Legal Services; or
- (iv) Shared services are a complex procurement and will require a thorough investigation of the options, the risks, the costs and the impacts. Advice will need to be obtained from Human Resources, Legal Services, the Chief Finance Officer, ~~the Procurement Officer~~ as well as the Head of Service ~~and Director~~ of any team that the Shared Service will impact upon.

- (d) There is a Corporate Contract in existence for this type of service / product but it is unsuitable ~~due to, in which case:~~
- (i) The Procurement Officer or Legal Services must be consulted before applying for any exemption for an existing Corporate Contract:;
 - (ii) There needs to be clear and concise documentary evidence confirming that the Corporate Contract cannot meet this requirement because of:
 - a. Technical reasons:;
 - b. Capacity / availability: or
 - c. Conflict of interest:.
- (e) The product is for the supply of Electricity or Gas and is subject to significant and rapid changes in market forces, which gives only hours to respond and accept prices.

To proceed using this exemption the exemption form ~~must~~shall clearly demonstrate:

- (i) the ~~Director~~Head of Service for the budget has provided consent to proceed:;
- (ii) the regular procedure in these Contract Regulations are unable to facilitate this type of purchase:;
- (iii) the values will not exceed EU thresholds and
 - a. is not an act to purely circumnavigate EU Procedures: or
 - b. that longer contract periods (that necessitate an EU process) would not provide a better deal for the Council (better price, terms, certainty or less risks) ~~-~~:.
- (iv) a competitive process will be undertaken:;
- (v) the award criteria that is to be used:;
- (vi) that bids will be invited from at least 3 suppliers:;
- (vii) sufficient time will be allowed for suppliers to respond: and
- (viii) that the contract will be advertised appropriately:.

(f) Extension to an existing contract.

Contract extensions can contribute to problems for example through contractor complacency or where Officers find themselves unwittingly contravening EU Regulations. In order to avoid such problems:

- (i) where a contract has the provision within the existing contract for an extension, the Officer ~~should follow~~may extend with the ~~standard exemptions process.~~permission of their manager;
- (ii) where there isn't the provision within the existing contract for an extension, the Chief Finance Officer ~~must~~shall agree and sign off the exemption on the grounds of:
 - a. disproportionate technical difficulties;
 - b. disproportionate effect on the Council's resources or finances;
or
 - c. significant disruption to the delivery of Council services.

3.5 **In exceptional circumstances** the Chief Executive / ~~Executive Director~~Chief Operating Officer or the Chief Finance Officer also has the power, under the Scheme of Delegation in the Constitution to dispense with any provision of these Contract Regulations, provided that where the contract exceeds level 4 (£120,000), the relevant ~~Portfolio Holder~~lead Cabinet member is consulted.

Where the contract exceeds the EU Threshold, only Exemptions detailed within The Public Contract Regulations 2015 can apply and where they do then the Chief Executive / ~~Executive Director~~Chief Operating Officer or ~~the Chief Finance Officer has no delegated powers and~~Operating Officer, can approve. Where exemptions do not apply then the matter has to be determined by the Cabinet or Council (see Regulation 3.6).

3.6 **In exceptional circumstances**, the Council and its Cabinet have power to dispense with any provision of these Contract Regulations. Any such decision may be a Key Decision. ~~(There is no Exemption available for Priority Services above the EU Thresholds.)~~

3.7 All exemptions will be appropriately time bound and attached to the specific contract. Overly long time periods and blanket exemptions ~~fall foul of EU~~Procurement are contrary to the Public Contract Regulations 2015.

3.8 The Chief Finance Officer must be kept informed of all authorised exemptions and provide an annual report to the Audit and Corporate Governance Committee.

- 3.9 The use of e-procurement technology does not negate the requirement to comply with all elements of Contract Regulations, particularly those relating to competition and value for money.

4. Relevant Contracts

- 4.1 Every purchase or contract made by or on behalf of the Council (every department, team, [including DLO], ~~Member, Officer~~~~member, officer~~, consultant or contracted company) shall comply with the Financial Regulations of the Council and with these Contract Regulations will be considered a Relevant Contract.
- 4.2 Relevant Contracts do not include:
- (a) Contracts of employment making an individual a direct employee of the Council; or
 - (b) agreements regarding the acquisition, disposal or transfer of land (for which Financial Regulations shall apply).

Section 2 – Common Requirements for all Contracts

5. Steps Prior to Purchase

- 5.1 Before beginning a purchase, the Officer responsible for it mustshall appraise the purchase by working through the following criteria. If the Total Value exceeds £25,000 then the Officer mustshall complete this as a checklist before commencing. The appraisal tasks mustshall be proportionate to the complexity and value of the purchase and take into account any guidance provided by the Procurement Officer.

5.2 The Officer mustshall appraise the purchase by:

- (a) ensuring that they have the budget and permissions to carry out this type of purchase ~~and that if the item is for ICT equipment / services that they have obtained the consent of the Head of ICT to proceed;~~
- (b) making sure there is not a Corporate Contract or Consortium Framework Contract already in place before proceeding with any procurement exercise;
- (c) taking into account the requirements from any relevant service review;
- (d) appraising the need for the expenditure and its priority;

- (e) defining the objectives of the purchase;
- (f) assessing the risks associated with the purchase and how to manage them;
- (g) considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing or sourcing through a purchasing consortium, a joint contract and collaboration with other purchasers;
- (h) consulting users as appropriate about the proposed procurement method, contract standards, and also performance and user satisfaction monitoring;
- (i) selecting the most appropriate procurement method;
- (j) assess the relevance of Health & Safety and Equalities and ensure that ~~the Equalities Questionnaire is~~ these elements are included in any enquiry or tender;
- (k) taking into account Net Zero Carbon, Decarbonisation, Sustainable Purchasing factors such as environmental accreditation (e.g. EMAS or ISO 14001), consumption, waste management, recycled, reclaimed or managed sources (e.g. forests for timber), biodegradability, ease of repair, packaging, transportation, toxicity, ethical sourcing and fair-trade;
- (l) explore the potential for future savings within any quotation or tender documents and ensuring that where a bid is accepted and it contains ongoing cost savings proposals, that these are agreed and reflected within the contract documentation; and
- (m) investigate the options for Collaborative Contracts, Shared Services and whether the contract can be written to allow other Local Authorities to utilise it.

5.3 The Officer ~~must~~shall confirm that:

- (a) the purchase accords with the approved policy framework and scheme of delegation as set out in the Constitution;
- (b) if the purchase is a Key Decision, ~~that~~ all appropriate steps have been taken;
- (c) Prior Information Notices, required for the EU Procedure, have been placed in the Official Journal of the European Union and copied to the Procurement Officer.

5.4 Officers shall ensure that where proposed contracts, irrespective of their Total Value, are likely to be of interest to potential Candidates located nationally and in other member states of the EU, appropriate accessible advertising ~~must take~~takes place. Generally, the greater the interest of the contract to such potential Candidates the wider should be the coverage of the advertisement. Advertisements for contracts above £25,000 must always be placed on ~~Contract~~Contracts Finder ~~(and contracts above the National Portal)~~ and ~~may also~~EU Threshold must be placed: in the Official Journal of the European Union (OJEU) / Tenders Electronic Daily (TED).

- ~~• SCDC's website; and/or~~
- ~~• portal websites specifically created for contract advertisements; and/or~~
- ~~• In National official journals; and / or~~
- ~~• In the Official Journal of the European Union (OJEU) / Tenders Electronic Daily (TED) [even if there is no requirement within the EU Procedure].~~

6. Records and Debriefing Candidates

6.1 Where the value is less than £5000:

- (a) The officer ~~must~~shall keep the quotation for a minimum of 18 months after the year end (to enable internal or external audit scrutiny). Telephone quotations should be followed up with a hard copy in the post with any other information from the supplier.;
- (b) There is no need to debrief candidates or enter the record in the Contracts register.;
- (c) An Exemption is unlikely to be required (as a single quote is sufficient), but where an Exemption has been applied ensure that it is recorded in the central archive.

6.2 The Procurement Officer will hold the centralised records of Contracts and Exemptions. Any authorised Exemption must be copied to the Procurement Officer detailing the exemption and the reasons for it.

~~Ensure that all~~ **6.3** All contracts that exceed £5,000 ~~are~~shall be recorded in the central archive (note: the original documents may need to be made available for scanning).

6.4 Where the Total Value is ~~less than £25,000, or less,~~ Officers should use the nominated electronic tendering portal to undertake quotes and make sure that the same principles of fairness, transparency and competition are being applied to quotations.

The following documents ~~must~~shall be kept:

- (a) invitations to quote and Quotations. Remember 3 quotations ~~must~~shall be obtained.;
- (b) the reason if the lowest price is not accepted.;
- (c) written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.

~~• Ensure that the same principles of fairness, transparency and competition are being applied to quotations.~~

6.5 Where the Total Value exceeds £25,000, ~~the~~Officers should use the nominated electronic tendering portal to undertake tenders.

The Officer ~~must~~shall record Pre-tender market research;

- (a) any exemption under Regulation 3 together with the reasons for it;
- (b) the method for obtaining bids (see Regulation 8.1));
- (c) the Award Criteria in descending order of importance;
- (d) tender documents sent to and received from Candidates;
- (e) the responses to any Net Zero Carbon, Decarbonisation, Sustainable Procurement, and Health & Safety requirements ~~and the Council's Equalities Questionnaire~~;

~~• clarification and post-tender negotiation (to include minutes of meetings)~~
(f) any clarifications undertaken;

~~(f)~~(g) any Contracting Decision and the reasons for it;

~~(g)~~(h) the contract documents;

~~(h)~~(i) written records of communications with Candidates and with the successful contractor throughout the period of the contract;

~~(i)~~(j) records of cost savings achieved throughout the life of the contract with supporting evidence; and

~~(j)~~(k) post-contract evaluation and monitoring (including Net Zero Carbon, Decarbonisation, Sustainable Procurement, Health & Safety and Equalities).

6.46.6 Written records required by this Regulation (6.2 above) mustshall be kept for six years after the end of the contract. Documents which relate to unsuccessful Candidate mustshall be retained for 1812 months and then may be destroyed, provided there is no dispute about the award. However, the documents which relate to unsuccessful Candidates may be ~~microfilmed or~~ electronically scanned. (See 16.4.415.9 regarding record storage). ~~Legal will need to store the original contracts of any high risk or contracts above EU value in their storage facility. All other~~All contracts once scanned should be stored within the service area, with an electronic copy held in the Central Contracts Archive.

6.56.7 Candidates mustshall be notified simultaneously and as soon as possible of any Contracting Decision.

- (a) The notification mustshall be in writing where the Total Value exceeds £25,000-; and

- (b) If a Candidate requests in writing the reasons for a Contracting Decision, the Officer ~~must~~shall give the reasons in writing within ~~15~~10 working days of the request (see further Regulation ~~15~~14.4).

~~2.1.~~ **7. Approved Lists and Framework Agreements**

~~2.2~~ **7.1 Approved Lists** may be used to select Candidates as an alternative to advertisement (see Regulation 5.4). Approved Lists should be used where recurrent transactions of a similar type are likely but where such transactions need to be priced individually and cannot easily be aggregated and priced in a single tendering exercise. Approved Lists cannot be used where the EU Procedure applies.

~~2.3~~ **7.2 Head of Service or above may draw up in consultation with the Procurement Officer or Legal Services:**

~~2.3.1~~ **7.2.1 Approved Lists of persons ready to perform contracts to supply goods or services of particular types on the basis of agreed contract terms;**

~~2.3.2~~ **7.2.2 Criteria for Short-listing from the lists.**

~~2.4~~ **7.3 No person may be entered on an Approved List until there has been an adequate investigation into both their financial and technical ability to perform the contract, unless such matters will be investigated each time bids are invited from that list.**

~~2.5~~ **7.4 Approved Lists must be drawn up after an advertisement inviting applications for inclusion on the list. The advertisement must be placed to secure widest publicity among relevant suppliers throughout all member states of the EU. Persons may be entered on a list between the initial advertisement and re-advertisement provided the requirements of Regulation 7.3 are met.**

~~2.6~~ **7.5 The list and short-listing criteria must be reviewed at least annually and re-advertised at least every three years. Review means:**

- ~~•~~ the reassessment of the financial, technical ability and performance of those persons on the list unless such matters will be investigated each time bids are invited from that list
- ~~•~~ the deletion of those persons no longer qualified, with a written record kept justifying the deletion
- ~~•~~ on re-advertisement, a copy of the advertisement must be sent to each person on the list, inviting them to reapply.

~~2.7~~ 7.6 Lists maintained by Central Government under the New Qualification System (NQS), Constructionline or any list maintained in substitution of the NQS will be deemed to be an Approved List for the purpose of these Contract Regulations and shall not be subject to the requirements of Regulation 7.2 and 7.6 inclusive. The Council has adopted and supports the use of Constructionline subject to point 7.7.

~~2.8~~ 7.7 All Approved Lists shall be maintained in an open, fair and transparent manner and must be open to public inspection. Before undertaking procurement using any list you must ensure that a competitive process is in place and consult with the Procurement Officer.

7. Framework Agreements

7.1 The term of framework agreements ~~should~~shall not exceed 4 years, except in cases duly justified by Contracting Authorities.

7.2 Where the framework agreement is concluded with several organisations, ~~there must be at least 3 in number. Contracts based on framework agreements~~ contracts may be awarded either:

(a) By applying the terms laid down in the framework agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition;

(b) Where the terms laid down in the framework agreement are not precise enough or complete for the particular call-off, by holding a mini competition in accordance with the following procedure:

(i) Inviting the organisations within the framework agreement who are capable of executing the subject of the contract to submit written* ~~tenders.~~ tenders which should be submitted electronically via the tendering portal;

~~(ii) Fixing a time limit, which is sufficiently long, to allow tenders for each specific contract to be submitted, taking into account factors such as~~ Taking the complexity of and the subject of matter into account, setting a suitable end date and time for tender responses; and

~~(a) Keeping the contract.~~

~~(ii)(iii) Tenders shall be submitted in writing*, and their content shall remain confidential~~ tenders sealed until the after stipulated end date and time limit for reply has expired. Contracting authorities shall award each contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the specifications of the framework agreement.

* ~~written includes by e-mail or fax~~

Section 3 – Conducting a Purchase

8. Competition Requirements for Purchase and Partnership Arrangements

The Officer ~~must~~shall calculate the Total Value. The following procedures apply where there are no other procedures that take precedence. Other procedures may include agency agreements with government. If in doubt, Officers ~~must~~shall seek the advice of Legal Services or the Procurement Officer.

8.1 Purchasing – Minimum Competition Requirements £0 to £5,000

(a) Obtain one estimate in writing;

(b) Officer can short list; and

- ~~Service Managers accept lowest if not lowest then Heads of Service can accept. Only officers authorised by the Chief Finance Officer can accept ICT contracts over £500.~~

(c) The award shall be approved by the appropriate authoriser as detailed in the Officer Financial Scheme of Delegation.

£5,001 – £25,000

(a) Three written Quotations and response to our Equalities Questionnaire;

(b) Contracts over £25,000 that are advertised shall be advertised on Contracts Finder, see Para 5.4 regarding requirements for advertising;

~~(b)~~(c) Officer and Line Manager can shortlist; and

- ~~Send~~The Evaluation form shall be sent to:
~~Service Managers accepts lowest if not lowest then Heads of Service can accept.~~

~~(c)~~(d) Only officers authorised by the Chief Finance appropriate authoriser as detailed in the Officer Financial Scheme of Delegation.

£25,001 – EU Threshold

- (a) Undertake full tender process;
- (b) Invitation to Tender (that includes our response to our Equalities Questionnaire) See Para 5.4 regarding requirements for advertising, ~~any pre-selected candidates must be approved by Line Manager; and~~
- ~~• Officer and Line Manager can shortlist~~
- ~~• The award decision – send Evaluation – The evaluation form shall be sent to:~~
 - (c) ~~Heads of Service can accept lowest contract up to an unlimited value. If not lowest then Director or Head of Legal Practice. Only officers authorised by the Chief Finance Officer can accept ICT contracts over £500. appropriate authoriser as detailed in the Officer Financial Scheme of Delegation.~~

Above EU Threshold

- (a) Undertake full tender process;
- ~~• EU Procedure or, where this does not apply~~
 - ~~(b) Procedures set out in PCR2015;~~
 - ~~(b)(c) Invitation to Tender by Advertisement/List to at least six Candidates (that includes our response to our Equalities Questionnaire);~~
 - ~~(c)(d) EU Procedure~~ The procedures described in PCR2015 must be followed. Consult with Legal Services and the Procurement Officer – see Regulation 8.54; and

~~2.9 8.2 Where it can be demonstrated that there is insufficient competition or insufficient Candidates then all suitably qualified Candidates must be invited to quote or tender. In these circumstances decide whether it is necessary to restart the process and undertake the procurement exercise once more.~~

(e) The award decision – The evaluation form shall be sent to the appropriate authoriser as detailed in the Officer Financial Scheme of Delegation.

- 8.2 In addition, other steps mustshall be taken as necessary to obtain adequate competition and Value for Money.
- 8.3 An Officer mustshall not enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these Contract Regulations.

- 8.4 Where the EU Procedure is required, the Officer shall consult with Legal Services or the Procurement Officer to determine the method of conducting the purchase.
- 8.5 Assets for disposal ~~must~~shall be sent to public auction except where better value for money is likely to be obtained by inviting Quotations and Tenders unless the time commitment and costs outweigh the benefits of selling off the equipment. In any event, the method of disposal of surplus or obsolete stocks / stores or assets other than land is determined in the Financial Regulations in the Constitution.

8.6 Providing services to external purchasers

The Financial Regulations, Legal Services and the Procurement Officer mustshall be consulted where contracts to work for organisations other than the Council are contemplated.

8.7 Collaborative and partnership arrangements are subject to all UK and EU

Procurement legislation and should follow the usual principles in Contract Regulations. The advice of Legal Services and the Procurement Officer mustshall be taken.

~~2.10—8.9 The Appointment of Consultants to provide services— additional requirements~~

~~Because of the breadth, complexity, high cost and nature of Consultancy work additional requirements are necessary to ensure that the Council receives value for money. The following requirements must be applied to any consultancy contract in addition to points 8 to 8.8 of these Contract Regulations.~~

~~2.10.1 8.9.1 Before proceeding the Officer must check that and confirm:~~

- ~~(a) the nature of the services for which the appointment of a Consultant is required;~~
- ~~(b) the estimated Total Value of the services;~~
- ~~(c) that no employee of the Council has the capacity or is available to undertake the services.~~
- ~~(d) the Procurement Officer or Legal Services should be consulted before starting a procurement exercise to hire consultancy services.~~

~~2.10.2 8.9.2 The enquiry or contract documents must contain:~~

- ~~(a) A specification for the services (be clear what is in scope and out of scope);~~
- ~~(b) A questionnaire seeking details of the Candidate's experience in providing similar services, relevant Health & Safety or Sustainable Procurement criteria and the Equalities Questionnaire must also be included;~~
- ~~(c) The Council's General Conditions of contract (for individuals, companies or agencies) which it is intended to appoint the Consultant to provide the services, equalities questionnaire and criteria where appropriate;~~
- ~~(d) The Award Criteria;~~
- ~~(e) Start, date, completion dates and duration of the contract;~~
- ~~(f) A questionnaire that obtains specific working times, hourly rates, document rates, percentage of consultancy time that will be spent on contract, the number of staff (their qualifications and whether they are junior or senior personnel) or a suitable alternative.~~
- ~~(g) Wherever possible the use of milestones and a clear link of the payment to successful completion of these.~~

- ~~(h) — Evaluation and Award Criteria that enables the Council to clearly identify and score bids appropriately. The scoring needs to be robust (i.e. to clearly show where a bid is re-badged or a sub-optimum bid comprising of previous work done by the Consultant).~~
- ~~(i) — Clear instructions that the consultancy firm will utilise their own materials and resources or that we will charge them for the use of the Council's. The documentation must also make clear that the Council will not pay for additional costs unless detailed and accepted as part of the consultant's bid.~~
- ~~(j) — That where the consultancy will provide graphic design or printing services the costs are provided in advance. The Officer cannot accept these without first comparing with the Council's internal costs or Corporate Contracts.~~
- ~~(k) — That where a firm is being contracted the contract documentation must ensure:
 - ~~• — the Council is guarded from the firm using junior members but charging senior rates.~~
 - ~~• — that whilst the consultancy staff are in our employment that they work solely on our project and do not work for others whilst charging their time to the Council;~~
 - ~~• — where a number of employees of a consultancy firm are utilised, ensure that there is some mechanism for checking who is actually working on the project.~~~~

9. Pre-tender Market Research and Consultation

9.1 The Officer responsible for the purchase:

- (a) may consult potential suppliers prior to the issue of the Invitation to Tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters provided this does not prejudice any potential Candidate; but
- (b) ~~must~~shall not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in it, if this may prejudice the equal treatment of all potential Candidates or distort competition; and
- (c) ~~should~~shall seek advice from Legal Services or the Procurement Officer.

10. Standards and Award Criteria

10.1 The Officer ~~must~~shall ascertain which British, European or International standards apply to the subject matter of the contract. The Officer must include these standards to describe the required quality. The Head of Legal Practice must be consulted if the Officer proposes to use standards other than European standards.

10.2 The Officer ~~must~~shall define Award Criteria appropriate to the purchase. Award Criteria must be designed to secure an outcome giving Value for Money for the Council. The basic criteria shall be:

(a) The preference is the use of "most economically advantageous" offer (where considerations other than price also apply).

(i) "lowest price" where payment is to be made by the Council;

(ii) "highest price" if payment is to be received; or

~~• "most economically advantageous" offer (where considerations other than price also apply).~~

If the ~~last~~first criterion is adopted, it ~~must~~shall be further defined by reference to sub-criteria. Sub-criteria may refer only to relevant considerations. These may include ~~price;~~ resources, service, quality of goods, running costs, technical merit, ~~previous experience~~, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), health & safety, after-sales services, technical assistance and any other relevant matters.

10.3 The Award Criteria ~~must~~shall take into account:

(a) the ability of the firm to make ongoing future savings over the life of the contract; and

(b) Net Zero Carbon, Decarbonisation and Sustainable Procurement.

~~• The results from the Equalities Questionnaire~~

10.4 Award Criteria ~~must~~shall not include:

(a) Non-Commercial Considerations; or

(b) matters that discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement.

11. Invitations to Tender / Quotations

- 11.1 The Invitation to Tender or Quote mustshall include a specification. The specification mustshall describe clearly the Council's requirements in sufficient detail to enable the submission of competitive offers. In preparing specifications the Officer mustshall have regard to any guidance from the Procurement Officer.
- 11.2 The Invitation to Tender or Quote mustshall state that the Council is not bound to accept any Quotation or Tender.
- 11.3 ~~Except where the Open Procedure applies, all~~ Candidates invited to tender or quote mustshall be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.
- 11.4 The Invitation to Tender mustshall specify the Award Procedure ~~and forbid submission of Tenders by fax.~~
- 11.5 ~~Where any prior advertisement has not defined the Award Criteria,~~ Invitations to Tender mustshall state the Award Criteria in objective terms ~~and if possible in descending order of Importance.~~
- 11.6 The Invitation to Tender mustshall include a form of tender, ~~tendering certificate~~ and instructions to tenderers (see the Procurement Officer or Legal Services for the Council's Invitation to Tender template).
- 11.7 The Invitation to Tender should normally include the contract terms (see Regulation ~~46~~15).

~~3.~~ **12.Short-listing**

- ~~3.1~~ ~~12.1 Where Approved Lists are used, short-listing may be done by the Officer in accordance with short-listing criteria drawn up when the Approved List was compiled (see Regulation 7). However, where the EU Procedure applies, Approved Lists may not be used in this way.~~
- ~~3.2~~ ~~12.2 Any short-listing must have regard to financial and technical standards relevant to the contract and must be related to the Award Criteria. Special rules apply in respect of the EU Procedure. Please see the Procurement Officer or Legal Services.~~

~~3.3 Officers may decide not to short-list but to send Invitations to Tender and to evaluate all possible Candidates. The officers responsible for short-listing are specified in Regulation 8.1.~~

12. Submission, Receipt and Opening of Tenders

12.1 Period for Candidates' response:

Candidates invited to respond ~~must~~shall be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the urgency of the contract requirement. Normally at least four weeks ~~should~~shall be allowed for submission of Tenders. In exceptional circumstances: a period of five calendar days may be allowed after seeking the permission of the Procurement Officer.

- ~~• 10 calendar days may be allowed after seeking the permission of the Procurement Officer.~~
- ~~• 5 calendar days may be allowed after seeking the permission of the Chief Finance Officer.~~

The EU Procedure lays down specific time periods (see the Procurement Officer for further guidance).

- 12.2 ~~All Tenders must~~shall normally be submitted using an approved electronic method as approved by the procurement officer. Where manual submission methods are used, Tenders shall be clearly identified ~~for~~with the ~~service it relates to~~name of the Tender exercise and have an envelope that has 'Tender' clearly written on ~~the envelope. The envelope must then be it and~~ addressed and returned ~~to the relevant Officer,~~ c / o Reception, South Cambridgeshire District Council, Cambourne Business Park, Cambourne CB23 6EA. The envelope ~~must~~shall not carry any distinguishing marks. Tenders arriving by hand ~~will~~shall be given a receipt.
- 12.3 The Officer conducting ~~the~~a manual tender exercise (or their nominated representative ~~must~~) shall inform the Reception desk at Cambourne Offices of the tender return date. On receipt of any tenders the Reception will store these in a secure place until the time of opening.
- 12.4 Late Tenders received after the specified time for submission shall be ~~indorsed~~endorsed with the date and time of receipt (by reception for a manual tender exercise) and returned promptly to the tenderer by the Officer concerned ~~after consultation with their Head of Service.~~ The tender may be opened to ascertain the name of the tenderer.

~~3.4~~ ~~13.5~~ ~~Tenders received solely by fax, e-mail or other electronic means must be rejected, unless they have been sought in accordance with an electronic tendering system approved by the Chief Finance Officer.~~

12.5 Tenders received not using the approved receipt method, shall be rejected.

~~12.5~~12.6 Reception ~~must~~shall record the details in a Tender Receipt Log (they must ensure that they do not disclose the names of Candidates to any staff involved in the tender process). The tender shall be:

- (a) ~~tender must be~~ date-stamped;
- (b) ~~logged within~~ recorded in the Tender Receipt Book; and
- (c) ~~Store~~Stored in a central secure location and ~~shall be responsible for~~ the kept in safe custody ~~of tenders~~ until the date and time of opening.

~~12.6~~12.7 The Officer ~~must~~shall ensure that all Tenders are opened at the same time when the period for their submission has ended. The Officer or his representative ~~must~~shall be present. Tenders ~~must~~shall be opened in the presence of two officers one representing the service and the other from Procurement or Legal Services (If either is unavailable then a Head of Service ~~or Director~~ is acceptable).

~~12.7~~12.8 Upon opening, a summary of the main terms of each Tender ~~must~~shall be recorded in the Tender Book. The information on each Tender containing prices ~~should~~shall be initialled by each Officer and the summary of the main terms of each tender entered into the Tender Book such as:

- (a) The details of the company name;
- (b) The Tender sum;
- (c) The order in which the tenders were opened; and
- (d) A signature from the Officers present confirming that the information is correct.

~~12.8~~12.9 If there appears to be an error in a bid or supporting information, the Candidate ~~must~~shall be invited to confirm or withdraw the bid. Where the error relates to the tender total as calculated from tendered rates and variable quantities, the bid ~~will~~shall be regarded as the tender total bid and the rate adjusted accordingly. The tenderer ~~will~~shall be invited to confirm or withdraw the bid and resulting rate.

13. Clarification Procedures and Post-tender Negotiation

- 13.1 Providing clarification of an Invitation to Tender to potential or actual Candidates or seeking clarification of a Tender whether in writing or by way of a meeting is permitted. However, the Procurement Officer or Legal Services ~~must~~shall be consulted.
- 13.2 Post-tender ~~negotiations means negotiations~~clarifications mean clarifications with any tenderer after submission of a Tender and before the award of the contract with a view to ~~obtaining an adjustment in price, delivery or content.~~ However, post tender negotiations must be the exception rather than the rule. In particular they must not be conducted in a EU Procedure where this mightclarifying information about the content of the bidder's submission. Care shall be taken where clarifications may distort competition.
- 13.3 Where post tender ~~negotiation~~clarification results in a fundamental change to the specification (or contract terms) the contract ~~must~~shall not be awarded but re-tendered.

14.4 Procedure

- ~~3.4.1—14.4.1~~The Chief Finance Officer (or responsible officer where this function has been delegated) ~~must be consulted~~
- ~~•—wherever it is proposed to enter into post-tender negotiation, and~~
 - ~~•—about whether negotiation is to be with all Candidates.~~
- ~~3.4.2—14.4.2~~Negotiations ~~must be conducted by a team of at least two officers.~~
- ~~3.4.3—14.4.3~~A report ~~must be submitted to the relevant Director by negotiating officers.~~

14. Evaluation and Award of Contract

- 14.1 Apart from the debriefing required or permitted within this section (Regulation ~~45~~14)
- (a) confidentiality of Quotations, Tenders and the identity of Candidates ~~must~~shall be preserved at all times; ~~and~~
 - (b) information about one Candidate's response ~~must~~shall not be given to another Candidate.
- 14.2 Contracts ~~must~~shall be evaluated and awarded in accordance with the Award Criteria.
- 14.3 Before accepting any tender or quotation ~~an Evaluation form must~~ Contract Award Form shall be completed.
- 14.4 Where the Total Contract Value is over £25,000
- (a) All contracts:
 - (i) The Officer ~~must~~shall inform all Candidates of their Intention to Award the contract to the successful Candidate and provide the unsuccessful Candidate with their scores and ~~to~~the scores of the winning bidder.
 - (b) Contracts ~~below~~below the EU Threshold
 - (i) The Officer needs only to provide useful feedback at their discretion; ~~and~~
 - (ii) A 10-day standstill period shall not apply.
 - (c) Contracts above the EU Threshold:
 - (i) The officer ~~must~~shall provide detailed feedback automatically; ~~and~~
 - (ii) The officer ~~must~~shall allow a standstill period of not less than 10 days after announcing their Intention to Award. This is to provide unsuccessful Candidates with a period in which to challenge the decision before the Officer awards the contract; ~~and~~
 - (iii) If the decision is challenged by an unsuccessful Candidate then the Officer shall not award the contract and shall immediately seek the advice of Legal ~~and inform~~or the Procurement Officer.

- 14.5 The Officer shall debrief in writing all those Candidates who submitted a bid about the characteristics and relative advantages of the leading bidder. This should normally include:
- (a) how the Award Criteria were applied; and
 - (b) the prices or range of prices submitted; (in percentage analysis form), in either case not correlated to Candidates' names; and (anonymised);
- ~~the names of Candidates where there were three or more Candidates.~~
No other information should be given without taking the advice of Legal Services.
- 14.6 If requested, the Officer may also give the debriefing information required by Regulation ~~15~~14.4 to Candidates who were deselected in a pre-tender short-listing process.

Section 4 – Contract and Other Formalities

15. Contract Documents

~~3.5~~ Every Relevant Contract ~~must~~shall be recorded on ~~an Approved Evaluation Report Form.~~

~~15.1~~ Every Relevant a Contract ~~must~~Award Form (or the approved electronic version of this form).

~~15.1~~15.2 Every Relevant Contract shall be recorded in writing or through an order placed using ~~E-Procurement (or EBIS) or a Purchase Order-Book depending on value/~~Works Order, and ~~must~~shall state clearly:

- (a) what is to be supplied (description and quality);
- (b) roles and responsibilities of the supplier (where appropriate); and
- (c) payment provisions (amount and timing);

~~15.2~~15.3 Every Relevant Contract up to £25,000 ~~must~~shall state clearly:

- (a) when the Council will have the right to terminate the contract;
- (b) that the contract is subject to the law as to the prevention of corruption (Regulation ~~18~~17); and

- (c) the Council's Order Form or standard terms and conditions mustshall be used where possible.

15.315.4 Every Relevant Contract over £25,000 mustshall state clearly:

- (a) that the contractor may not assign or sub-contract without prior written consent;
- (b) any insurance requirements;
- (c) health and safety requirements;
- (d) ombudsman requirements;
- (e) requirements under the Data Protection Act 1998;
- (f) that charter standards are to be met (if relevant);
- (g) Equalities and race relations requirements;
- (h) Disability Discrimination Act requirements;
- (i) Freedom of Information Act requirements;
- (j) (where agents are used to let contracts) that agents must comply with the Council's Contract Regulations relating to contracts;
- (k) a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant;
- (l) any provision for Ongoing Savings; and

(m) Net Zero Carbon, Decarbonisation and Sustainable Procurement requirements.

15.415.5 The advice of Legal Services mustshall be sought for the following contracts:

- (a) those involving leasing arrangements;
- (b) where it is proposed to use the supplier's own terms;
- (c) where the Total Value exceeds £25,000; or

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- ~~those involving the purchase of application software with a Total Value of more than £5,000 (in addition you must have the approval of the Head of ICT)~~
- (d) those that are complex in any other way.

15.515.6 Contract Agreements shall be completed as follows:

Total Value	Method of Completion	By
Level 1 £0 to £5000 <u>£5,000</u>	<p>Due to the low values it is unlikely there will be no need for a written document.</p> <p>In cases where one is necessary use a simple written letter of agreement,<u>Purchase Order/Works Order</u> and include our terms and conditions.</p>	<p>N/A</p> <p>Written award letter of agreement (enclose a copy of our terms) signed by Legal Services and Service Manager.</p>
Level 2 £5,001 to £25,000	<p>Completion of an Approved Evaluation Report<u>a Contract Award Form</u> and written agreement followed by a signature.</p>	<p>Written contract signed by Legal Services and Service Manager.<u>N/A</u></p>

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	<u>a Purchase Order/Works Order and include our terms and conditions.</u>	
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<p>Level 3</p> <p>£25,001 to £50,000</p>	<p>Completion of an Approved Evaluation Report Form and written agreement followed by a signature.</p>	<p>Written contract signed by Legal Services and Service Manager.</p>
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<p><u>Level 3 to above</u> Level 4</p> <p>£50,001 to <u>above</u> £120,000<u>001</u></p>	<p>Completion of an <u>Approved Evaluation Report</u> Award Form and written agreement followed by a signature.</p>	<p>Written contract signed by Legal Services and Head of Service.</p>
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<p>Above Level 4</p> <p>Above £120,001</p>	<p>Completion of an Approved Evaluation Report Form and written agreement followed by a signature.</p>	<p>Written contract signed by Legal Services and Head of Service.</p>
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A practical approach to contracting should be adopted. Level 1 & 2 contracts ~~are unlikely to require a contract document, but where they do a written award letter of agreement will be acceptable (A Purchase Order/Works Order accompanied by our terms and conditions).~~ will be sufficient.

All contracts in excess of Level 1 (~~£5,000~~) must shall be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances. ~~An award letter is insufficient.~~

15.7 Signature

The Officer responsible for securing signature of the contract ~~must~~ shall ensure that the person signing for the other contracting party has authority to bind it.

15.8 Sealing

Where contracts are completed by each side adding their formal seal, the fixing of the Council's seal **mustshall** be witnessed by the Head of Legal Practice or **his/her/their** nominated representative. A decision of the Council, or any part of it, **willshall** be sufficient authority for sealing any document necessary to give effect to the decision. Every Council sealing **willshall** be consecutively numbered, recorded and signed by the person witnessing the seal. The seal **mustshall** not be affixed without the authority of the Head of Legal Practice. A contract **mustshall** be sealed where:

- (a) the Council may wish to enforce the contract more than six years after its end; **or**
- (b) **where** there is any doubt about the authority of the person signing for the other contracting party.

15.9 Archiving and lodgement of records

Any original signed or sealed contract that **areis** considered high risk or **areis at or above** EU value **mustshall** be stored in Legal Services. All other contracts **mustshall** be held within the relevant service department. The Officer **mustshall** also ensure that a copy of the contract has been scanned into the central Contracts Archive held by the Procurement Officer.

16. Bonds and Parent Company Guarantees

16.1 The Officer **mustshall** consult the Chief Finance Officer:

- (a) when a Candidate is a subsidiary of a parent company, the Officer does not think a Parent Company Guarantee is necessary and any of the following conditions are satisfied:
 - (i) the total value exceeds £**25120,000**;
 - (ii) award is based on evaluation of the parent company; **or**
 - (iii) there is some concern about the financial stability of the Candidate.
- (b) about whether a Bond is needed
 - (i) where the Total Value exceeds £120,000; **or**
 - (ii) where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract.

17. Corruption

17.1 The Council's Code of Conduct:

- (a) The Officer ~~must~~shall comply with the Code of Conduct and ~~must~~shall not invite or accept any gift or reward in respect of the award or performance of any contract.
- (b) It will be for the Officer to prove that anything received was not received corruptly.
- (c) High standards of conduct are obligatory. Corrupt behaviour ~~will~~shall lead to dismissal and is a crime under the statutes referred to in Regulation ~~18~~17.2.

17.2 The following clause ~~must~~shall be put in every written Council contract:

"The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf does any of the following things:

- (a) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); ~~or~~
- (b) commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972; or
- (c) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees.

Any clause limiting the Contractor's liability shall not apply to this clause."

17.3 The Bribery Act 2010 details both general offences in relation to bribing another person or being bribed and also introduces a specific corporate offence of failing to prevent bribery. SCDC can now be held responsible for failing to prevent bribery committed on their behalf by employees, agents or subsidiaries. Officers ~~must~~shall therefore ensure that they do not commit an offence under the act and also where they suspect an offence, report the activity to their Line Manager or the Chief Finance Officer.

Section 5 – Contract Management

18. Managing Contracts

- 18.1 Contract management is the ongoing monitoring and management of the provision of services in line with the agreed terms and conditions of the contract. It ensures that the contract delivers value for money by meeting its performance targets throughout the ~~contracts~~contract's lifetime.
- 18.2 Heads of Service in each department ~~are to name~~shall appoint Contract Managers for all new contracts. All Contracts ~~must~~shall have a named SCDC Contract Manager for the entirety of the contract.
- 18.3 Contract Managers ~~must~~shall follow the procedures set out by the Procurement Officer and the advice of Legal Services.

19. Contract Monitoring, Evaluation and Review

- 19.1 All contracts which have a value higher than the EU Threshold limits, or which are high-risk, are to be subject to formal review with the contractor. The minimal requirements are to conduct a review quarterly however more frequent reviews may appropriate on large, complex or high-risk projects. It is important that during these reviews formal minutes are taken and agreed by both parties. Where no action is necessary that the need for no action is ~~formally~~ noted.
- 19.2. A service developed review process must be applied to all contracts deemed either high risk, high value or high profile. This process must be applied at key stages of major procurement projects.
- 19.3. During the life of the contract the Officer ~~must~~shall:
- (a) monitor:
 - (i) performance_i;
 - (ii) compliance with specification and contract_i;
 - (iii) cost_i;
 - (iv) any value for money requirements_i;
 - (v) user satisfaction and risk management_i;

• ~~Equalities~~

(vi) Ongoing Savings;

(vii) improvements in working practices and efficiency; and

(viii) Net Zero Carbon, Decarbonisation and Sustainable Procurement requirements.

(b) act in accordance with any guidance in the Procurement Strategy or from the Procurement Officer.

~~20.4 Where the Total Value of the contract exceeds Level 2 (£25,000) and on completion of the contract, the Officer must complete a checklist to evaluate how closely the objectives and requirements were satisfied by the contract. This will inform the approach to re-letting the subsequent contract or provide valuable information to inform and improve future contacts. A copy of this evaluation checklist should go to the Procurement Officer.~~

20. Risk Assessment & Contingency Planning

20.1 A Business case ~~must~~shall be prepared for all procurement with a potential value over the EU Threshold. Provision for resources for the management of the contract, for its entirety, ~~must~~shall be identified in the business case.

20.2 For all contracts where the value exceeds Level 2 (£25,000), Contract Managers ~~must~~shall:

(a) Maintain a risk register during the Contract period ~~and;~~

(b) Undertake appropriate risk assessments ~~and;~~

(c) For identified risks, ensure contingency measures are in place ~~;~~ and

(d) Ensure critical support and maintenance arrangements are documented in the Specification ~~in order to avoid costly post-tender negotiation.~~

Section 6: General

21. Amendments

21.1 In accordance with the Constitution, The Chief Finance Officer shall have the power to make amendments from time to time to these contract procedure rules after consultation with the Head of Legal Practice, the Procurement Officer, Audit and Risk Management.

21.2 All such amendments ~~should~~shall be recorded and notification made to the Civic Affairs Committee so that the changes can be incorporated into the ~~Constitution~~Constitution by the Full Council.

22. Breaching Contract Regulations

22.1 Contract Regulations ~~is a form~~ part of the Council's Constitution. A breach of ~~this Code~~these regulations may lead to disciplinary action. A breach is defined as any non-compliance or failure to evidence compliance with any part of these regulations.

23. Transfer of Contracts

23.1 Responsibility for a contract cannot be transferred to another party without agreement in writing of the existing parties to the contract. The agreement is called a Novation Agreement.

Definitions Appendix

~~"Approved List"~~

~~A list drawn up in accordance with Regulation 7.~~

"Agent"

A person or organisation acting on behalf of the Council or on behalf of another organisation.

"Award Criteria"

The criteria by which the successful Quotation or Tender is to be selected (see further Regulation 10 and 11.5).

~~"Award Procedure"~~

The procedure for awarding a contract as specified in Regulation 8.

"Bond"

An insurance policy: if the contractor does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the Bond (often 10% of the contract value). A Bond is intended to protect the Council against a level of cost arising from the contractor's failure.

"Cabinet"

The Council's Cabinet as defined in the Constitution.

"Candidate"

Any person who asks or is invited to submit a Quotation or Tender.

~~"Chief Finance Officer"~~

~~The Officer as may be designated Chief Finance Officer by the Council.~~

"Chief Officer";

The officers defined as such in Article 12 of the Constitution.

~~"Code of Conduct"~~

The Officers' Code of Conduct regulating conduct of Officers as set out in Part ~~G5~~ of the Constitution.

“Committee” A committee, which has power to make decisions for the Council (including a joint committee with another local authority but not a scrutiny committee).

“Constitution” The constitutional document approved by the Council which:

- (a) allocates powers and responsibility within the Council and between it and others
- (b) delegates authority to act to the Cabinet, Committees, Portfolio Holders, committees, lead cabinet members and officers; and
- (c) regulates the behaviour of individuals and groups through rules of procedure, codes and protocols.

“Contracting Authority” The organisation which is letting the contract in question.

“Contracting Decision” Any of the following decisions:

- (a) composition of Approved Lists
- (b) withdrawal of Invitation to Tender
- (c) whom to invite to submit a Quotation or Tender
- Shortlisting
- (d) award of contract
- (e) any decision to terminate a contract.

Contracts Finder A national government portal for advertising public contracts.

“Corporate Contract” A contract let by the Officer to support the Council’s aim of achieving Value for Money. Where a Corporate Contract is in

place, the Officer is obliged to use it unless an exemption has been granted under Section 3 of Contract Regulations.

“Council” For the purposes for these Regulations, “Council” refers to South Cambridgeshire District Council (SCDC).

“Chief Executive As defined in Article 12 of the Constitution.

Chief Finance Officer As defined in Article 12 of the Constitution.

Decarbonising/D ecarbonisation Means reducing the carbon dioxide intensity of the emissions expressed in grams of (CO₂). Decarbonising/Decarbonisation the supply chain is necessary to respond to the Climate Emergency declared by SCDC on 28 November 2019.

“Chief Finance Officer” AsThe Chief Executive, Chief Finance Officer, Monitoring Officer and Joint Director of Planning and Economic Development, as defined in Article 12 of the Constitution.

Officers

“Executive Director” As defined in Article 12 of the Constitution.

Chief Operating Officer

“E-Procurement or EBIS” The Council’s Information Technology system including financial and self-service purchasing modules, and any others that may be added in future.

“Consortium Framework Contract” A contract let by a Local Authority or other Government body that the Council is entitled to use to support the Council’s aim of achieving Value for Money. Where a suitable Consortium Framework Contract exists, the Officer should use it unless there are auditable reasons for going elsewhere. See also “Framework Agreement”

Part 4 - Rules of Procedure: Contract Regulations

"EU Procedure"	The procedure required by the EU where the Total Value exceeds the EU Threshold (see the Purchasing Guide for the tendering rules).
"EU Threshold"	The contract value at which the EU public Procurement Officer directives must be applied. See the Purchasing Guide for current values.
"European Economic Area"	The 15 members of the European Union, and Norway, Iceland and Liechtenstein.
"Evaluation Report Form"	A report produced by the Officer detailing the outcome of the evaluation process undertaken, from which a recommendation is put forward for the acceptance of a tender or quotation. One approved it will be forwarded to Procurement to update the contracts register.
"Equalities"	Ensuring fairness and promotion of equalities and covers race, sex, employment equality, disability, sexual orientation, religion and beliefs.
"Equalities Questionnaire"	The Council's questionnaire that addresses the procurement aspects of equalities.
"Financial Regulations"	The financial regulations outlining Officer responsibilities for financial matters issued by the Chief Finance Officer in accordance with the Constitution.
"Full Council"	As defined in the Constitution.
"Framework Agreement"	An agreement between one or more contracting authorities and one, three or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. (EU law allows contracts with 1 contractor, three contractors or more but believes two contractors to be uncompetitive).

or more).

~~“Government or Local Authority Purchasing Consortium”~~

A Government department, body or owned organisation or a Local Authority owned organisation that lets competitively Framework Agreements that entitle Local Authorities such as ours to use these contracts without negating the need for the Council to undertake ~~aan~~ enquiry or a tender exercise. Examples of these organisations are Eastern Shires Purchasing Organisation, ~~Office of Government Commerce (OGC (ESPO), Crown Commercial Service, (CCS)~~, Department for Work and Pensions (DWP), HM Prison Service (HMPS) and the Central Buying Consortium (CBC).

~~“Government Procurement Agreement”~~

The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are: the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.

~~“Head of Service”~~

~~The person appointed by Senior officers who report to the Chief Executive to undertake and Chief Operating Officer and are responsible for the running of the Council’s finance, performance, risk effective management, procurement, efficiency, delivery and value for money performance of the services and functions within their specific corporate areas of responsibility.~~

~~“High Profile”~~

A high-profile purchase is one which could have an impact on functions integral to Council service delivery should it fail or go wrong.

~~“High Risk”~~

A high-risk purchase is one which presents the potential for substantial exposure on the Council's part should it fail or go wrong.

~~“High Value”~~

A high-value purchase is one where the value is greater than that ~~if~~ of the EU Threshold values.

~~“Invitation to Tender”~~

Invitation to tender documents in the form required by Contract Regulations.

Part 4 - Rules of Procedure: Contract Regulations

"Invitation to Tender by Advertisement / List"

An Invitation to Tender sent to Candidates shortlisted from among either

those responding to advertisement of the contract inviting proposals placed in such publications as shall secure widest publicity among relevant suppliers; or

those included on an Approved List in respect of the type of purchase which is the subject of the Invitation to Tender.

"Irregular Tender"

An Irregular Tender is a Tender, which is received after the appointed time for receipt or contains a mark of identification.

"Key Decision"

~~Decisions that are~~As defined ~~as Key Decisions~~ in the Constitution.

~~"Leader"~~Lead Cabinet Member

A member of the ~~Council elected~~Cabinet to ~~provide whom~~ political ~~leadership to the Council.~~

responsibility is allocated in respect of specified functions.

"Line Manager"

The Officer's immediate superior or the Officer designated by the Chief Executive Officer to exercise the role reserved to the Line Manager by these Contract Regulations.

Net Zero Carbon

Net Zero Carbon relates to how the impact of the production of carbon dioxide (CO₂) can be cancelled by other activity (e.g. planting trees or clean generation of power).

"Nominated Suppliers and Sub-contractors"

Those persons specified in a main contract for the discharge of any part of that contract.

"Non-Commercial Considerations"

Except as provided below, the following matters are non-commercial considerations:

- (a) the terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces (“workforce matters”);
- (b) whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only;
- (c) any involvement of the business activities or interests of contractors with irrelevant fields of Government policy;
- (d) the conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons (“industrial disputes”);
- (e) the country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors;
- (f) any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees;
- (g) financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support;
- (h) use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.

Workforce matters and industrial disputes, as defined above in paragraphs (a) and (d) of this definition, cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which the Transfer of undertakings (Protection of Employment) Regulations 1981 (“TUPE”) may apply.

"Officer"

The Officer designated by, who for the Chief Executive Officer purposes of these Rules, is authorised to deal with the contract in question.

"Ongoing Savings"

~~Following Sir Peter Gershon's review of Government Departments and Local Authorities, the Government sought significant cash savings from the Council. In addition the Council's finances has added pressure to reduce its costs on goods and services that it purchases.~~

Ongoing Savings are those that occur during the lifetime of the contract and are necessary to achieve both the Council's financial aspirations and the ~~Gershon~~ targets set by the Government.

"Open Procedure"

All Candidates are invited to bid in response to advertisement.

Parent Company Guarantee

A contract which binds the parent of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, they can require the parent company to do so instead

Head of Legal Practice

The Council's Head of Legal Practice who manages Legal Services.

Priority Services

Those services required to be tendered as defined in the EU public Procurement directives.

Procurement Officer

The Council's Procurement Officer charged with providing strategic direction and advice to secure value for money in the Council's procurement activities. In the absence of a dedicated Procurement Officer this role will be fulfilled by the Chief Finance Officer's nominated representative

Procurement Strategy

The document setting out the Council's approach to Procurement taking into account the Council's key priorities for the next few years.

Quotation

A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).

<u>Relevant Contract</u>	<u>Contracts to which these Contract Regulations apply (see Regulation 4).</u>
<u>Short-listing</u>	<u>Where Candidates are selected:</u> <u>(a) to quote or bid or</u> <u>(b) to proceed to final evaluation.</u>
<u>Supervising Officer</u>	<u>The Line Manager's immediate superior.</u>
<u>Sustainable Procurement</u>	<u>Approach for reducing the environmental impact of procurement. The Council needs to ensure that it purchases goods that have a recycled content, use less energy, use less raw material or produce less waste during their life cycle than alternatives.</u>
<u>Tender</u>	<u>A Candidate's proposal submitted in response to an Invitation to Tender.</u>
<u>Tender Record Book</u>	<u>The log kept by the Chief Executive to record details of Tenders (see Contract Regulations 12).</u>
<u>Total Value</u>	<u>1. the whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal</u> <u>2. whether or not it comprises several lots or stages</u> <u>3. to be paid or received by the Council or a Discrete Operational Unit within the Council.</u> <u>The Total Value shall be calculated as follows:</u> <u>(a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period;</u> <u>(b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months;</u> <u>(c) where the contract is for an uncertain duration by multiplying the monthly payment by 48;</u>

- (d) for feasibility studies: the value of the scheme or contracts which may be awarded as a result;
- (e) for nominated suppliers and sub-contractors: the Total Value shall be the value of that part of the main contract to be fulfilled by the nominated supplier or sub-contractor.

TUPE –
Transfer of
Undertakings
(Protection of
Employment)

TUPE refers to the Transfer of Undertaking (Protection of Employment) Regulations, 1981. These regulations were introduced to ensure the protection of employees when, for example, a business is taken over by another organisation. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.

Value for Money

The established definition of Value for Money (VFM) is the relationship between economy, efficiency and effectiveness.

VFM should not be judged on the basis of the cheapest initial price, but on the lowest whole life cost to GENERIC. This means that, in anticipating the price to pay, we should consider aspects such as maintenance, support costs, buy back values, design, delivery, and reliability. Factors such as these may justify a higher initial cost in the expectation of lower whole life costs. In major purchases or projects this may include preliminary business cases and discounted cash flow calculations. VFM can be achieved through:

- (a) competition;
- (b) improved supply chain management;
- (c) supplier partnership working;
- (d) group purchasing by aggregating the organisations spend for structured discounts; and
- (e) for low value items spot purchasing.

The method used is very much determined by your level of delegated authority, the organisations Financial Directions and the assessed risk a poor procurement route poses to the organisation.

Workforce
Matters

Authorities cannot focus on matters classed as ‘non-commercial’ considerations as part of the contractual process. However, the restrictiveness of the original definitions was considered too great, and so from 2001 authorities may consider the following matters to the extent that they are relevant to the delivery of best value or for the purposes of a TUPE transfer.

- (a) the terms and conditions of employment by suppliers of their workers or the composition of, the arrangements for the promotion, transfer or training of or other opportunities afforded to, their workforces (section 17(5)(a) of the Local Government Act 1988)
- (b) the conduct of suppliers or workers in industrial disputes between them (section 17(5) (d) of the Local Government Act 1988).

Save for the above restrictions on other non-commercial considerations listed in Section 17 of the Local Government Act 1988 remain in place.

"Parent Company Guarantee"	A contract which binds the parent of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, they can require the parent company to do so instead.
"Portfolio Holder"	A member of the Cabinet to whom political responsibility is allocated in respect of specified functions.
"Head of Legal Practice"	The Council's Head of Legal Practice who manages Legal Services.
"Priority Services"	Those services required to be tendered as defined in the EU public Procurement directives.
"Procurement Officer"	The Council's Procurement Officer charged with providing strategic direction and advice to secure value for money in the Council's procurement activities. In the absence of a dedicated Procurement Officer this role will be fulfilled by the Chief Finance Officer's nominated representative

“Procurement Strategy”	The document setting out the Council’s approach to Procurement taking into account the Council’s key priorities for the next few years.
“Quotation”	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
“Relevant Contract”	Contracts to which these Contract Regulations apply (see Regulation 4).
“Short-listing”	Where Candidates are selected: <ul style="list-style-type: none"> • to quote or bid or • to proceed to final evaluation.
“Supervising Officer”	The Line Manager’s immediate superior.
“Sustainable Procurement”	Approach for reducing the environmental impact of procurement. The Council needs to ensure that it purchases goods that have a recycled content, use less energy, use less raw material or produce less waste during their life cycle than alternatives.
“Tender”	A Candidate’s proposal submitted in response to an Invitation to Tender.
“Tender Record Book”	The log kept by the Chief Executive to record details of Tenders (see Contract Regulations 13).

"Total Value"

- ~~the whole of the value **or estimated** value (in money or equivalent value) for a single purchase or disposal~~
 - ~~whether or not it comprises several lots or stages~~
 - ~~to be paid or received by the Council or a Discrete Operational Unit within the Council.~~
- ~~The Total Value shall be calculated as follows:~~
- (a) ~~where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period;~~
 - (b) ~~where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months;~~
 - (c) ~~where the contract is for an uncertain duration by multiplying the monthly payment by 48;~~
 - (d) ~~for feasibility studies: the value of the scheme or contracts which may be awarded as a result;~~
 - (e) ~~for nominated suppliers and sub-contractors: the Total Value shall be the value of that part of the main contract to be fulfilled by the nominated supplier or sub-contractor.~~

"TUPE — Transfer of Undertakings (Protection of Employment)"

~~TUPE refers to the Transfer of Undertaking (Protection of Employment) Regulations, 1981. These regulations were introduced to ensure the protection of employees when, for example, a business is taken over by another organisation. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.~~

"Value for Money"

~~The established definition of Value For Money (VFM) is the relationship between economy, efficiency and effectiveness.~~

~~In the public sector VFM has come to the fore due to a report produced in 2004 by Gershon that requires public sector bodies to make annual savings.~~

~~VFM should not be judged on the basis of the cheapest initial price, but on the lowest whole life cost to GENERIC. This means that, in anticipating the price to pay, we should consider aspects such as maintenance, support costs, buy back values, design, delivery, and reliability. Factors such as these may justify a higher initial cost in the expectation of~~

lower whole life costs. In major purchases or projects this may include preliminary business cases and discounted cash flow calculations. VFM can be achieved through:

- competition;
- improved supply chain management;
- supplier partnership working;
- group purchasing by aggregating the organisations spend for structured discounts; and
- for low value items spot purchasing.

The method used is very much determined by your level of delegated authority, the organisations Financial Directions and the assessed risk a poor procurement route poses to the organisation.

“Workforce Matters”

Authorities cannot focus on matters classed as ‘non-commercial’ considerations as part of the contractual process. However, the restrictiveness of the original definitions was considered too great, and so from 2001 authorities may consider the following matters to the extent that they are relevant to the delivery of best value or for the purposes of a TUPE transfer.

- the terms and conditions of employment by suppliers of their workers or the composition of, the arrangements for the promotion, transfer or training of or other opportunities afforded to, their workforces (section 17(5)(a))
- the conduct of suppliers or workers in industrial disputes between them (section 17(5)(d)).

Save for the above restrictions on other non-commercial considerations listed in Section 17 of the Local Government Act 1988 remain in place.

H. Officer Employment Procedure Rules

Contents

1. Recruitment and Appointment
2. Recruitment of Head of Paid Service and Chief Officers
- 1.3. Appointments
- 2.4. Dismissals
5. Disciplinary Action
6. Supplementary

1. Recruitment and Appointment

1.1. Declarations

- (a) The Council ~~will~~shall draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are closely connected to any existing councillor or officer of the Council; or to any partner of those persons.
- (b) No candidate so closely connected to a councillor or an officer ~~will~~shall be appointed without the authority of the relevant chief officer or an officer nominated by ~~him/her~~them.

1.2. Seeking support for appointment.

- (a) Subject to paragraph (~~iii~~c), the Council ~~will~~shall 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~~shall be included in any recruitment information.
- (b) Subject to paragraph (~~iii~~c), no councillor ~~will~~shall seek support from any person for any appointment with the Council.
- (c) Nothing in paragraphs (~~ia~~a) and (~~ii~~b) ~~will~~shall preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of Paid Service, ~~Executive Directors, Directors and Head of Legal Practice~~Chief Officers

2.1 Where the Council proposes to appoint a Head of Paid Service, ~~Executive Director, Director or Head of Legal Practice~~or a Chief Officer, and (where equal opportunities policies allow) it is not proposed that the appointment ~~shall~~shall be made exclusively from among their existing officers, the Council ~~will~~shall:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;

- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (4a) to be sent to any person on request.

3. Appointment and Dismissal of Chief Officers (Appointments

3.1 Head of Paid Service, Executive Directors, Chief Finance Officer, and Monitoring Officer)

~~(a) —~~ The full Council will shall approve the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer following the recommendation of such appointments by the Employment and Staffing Committee or sub-a panel of the committee of the Council. That committee or ~~sub-committee must~~ panel shall include at least one member of the Executive. ~~Only the Council may dismiss these officers upon the advice of a designated independent person and the recommendation of the Employment and Staffing Committee.~~ Cabinet.

~~(b) —~~ 3.2 Chief Operating Officer

~~The full Council may only make~~ Employment and Staffing Committee, or approve a panel of that committee, shall appoint the appointment of Chief Operating Officer. That committee or panel shall include at least one member of the Cabinet

3.3 Joint Director of Planning and Economic Development

The Employment and Staffing Committee, or a panel of that committee, or a joint panel appointed specifically for the purpose, shall appoint the Joint Director of Planning and Economic Development. That committee or panel shall include at least one member of the Cabinet.

3.3 Other Employees

Appointment of officers at Head of Service level or below (other than assistants to political groups) is the responsibility of the Head of Paid Service, the Chief Finance Officer and or their nominee, and shall not be made by councillors.

3.4 Assistants to Political Groups

In the event of an appointment of an assistant to a political group, such appointment shall be made in accordance with the wishes of that political group.

3.5 Cabinet Notification

An offer of appointment as Head of Paid Service or Chief Officer, shall not be made until:

- (a) The Council or committee or panel, or other appointer, as appropriate, has supplied the Head of Paid Service (or the Monitoring Officer wherein the case of the appointment of the Head of Paid Service) with details of the proposed appointment;
- (b) The Head of Paid Service has supplied members of the Cabinet with details of the proposed appointment and allowed a period for objection to the offer by the Leader of the Council on behalf of the Cabinet; and
- (a)(c) The Leader has informed the Head of Paid Service that there is no objection to the offer, such an objection has not been received within the requisite period or the Council or committee panel or other appointer are satisfied that any objection is not material or well-founded-objection has been made by any member of the Executive.

4. ~~4.~~ Dismissal of Chief Officers (Dismissals)

4.1 Head of Paid Service, Chief Finance Officer, Monitoring Officer⁴

⁴ (a) "*the 2011 Act*" means the Localism Act 2011(b);

Part 4 - Rules of Procedure: Officer Employment

- (a) ~~A relevant officer~~The Head of Paid Service, Chief Finance Officer or Monitoring Officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
- (b) The Council ~~must~~shall invite relevant independent persons to be considered for appointment to an independent panel [~~“the Independent Panel,”~~], with a view to appointing at least two such persons to the Independent Panel.
- (c) The Council may appoint more than two relevant independent persons if it wishes.
- (d) ~~(“In paragraph 4.1(c) “Relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.”)~~
- (e) Subject to paragraph ~~2.6,4.1(c)~~, the authority ~~must~~shall appoint to the Independent Panel such relevant independent persons who have

~~(b) “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;~~

-

~~(c) “independent person” means a person appointed under section 28(7) of the 2011 Act;~~

-

~~(d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;~~

-

~~(e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;~~

-

~~(f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and~~

-

~~(g) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.~~

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accepted an invitation issued in accordance with paragraph 34.1(b) in ~~accordance with~~ the following priority order—:

- - (i) ~~(a)~~ a relevant independent person who has been appointed by the authority and who is a local government elector;
 -
 - (ii) ~~(b)~~ any other relevant independent person who has been appointed by the authority;
 -
 - (iii) ~~(c)~~ a relevant independent person who has been appointed by another authority or authorities.
- (f) The authority ~~must~~shall appoint any Independent Panel at least 20 working days before the relevant meeting.
- (g) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority ~~must~~shall take into account, in particular—:
- - (i) ~~(a)~~ any advice, views or recommendations of the Independent Panel;
 -
 - (ii) ~~(b)~~ the conclusions of any investigation into the proposed dismissal; and
 -
 - (iii) ~~(c)~~ any representations from the relevant officer.
- (h) Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Independent Panel ~~must~~shall not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

1. Appointment and Dismissal of Directors

4.2 Chief Operating Officer and Joint Director of Planning and Economic Development

The Employment and Staffing Committee, or ~~sub-committee of the Council will~~ appoint Directors and a panel appointed for that purpose, may recommend to Council their approve the dismissal of the Chief Operating Officer or the Joint Director of Planning and Economic Development. That committee or ~~sub-committee must panel shall~~ include at least one member of the Executive Cabinet.

4.3 An offer Cabinet notification

(a) A notice of employment as a dismissal of the Head of Paid Service, Chief Finance Officer, Monitoring Officer, Chief Operating Officer, Joint Director of Planning and Economic Development or Head of Service shall only be made where no well-founded not be given until:

(i) The Council or committee or panel, or other dismissor as appropriate, has supplied the Head of Paid Service (or Monitoring Officer in the case of the proposed dismissal of the Head of Paid Service) with the details of the proposed dismissal;

(ii) The Head of Paid Service has supplied members of the Cabinet with details of the proposed dismissal and allowed a period for objection from any member to the dismissal by the Leader of the Executive Council on behalf of the Cabinet; and

(i)(iii) The Leader has informed the Head of Paid Service that there is no objection to the dismissal, such an objection has not been received within the requisite period or the Council or committee or panel or other dismissor are satisfied that any objection is not material or well-founded.

4.24.4 Other Employees Appointments and Dismissals

Officers at Head of Service level and below Director. Appointment and dismissal of Dismissal of officers at Head of Service or below Director (other than assistants to political groups) is the responsibility of the Head of Paid Service or his / her nominee an officer nominated by them, and may not be made by councillors.

3.1. Disciplinary Action

4.5 Interpretation

In Rule 4 above:

- (a) “the 2011 Act” means the Localism Act 2011(b);
- (b) “Chief Finance Officer”, “disciplinary action”, “Head of the ‘Authority’s Paid Service” and “Monitoring Officer”, have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
- (d) “local government elector” means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
- (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) “relevant officer” means the Chief Finance Officer, Head of the Authority's Paid service or Monitoring Officer, as the case may be.

5 Disciplinary Action

5.1 Investigation and determination:

The Employment and Staffing Committee has responsibility for disciplinary action (subject to the following provisions of this paragraph)

5.2 Head of Paid Service, Chief Finance Officer and Monitoring Officer

Suspension—: The Head of Paid Service, ~~Executive Directors~~, the Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension ~~will~~shall be on full pay and shall normally last no longer than two months. The continuance of a suspension shall be reviewed after it has been in place for two months

Independent person. ~~No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person. In respect of Directors, the~~

5.3 Chief Operating Officer and Joint Director of Planning and Economic Development

Disciplinary action against the Chief Operating Officer and Joint Director of Planning and Economic Development shall be dealt with under the Council's disciplinary policy and procedures and their terms and conditions of service. The Employment and Staffing Committee shall have powers of disciplinary action other than [including dismissal-].

~~Councillors will not be involved in the disciplinary action against any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary procedures, as adopted from time to time, or which may allow a right of appeal to members in respect of disciplinary action.~~

5.4 Other Employees

Responsibility for investigating and taking disciplinary action against officers at Head of Service level or below lies with the Head of Paid Service, or an officer nominated by them. Councillors shall only be involved in cases where an officer submits an appeal against dismissal and, in those circumstances, they may sit on the Employee Appeals panel to hear appeals by those officers (where such a right is exercisable) against their dismissal.

6 Supplementary

In the event of the above rules applying to a case involving an appointment or dismissal in relation to the Head of Paid Service, the references relating to the action to be taken in these Rules by the Head of Paid Service shall be undertaken by the Monitoring Officer.

Legal Proceedings Rules

1. Introduction

1.1 Article 14 provides that the Head of Legal Practice is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Practice considers that such action is necessary to protect the Council's interests. This responsibility is to be discharged having regard to the following procedures and is shared, to the extent set out in these Rules, by other officers.

2. General

2.1 Except in the case of emergency or in any event where requisite instructions cannot be obtained, no proceedings shall be conducted by the Head of Legal Practice or any person on behalf of the Council without instructions being given by or on behalf of a Chief Officer or Director who shall have regard to the decision-making principles set out in Article 13.02.

2.2 The Chief Executive shall have the same powers as the Head of Legal Practice to take, defend or compromise legal proceedings or instruct any other legally qualified and suitably experienced person to do so on behalf of the Council. The Head of Legal Practice may delegate all or any of his / her powers, other than the laying of an Information, to any Senior Lawyer or Lawyer. On behalf of the Council, the Chief Executive may nominate under any statutory enactment in that behalf any officers who may appear in Court or Tribunal to represent the Council, may withdraw such authorisation for any reason and shall do so in any event on respective termination of employment with the Council. The Head of Legal Practice will maintain an up to date list of such nominees including the dates of appointment and withdraw / termination.

2.3 Where, in the opinion of the Head of Legal Practice, it is in the interests of the Council to instigate or agree arbitration or mediation, he/she shall have the discretion to refer any legal proceedings accordingly.

2.4 The Head of Legal Practice shall have discretion at any time or stage of proceedings to compromise them but shall have regard to any views of the instructing Chief Officer or Director and, if the claim and / or costs on any compromise, whether payable to or by the Council, is likely to exceed Level 1, she shall also consult the Chief Finance Officer.

2.5 The Head of Legal Practice, whether acting on behalf of the Monitoring Officer or not, may and, if requested by any officer or member of the Council, shall give legal advice on any relevant matter and may procure the opinion of Counsel or, with the consent of the relevant Chief Officer or Director, brief Counsel to represent the Council in any proceedings whatsoever. The choice of Counsel shall normally be within the discretion of the Head of Legal Practice, according to criteria related to experience, effectiveness, availability and cost.

3. Reporting

3.1 In all claims except those for Council tax or for Non-Domestic Rates, the local member(s), the Executive and the relevant Chief Officer will be informed when legal proceedings have been taken by the Council, the first return date (the first day the Court has fixed for the matter to come before it — this may be only for directions, e.g., to fix a date for hearing or trial, for adjournment or for review, or in a criminal case it may be the date when a defendant attends to plead and could possibly be dealt with then), the progress of the case and the final outcome

3.2 The Chief Finance Officer and the relevant Director and relevant members of the Executive shall be kept closely informed by the Head of Legal Practice of any claims against the Council, whether civil or criminal, and the progress of such matters.

~~4. Compliance~~

~~4.1 Where the Council is required by any Court Order, Warrant, Ombudsman decision or costs decision to pay any sum of money, do anything or not do anything, or where any claim against the Council is compromised such that any such obligation arises or crystallises, the Head of Legal Practice shall ensure that the terms of the order, decision or compromise are complied with and that the Chief Finance Officer, the Executive and the relevant Chief Officer or Director are informed. If no, or insufficient, budget is available whether directly or by virement, for discharging any monetary obligation, the Chief Finance Officer shall certify accordingly and shall arrange to discharge any sums outstanding from the reserves of the Council.~~

~~5. Criminal matters~~

~~5.1 The Council adopts the Code for Crown Prosecutors where applicable. That is to say, in general terms, it will not take criminal proceedings unless there is clear and reliable evidence upon which there is a likelihood of conviction and it would be in the public interest to prosecute.~~

~~5.2 What is in the public interest will be judged from the circumstances. The Head of Legal Practice, consulting with relevant Chief Officer(s) or Director (s), will take a view based upon a number of factors. These will include the prevalence of such offences locally, the importance of the offence in the context of the local community, whether the offence is an isolated one or manifests a more careless attitude to regulation, whether there are aggravating or mitigating features, whether in all the circumstances the wider public, on whose behalf any prosecution is brought, would be likely to support any decision to prosecute and generally whether the criteria set out in Article 13.02 on decision-making have been considered.~~

~~All interviews with prospective defendants shall normally follow Code C under the Police and Criminal Evidence Act, 1984 and all relevant exhibits shall be properly receipted, recorded and retained until the case is finally disposed of.~~

Delegation Rules

1. General

- 1.1 Subject to the following Rules, where any function, power or responsibility is delegated to any officer or body, that officer or body shall, unless otherwise stated in Part 3, have full power to act in all respects in the name of the Council and may exercise in the name of the Council any discretion countenanced by statute, regulation or in common law in relation to the discharge of that function, power or responsibility and all matters ancillary or incidental thereto.
- 1.2 Unless otherwise stated or expressly limited, Directors shall have the like delegated powers, functions and responsibilities as their respective Chief Officers in their absence.
- 1.3 The Leader, and in his / her absence, the Deputy Leader, shall have all the delegated powers, functions and responsibilities of any portfolio holder in their absence. The Deputy Leader shall assume the full powers of the Leader in any circumstances in which the Leader is unable to act, and shall act as Leader if the post of Leader is vacant (Article 7.03 above refers).
- 1.4 In the scheme of delegation the following general principles apply:
- 1.4.1 Wherever appropriate, the views of local members will be sought and their views taken into account. Where local member(s) do not support a proposed decision by an officer the matter should be referred to the portfolio holder. Where a proposed decision of a portfolio holder is not supported by any local member, the matter should be referred to a meeting of the Executive, where the local member(s) would have the right to speak. Decision takers should share with local members at as early a stage as possible what the proposed decision is likely to be so that local members can take a view on the matter quickly. The requirement for a reference to the Executive cannot be made if the decision has been made and acted upon or after five days from notification.
- 1.4.2 A portfolio holder should not make a decision on a matter which relates to his / her ward or to an individual, household or organisation within his / her ward. In such cases (or where for some other reason it would not be appropriate for a portfolio holder to make a decision on a matter) or in the absence of the portfolio holder, the decision should be referred to another portfolio holder previously deputised by the Executive or by the Leader, the Leader and the Executive in that order.
- 1.4.3 In exercising delegated powers, portfolio holders and officers are expected to refer "upwards" any issues they consider sensitive or controversial.
- 1.4.4 Part 3 of this Constitution sets out the responsibility of Council functions and Tables 2A and 2B those of the Executive. Those Tables set out in some detail which functions are presently delegated to the Executive as a whole and which are delegated to portfolio holders. The following overall criteria shall apply to all functions specifically delegated to Portfolio Holders:
- Where the function involves more than one portfolio, all relevant portfolio holders shall come together for a decision, and in default of agreement, the matter shall be referred to the Executive for decision
 - If the portfolio holder(s) think(s) the matter in question is of such a significance that the Executive should decide the matter, it should be referred to the Executive accordingly
 - If the portfolio holder is in any doubt as to whether any matter properly falls within his, her or another portfolio holder's or other portfolio holders' functional responsibility or whether the matter is of such significance that the Executive should determine the matter, the Leader shall rule accordingly

Commented [A1]: This scheme of delegation has been moved from Part 4 to Part 3 of the Constitution – See Table 7 of Part 3

(after consulting any persons the Leader may wish to consult) and such ruling shall be conclusive).

2. Restrictions on all Delegations

~~2.1 No officer shall set fees or charges.~~

~~2.2 Except as may be provided in this Constitution or authorised by full Council, no officer, portfolio holder, member, committee, sub-committee or the Executive shall exercise any power, function or responsibility in a way which is not in accordance with the budget or policy framework of the Council or is contrary to any policy of the Council bearing upon the matter in question.~~

~~2.3 No officer, or body shall exercise any power, function or responsibility which had been delegated but where the power, function or responsibility has been withdrawn or has been reserved to any other person or body.~~

3. Supplementary Provisions

~~3.1 Unless limited by any provision in this Constitution, any officer with delegated powers or functions may delegate those powers or functions in whole or part to any other suitably experienced and qualified officer but shall remain accountable and may himself or herself continue to exercise or share those powers, functions or responsibilities.~~

~~3.2 Any body, or member of the Executive, with delegated powers may delegate any such power or responsibility to the relevant Chief Officer but shall remain accountable and may itself, himself or herself continue to exercise or share those powers, functions or responsibilities.~~

~~3.3 The exercise of any delegated power, function or responsibility may be restricted by the delegating person or body. Restrictions may be financial, numerical, subject to local member(s)', Leader's and / or committee Chairman's consultation or approval, subject to time limit, or in any other way.~~

~~3.4 All persons and bodies with delegated powers shall record and report substantive decisions made under those powers in accordance with Article 13.02.~~

3.5 Chief Executive's General Delegated Power to act in the Name of any Chief Officer or in Emergency

~~3.5.1 The Chief Executive shall have power to act in the name of any other Chief Officer in his or her absence~~

~~3.5.2 The Chief Executive (or any other Chief Officer in his or her absence) may exercise any power or function, which is in law capable of delegation, in any emergency threatening life, limb or substantial damage to property within the District. The Chief Executive shall consult with the Leader of the Council (unless the Leader cannot be contacted after all reasonable efforts have been made). The exercise of such power or function shall be confined to the minimum necessary to deal with the emergency and shall be reported to the next meeting of the Executive or the Council, whichever shall be the first.~~

3.6 Ancillary Powers of all Chief Officers

~~All Chief Officers shall have full delegated power:~~

~~3.6.1 to undertake day to day management and control of the staff reporting to them and the premises and services for which they are responsible~~

~~3.6.2 to approve the acquisition and disposal of any interest in property by the Council where the value does not exceed Level 2 provided the terms have been approved~~

~~by the District Valuer, or the Council's valuer, and the Chief Finance Officer and the acquisition or disposal is a necessary part of a policy, scheme or plan approved by the Council.~~

- ~~(i) The Affordable Homes Director has authority to approve or refuse the disposal of housing land for public amenity use or for use as garden land or otherwise improve the access or amenity of a dwelling, subject to the approval of the local member(s) and (in the case of a proposed disposal) subject to the confirmation of the Planning and New Communities Director that the land is not capable of development which will significantly increase its value.~~
- ~~(ii) The Affordable Homes Director has authority to approve making land / property available at nil cost for affordable housing schemes, using the following mechanisms:~~
- ~~• Accepting a higher level of shared ownership on appropriate affordable housing sites in order to cross-subsidise social rented housing;~~
 - ~~• Accepting that some housing on affordable sites may need to be sold at full market value in order to cross-subsidise rented housing;~~
 - ~~• Accepting a lower percentage of built units on S106 sites; and~~
 - ~~• Accepting a financial contribution in lieu of on-site provision of affordable housing on S106 sites~~
- ~~The above mechanisms to be subject to:~~
- ~~• The approval of the Portfolio Holders for Housing and Planning & Economic Development and appropriate local member(s);~~
 - ~~• An annual limit of £1 million for land / property made available at nil cost, without reference to Cabinet; and~~
 - ~~• Compliance with current planning policies and the available General Consent for disposal of land to Registered Social landlords under Section 25 of the Local Government Act 1988.~~

~~3.6.3 to dispose, for the best terms available, of vehicles, stores and equipment which, following consultation with the Chief Finance Officer, they consider to be surplus to requirements~~

~~3.6.4 to initiate appropriate action, in consultation with the Head of Paid Service, on matters relating to recruitment, selection and career development of staff generally except Directors and to take disciplinary action (including dismissal) in accordance with the Council's disciplinary procedures~~

~~3.6.5 to appoint staff on a temporary basis on a similar salary grade and other terms as the established post, not exceeding a period or periods of three months, without further authorisation (but previously reporting to the Chief Finance Officer) to cover maternity or other extended leave, to accommodate increased workload or to cover seconded staff but not in any appointment, after available virement, so as to increase base budget for the service; otherwise to recommend to Management Team for authority of the Executive or of Council (as the case may require) (the Chief Executive has authority to approve all new posts within approved budgets)~~

~~3.6.6 to refuse applications for regrading giving reasons or to authorise the regrading of relevant staff~~

~~3.6.7 to authorise any desired changes in workforce establishment.~~

- ~~3.7 The following housing executive powers have been delegated to specified officers:~~
- | | |
|---|---|
| Management Transfers | Housing Services Manager |
| Assignment of tenancies | Housing Services Manager |
| Discretionary points award outside normal allocations policy | Housing Advice and Options Manager |

~~4. Reporting Delegation of Powers~~

- ~~4.1 The Leader's scheme of delegation of executive functions, set out in Part 3 of this Constitution, shall have effect from the date new executive arrangements, required under Section 14 of the Local Government Act 2000, amended in accordance with Section 63 of the Local Government and Public Involvement in Health Act 2007 were implemented by the Council.~~
- ~~4.2 The Leader may refine the allocation of functions and responsibilities set out in Tables 2A-2B as he / she wishes. To effect changes, the Leader shall provide details of the changes he / she wishes to make in writing to the Chief Executive, such changes to have effect immediately upon subsequent written notification to all Members. Details of the changes made shall be reported to the Cabinet at its next Meeting.~~
- ~~4.3 Delegations by Council, and any changes in the delegation scheme previously approved by the Council, shall be formally agreed by the Council.~~
- ~~4.4 Changes to the Scheme of Delegation to Officers shall be authorised by the Chief Executive and published as an annexe to the Constitution, except where they involve the withdrawal or limitation of officer delegation which shall be authorised by the Council, Leader of the Council or committee of the Council as appropriate.~~

~~5. Validity of Decisions Taken Under Delegated Powers~~

- ~~5.1 It shall be presumed that any recorded delegated power remains extant (within any limits set thereon if appropriate) unless the Leader of the Council, Council or Chief Executive, as the case may be, determines or changes that delegation and either the proper officer certifies that fact or there is an approved minute of any such determination or change.~~
- ~~5.2 The exercise or purported exercise of any recorded delegated power shall be valid for all purposes notwithstanding that there may have been any inadvertent defect in formality in the giving of notice of any meeting to any councillor, inadvertent failure to consult any person or observe any protocol or code contained in this Constitution or any other administrative error. This shall not apply to any purported exercise of any power by a non-quotate body.~~

~~6. General Delegated Powers and Proper Officer Responsibilities [Article 12.08]~~

- ~~(a) Authority to exercise the powers and carry out all of the functions of the Council shall be delegated to the Chief Officers, subject to the following exceptions:~~
- ~~(i) Matters reserved to the Council in accordance with Article 4.~~
 - ~~(ii) Matters reserved to the Cabinet and individual portfolio holders in accordance with Part 3, Tables 2A and B.~~
 - ~~(iii) Matters reserved to regulatory and other committees and sub-committees in accordance with Part 3, Tables 1 and 3.~~
 - ~~(iv) Matters reserved to specific officers by law or under the provisions of this Constitution.~~

~~Chief Officers shall have authority to delegate their powers, functions and responsibilities, wholly or in part, to the Chief Executive or Directors or other senior staff reporting directly to them. These officers shall themselves have discretion to delegate powers to be exercised by suitably qualified and experienced officers~~

~~within their areas of responsibility, subject to limitations on further delegation which may be imposed. In all cases:~~

- ~~• General and specific delegations, and any limitations upon them, shall be set out in writing.~~
- ~~• Delegated powers shall be exercised in accordance with the Council's agreed corporate priorities set out in the budget and policy framework agreed by the Council and with the Delegation Rules set out in Part 4 of this Constitution.~~
- ~~• Accountability for the actions of Directors and subordinate officers shall remain with the Chief Officers.~~

~~(b) The Chief Officers shall have full power to do all such things and exercise all such discretions within their respective functions and areas of responsibility as set out in Article 12.01(b) above in relation to all operational matters, subject strictly to the Delegation Rules in Part 4. These powers, though described in general terms, are intended to allow Chief Officers freedom of operational management, within service areas, within policy and within budget.~~

~~(c) Any limit or restriction upon the general delegated powers under paragraph 3.3 of the Delegation Rules shall be reported to the Council and recorded by the proper officer [paragraph 4, *ibid*]. In this paragraph and in all the Part 4 rules relating to committee, Executive and Council administration, reference to the 'proper officer' shall mean the Chief Executive or such suitably experienced senior officer as the Chief Executive shall appoint~~

~~(d) Unless otherwise provided by law or in this Constitution, each Chief Officer, within his or her respective functions and areas of responsibility set out in Article 12.01(b), shall also be the respective 'proper officer' in all cases where statute or regulation requires or provides for the Council to appoint a 'proper officer' but any Chief Officer may delegate any such responsibility to a suitably experienced senior officer~~

~~(e) All proper officer appointments not already set out in this Constitution, other than general appointment under paragraph (d) above, whether of, or under delegation by, any Chief Officer, shall be recorded by the Chief Executive and that record shall be kept up to date and available for inspection in the same manner as the scheme of delegations of powers.~~

~~(f) The Chief Executive is authorised to cancel, postpone or alter the date or time of a Cabinet, Council and / or any other meeting of the Council as deemed appropriate but, before doing so, shall consult all members of the committee about the need for the change and about convenient alternative dates and times. If reasonably practicable, the Chief Officer will consult all members of a committee before setting a date and time for a special meeting of that committee.~~

7. Limit of Approvals of Grants by the Council

Chief Officers may approve any Disabled Facility Grant or Renovation Grant above Level 1, up to and including Level 2, such awards to be consistent with policy and in consultation with local members

~~Procedure for the Annual Establishment of, and Appointments to, Council and Outside Bodies~~

- ~~1. Council, at its annual meeting, will establish and make appointments to at least one Scrutiny and Overview Committee, the Civic Affairs Committee (where appointments are to be made), the Licensing Committee (2003 Act), 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 3 of the Constitution). Council will also make appointments to joint and outside bodies in accordance with their individual terms of reference.~~
- ~~2. As soon as is reasonably practicable following the conclusion of the election count, the Democratic Services Team Leader will distribute to all councillors via e-mail a spreadsheet detailing the new political balance of the Council. These figures will have been verified by at least one member of Management Team before being issued.~~
- ~~3. The Democratic Services Team Leader will also provide details of the allocation of seats on Council bodies and joint and other outside bodies to which political balance is applied, using existing committees and sizes. This will be an example only and will not preclude Council agreeing to establish committees of different sizes where the Constitution or legislation permits.~~
- ~~4. The Democratic Services Team Leader will schedule a meeting of political group leaders within seven working days of an election, or within the first two weeks of May in a year in which no election is held. At least one member of Management Team and one member of the Legal and Democratic Services Team will be available to respond to questions and give advice on the legal requirements for political balance, but will not be present during the meeting.~~
- ~~5. There will be no quorum for the political group leaders' meeting as the meeting is making recommendations only, and the final decision will be made by full Council. Political group leaders may nominate their deputy group leaders to attend in their place.~~
- ~~6. The political group leaders will determine:
 - ~~(a) The committees to be established for the civic year;~~
 - ~~(b) The committee sizes for the civic year;~~
 - ~~(c) The allocation of seats on committees, including any seats to be allocated to non-group members;~~
 - ~~(d) Nominees to committees, joint and outside bodies; and~~
 - ~~(e) The nominees for Chairmen and Vice-Chairmen of committees.~~~~
- ~~7. The political group leaders will return the outcome of their discussions to the Democratic Services Team Leader before the Annual General Meeting agenda publication deadline. These will be put to Council for approval with an accompanying report.~~

~~In-year changes to political balance~~

- ~~8. If the political balance of the Council should change at any time during the civic year sufficiently to affect the political balance on committees, this same process will apply, but the political group leaders will be asked to consider only the allocation of seats to committees of the sizes agreed at the Annual General Meeting of Council. The recommendations of the political group leaders' meeting will be put to the next meeting of Council for decision.~~

A — Principles of Proportionality

The First Principle

Appointments to all constituent bodies of the Council (except the Cabinet) shall be in the same proportion as the numbers in each recognised political group (constituted in accordance with the provisions of Article 2) are to the overall membership of the Council. The nominations of the groups shall be accepted by Council (other than in the case of the Civic Affairs Committee).

The Second Principle

If any political group or party withdraws from any constituent body of the Council (not being an individual decision to resign) and makes it clear, in writing or otherwise that such is the case, whether temporarily or otherwise, the remaining groups shall nominate replacements according to the First Principle as if that group or party was not represented on the Council, and such shall apply until the next regular appointment of such body.

The Third Principle

If any member of a constituent body of the Council resigns (other than at the Council year end) or dies, a nomination shall be sought only from the political group to which that member was affiliated. That group may nominate a replacement councillor affiliated to the group or any other councillor.

B — Chairman's Casting Vote

Where, at any meeting, the Chairman has a second or casting vote, there is no rule, requirement, tradition, expectation or protocol bearing upon whether the Chairman shall or shall not exercise that right (and if he or she does not, the motion shall not be deemed to be carried). Likewise, if the Chairman does exercise that right, there is no rule, requirement, tradition, expectation or protocol as to how that vote is to be cast. There is no bias towards 'status quo' or 'officer recommendation'. The Chairman shall have an absolute and unfettered discretion.

C — Majority

For the avoidance of doubt, unless otherwise provided in this Constitution or by law, all matters at any meeting shall be determined by simple majority of votes (whether by ballot or by show of hands) of those members of Council, or those members of any committee or sub-committee respectively, **present and voting at that meeting**.

Where there are three or more candidates for appointment and there is after balloting no candidate with a clear majority, meaning in this case the votes of **more than 50% of members present and voting**, the candidate with the least number of votes shall withdraw and there shall be a fresh ballot of the remaining candidates; and so on as necessary until a candidate has that majority.

D — Reference to 'Chairman'

The Constitution refers throughout to 'the Chairman' whether of the Council or any committee or sub-committee or, by analogy, any working party or group. Any Chairman may, however, wish to be referred to as 'Chair' or 'the Chair' at any meeting at which he or she presides and all members or other persons speaking at that meeting shall respect that wish. Notwithstanding this, unless Council determines otherwise:

- minutes of all meetings and all references in one meeting to the Chairman will continue to use the word 'Chairman'
- Vice-Chairman shall always be referred to as 'Vice-Chairman'.

Commented [A1]: Reference to "Chair" now in Glossary

E The Seven Principles Of Public Life

Preamble — The principles of public life apply to anyone who works as a public office holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

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

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

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

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

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

Commented [A2]: Now included as an appendix to Members' Code of Conduct

Part 5: Codes and Protocols

A. Members' Code of Conduct

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1. Application

2. Meeting

3. General Conduct

4. Disclosable Pecuniary Interests

5. Other Interests

6. Gifts and Hospitality

7. Work programme

Appendix A: Disclosable Pecuniary Interests

Appendix B: The Nolan Principles

A. Members' Code of Conduct

Introduction

South Cambridgeshire District Council (the Authority) has adopted this Code of Conduct pursuant to Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the Authority or when they claim to act or give the impression of acting as a representative of the Authority.

This Code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership ("the Nolan Principles") which are appended to this Code: (Appendix B). This Code of Conduct will be interpreted by reference to these Principles.

1. ~~1~~ Application

This Code of Conduct applies to you whenever you are acting, claim to act or give the impression you are acting in your capacity as a Member of the Authority, including ~~:-~~:

- 1.1 ~~1.1~~ at formal ~~Meetings~~meetings of the Authority;
- 1.2 ~~1.2~~ when acting as a representative of the Authority;
- 1.3 ~~1.3~~ in taking any decision as a Cabinet ~~Member~~member or a Ward ~~Councillor~~councillor;
- 1.4 ~~1.4~~ in discharging your functions as a Ward ~~Councillor~~councillor;
- 1.5 ~~1.5~~ when corresponding with the authority other than in a private capacity.

2. ~~2~~ Meeting

In this Code "Meeting" means any meeting organised by or on behalf of the Authority, including ~~:-~~:

- 2.1 ~~2.1~~—any meeting of the Council, or a ~~Committee~~committee or ~~Sub-Committees~~sub-committee of Council;
- 2.2 ~~2.2~~—any meeting of the Cabinet and any ~~Committee~~committee of the Cabinet;
- 2.3 ~~2.3~~—at any briefing by Officers; and
- 2.4 ~~2.4~~—at any site visit to do with the business of the Authority.

3. ~~3~~—General Conduct

You must—:

- 3.1 ~~3.1~~—provide leadership to the authority and communities within its area, by personal example ~~and~~;
- 3.2 ~~3.2~~—respect others and not bully or threaten or attempt to bully or threaten any person;
- 3.3 ~~3.3~~—respect the confidentiality of information which you receive as a ~~Member~~member by—:
 - (a) ~~3.3.1~~—not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - (b) ~~3.3.2~~—not obstructing third parties' legal rights of access to information
- 3.4 ~~3.4~~—not conduct yourself in a manner which is likely to bring the Authority into disrepute;
- 3.5 ~~3.5~~—use your position as a ~~Member~~member in the public interest and not for personal advantage;
- 3.6 ~~3.6~~—comply with the Authority's reasonable rules on the use of public resources for private and political purposes;
- 3.7 ~~3.7~~—exercise your own independent judgement, taking decisions for good and substantial reasons by—:

- (a) ~~3.7.1~~ attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
- (b) ~~3.7.2~~ paying due regard to the advice of ~~Officers~~officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and
- (c) ~~3.7.3~~ stating the reasons for your decisions where those reasons are not otherwise apparent

3.8 ~~3.8~~ do nothing that causes the Authority to act unlawfully.

4. ~~4~~ Disclosable Pecuniary Interests

4.1 ~~4.1~~ You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either:

- (a) it is an interest of yours, or
- (b) it is an interest of:
 - (i) your spouse or civil partner; or
 - (ii) a person with whom you are living as husband and wife; or
 - (iii) a person with whom you are living as if you were civil partners;

and you are aware that other person has the interest.

4.2 ~~4.2~~ You must ~~;~~:

- (a) ~~4.2.1~~ comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest ~~;~~:

- (b) ~~4.2.2~~ ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests;
- (c) ~~4.2.3~~ make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent;
- (d) ~~4.2.4~~ Where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not (unless you have obtained a dispensation from the Authority's Monitoring Officer):
 - (i) participate, or participate further, in any discussion of the matter at the meeting; or
 - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

5. ~~5~~ Other Interests

- 5.1 ~~5.1~~ In addition to the requirements of Paragraph 4, if you attend a meeting at which any item of business is to be considered and you are aware that you have a "non-disclosable pecuniary interest or non-pecuniary interest" in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.
- 5.2 ~~5.2~~ You have a "non-disclosable pecuniary interest or non-pecuniary interest" in an item of business of your authority where:
 - (a) ~~5.2.1~~ a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ~~ward~~ Ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
 - (b) ~~5.2.2~~ it relates to or is likely to affect any of the interests listed in the Table in ~~the~~ Appendix A to this Code, but in respect of a member of your family

(other than a “relevant person”) or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

6. ~~6~~ — Gifts and Hospitality

- 6.1 ~~6.1~~ — You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a ~~Member~~member from any person or body other than the authority.
- 6.2 ~~6.2~~ — The Monitoring Officer will place your notification on a public register of gifts and hospitality.

NOTE: Members must also comply with the relevant Codes and Protocols contained in Part 5 of the Constitution and in the Ethical Handbook.

Appendix A

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows—:

Interest	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—:</p> <p>(a) (a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) (b) which has not been fully discharged.</p>
Land	<p>Any beneficial interest in land which is within the area of the relevant authority.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—:</p> <p>(a) (a) the landlord is the relevant authority; and</p> <p>(b) (b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—:</p> <p>(a) (a) that<u>That</u> body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) (b) either—:</p>

	<p>(i) (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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For this purpose—:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

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

Appendix B

The Nolan Principles

<u>Selflessness</u>	<u>Holders of public office should act solely in terms of the public interest.</u>
<u>Integrity</u>	<u>Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.</u>
<u>Objectivity</u>	<u>Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.</u>
<u>Accountability</u>	<u>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.</u>
<u>Openness</u>	<u>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.</u>
<u>Honesty</u>	<u>Holders of public office should be truthful.</u>
<u>Leadership</u>	<u>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.</u>

~~G~~—B. Officers' Code of Conduct¹

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9. Non-pecuniary interests
10. Equality issues
11. Separation of roles during tendering
12. The Bribery Act 2010
13. Use of financial resources
14. Hospitality

~~1~~—Code of Conduct: agreed by Finance, Resources and Staffing Committee, 13.9.94; revised by Council on 25 April 2013.

1. Standards

Local Government employees are expected 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. All employees are expected to uphold the seven principles of public life; selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Full details are appended to ~~this code~~ the Members' Code of Conduct in Part 5 of the Constitution. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees ~~must~~should report to the appropriate manager any impropriety or breach of procedure.

2. Disclosure of Information

- 2.1 It is generally accepted that open government is best. The law requires that certain types of information ~~must~~shall be available to members, auditors, government departments, service users and the public. The Authority itself may decide to be open about other types of information. Employees must be aware of which information their authority is and is not open about, and act accordingly.
- 2.2 Employees ~~should~~shall not use any information obtained in the course of their employment for personal gain or benefit, nor ~~should~~shall they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the Authority ~~should~~shall not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

3. Political Neutrality

- 3.1 Employees serve the Authority as a whole. It follows they ~~must~~shall serve all councillors and not just those of the controlling group, and ~~must~~shall ensure that the individual rights of all councillors are respected.
- 3.2 Subject to the Authority's conventions, employees may also be required to advise political groups. They ~~must~~shall do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, ~~must~~shall follow every lawful expressed policy of the Authority and ~~must~~shall not allow their own personal or political opinions to interfere with their work.

- 3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

~~1. Relationships~~

4. Relationships

4.1 Councillors²

Employees are responsible to the Authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the Authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided. Employees should also refer to the Protocol on Member / Officer Relations in Part 5 of this Constitution.

4.2 The Local Community and Service Users

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

4.3 Contractors

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

(b) ~~4.4~~ Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had, or currently have, a relationship in a private or domestic capacity

~~2~~ Also see Protocol on Member / Officer Relations

with contractors ~~should~~shall declare that relationship to the appropriate manager.

5. Appointment and other Employment Matters

- 5.1 Employees involved in appointments ~~should~~shall ensure that these are made on the basis of merit. It ~~would be~~is unlawful for an employee to make an appointment which ~~was~~is based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees ~~should~~shall not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with ~~him or her~~them.
- 5.2 Similarly, employees ~~should~~shall not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

6. Outside Commitments

- 6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and ~~should~~shall not take outside employment which conflicts with the Authority's interests.
- 6.2 Employees ~~should~~shall follow their Authority's rules on the ownership of intellectual property or copyright created during their employment.

7. Officers' Interests in Contracts, Decisions, etc.

- 7.1 There may be occasions when officers have a personal interest in the Council's activities and the outcome of Council decisions. Interests in contracts are covered by statute but there are many other kinds of interests which may arise during the course of your duties. Employees ~~must~~shall declare to an appropriate manager any financial or non-financial interests which could conflict with the Authority's interests and ~~must~~shall register those interests on a database maintained by the Council's ~~Deputy~~ Monitoring Officer. The register is checked ~~annually~~monthly and a reminder sent to all staff to consider the issue.
- 7.2 The most important thing is that officers behave with integrity. To achieve this, conflicts of interest ~~must~~shall be avoided and the Council ~~must~~shall stop them arising.

8. Pecuniary Interests

8.1 Section 117 of the Local Government Act ~~1982~~1972 requires officers to give the Council written notice of any contract or proposed contract in which the officer has any pecuniary interest (direct or indirect) as soon as the officer becomes aware of it. ~~Failure~~Also, an officer of a local authority shall not, by virtue of their office or employment, accept any fee or reward whatsoever other than their proper remuneration. Any person who contravenes the provisions above shall be liable on summary conviction to declare such an interest is an offence a fine not exceeding level 4 on the standard scale.

~~1.1 — A pecuniary interest is where an officer or his / her spouse stands to make money from the contract (e.g., they own or are employed by the business that the contract will be with or own shares in the company contracted with). Officers may have a shareholding of up to 1% of a company's issued capital or having a nominal value of up to £5,000, whichever is the lesser, without a declarable pecuniary interest arising. (There are other, technical, rules about shareholdings; please consult the Deputy Monitoring Officer if further clarification is required).~~

8.2 ~~The examples given are not exhaustive.~~ If you are in any doubt you ~~can~~should seek advice from the Deputy Monitoring Officer, who ~~will~~shall maintain a record of all declarations under s117. The Register of Declarations under s117 may be inspected by councillors and Chief Officers only.

9. Non-Pecuniary Interests

9.1 There is no legislation governing ~~these non-pecuniary interests~~. It is impossible to list everything that constitutes a non-pecuniary interest. The Authority expects officers to be sensitive to the possibility of them arising. Any decision taken by an officer who has a non-pecuniary interest in the outcome could be quashed by a court, and disciplinary action could follow.

9.2 You must never allow a situation to appear as though you are using your position to promote any interest other than the Public Interestpublic interest.

9.3 This includes your own interests, those of your family and friends, those of another employer, those of another association or organisation (including a Trade Union) and those of your fellow employees.

- 9.4 If such an interest arises you ~~must~~shall declare it at once to your ~~Chief Officer~~Line Manager, who will advise you and record the interest in a register kept for the purpose by the ~~Deputy~~-Monitoring Officer.
- 9.5 There are limitless numbers of ways in which such an interest can arise. The question to ask yourself is:
If a reasonable ~~man~~person knew that I was involved in making this decision and had this interest in its outcome then would ~~he~~they think that any decision made would be at risk of being biased? (e.g. You should not inspect your friend's factory, decide your neighbour's planning application or grant your brother's licence-).
- 9.6 Employees ~~should~~shall also declare to an appropriate manager, membership of any organisation which is not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.
- 9.7 Guidance is available from ~~your Chief Officer or from~~ the ~~Deputy~~ Monitoring Officer. Again, you are urged to err on the side of caution in this matter.

10. Equality Issues

All local government employees ~~should~~shall ensure that policies relating to equality issues as agreed by the Authority are complied with, in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

11. Separation of Roles During Tendering

- 11.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees who have both a client and contractor responsibility ~~must~~shall be aware of the need for accountability and openness.
- 11.2 Employees in contractor or client units ~~must~~shall exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 11.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors ~~should~~shall not disclose that information to any unauthorised party or organisation.

- 11.4 Employees contemplating a management buyout ~~should~~shall, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 11.5 Employees ~~should~~shall ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

~~2. — Corruption [See Anti-Theft, -Fraud and -Corruption Policy]~~

- ~~2.1 — Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.~~

12. The Bribery Act 2010

- 12.1 The Bribery Act 2010 replaces the offences at common law and the Prevention of Corruption Acts with two general offences and prohibits the offering, giving, soliciting and acceptance of money or other advantage in order to induce or reward the improper performance of public and other functions.
- 12.2 The first offence covers the offering, promising or giving of an advantage (broadly, offences of bribing another person).
- 12.3 The second deals with the requesting, agreeing to receive or accepting of an advantage (broadly, offences of being bribed).
- 12.4 If the matter is dealt with in the Magistrates' Court and a person is found guilty of an offence under the Act, they are liable to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum, or to both
- 12.5 If the matter is so serious that it can only be tried before a jury and a person is found guilty of an offence under the Act, they are liable to imprisonment for a term not exceeding ten years, or to a fine, or to both.

12.13. Use of Financial Resources

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

13.14. Hospitality [See Gifts, Hospitality and Sponsorship Policy: ~~Guidance~~ for Officers]

- ~~2.2 — Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Authority should be seen to be represented. They should be properly authorised and recorded.~~
- ~~2.3 — When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.~~
- ~~2.4 — Employees should not accept significant personal gifts from contractors and outside suppliers, although the Authority may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc.~~
- ~~2.5 — When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.~~

~~Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Authority gives consent in advance and where the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions. Employees shall comply with the Gifts, Hospitality and Sponsorship Policy which is contained in the Ethical Handbook.~~

~~H~~ **B. Gifts, Hospitality and Sponsorship Policy:** **Guidance for Officers**

1. General Caution

- 1.1 Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- 1.2 The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived.
- 1.3 No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

2. Criminal Law

- 2.1 The Bribery Act 2010 ~~came into force on 1st July 2011 and~~ replaces the ~~offences at common law and the~~ Prevention of Corruption Acts with two general offences ~~relevant in a local authority context. According to the Act a~~ **“A Bribe is a financial and prohibits the offering, giving, soliciting and acceptance of money or other advantage *intended in order* to induce or reward the improper performance, ~~where benefit could create a conflict between personal interests and business interests”~~. It is now an of public and other functions. The first offence ~~to offer, promise covers the offering, promising or giving of~~ an advantage (“active bribery”) and an offence ~~to request, agree (broadly, offences of bribing another person). The second deals with the requesting, agreeing to receive or accept~~ accepting of an advantage (“passive bribery”). ~~(broadly, offences of being bribed).~~**
- 2.2 Officers should disclose any interests in Contracts to their Chief Officer and no officer should subordinate their interest to that of another group or organisation.

~~Officers should see also paragraphs 2.1 and 2.2 of the Green Book (National Agreement on Pay & Conditions of Service) which relate to officers' conduct. These form part of your terms and conditions of employment.~~

3. Limits of Guidance Policy

3.1 This guidance policy does not apply to:

- (a) The acceptance of facilities or hospitality provided to you by the Authority.
- (b) Gifts given to the Authority that you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

4. Meaning of Gifts and Hospitality

4.1 The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:

- (a) The free gift of any goods or services.
- (b) The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- (c) The opportunity to obtain goods or services not available to the general public.
- (d) The offer of food, drink, drinks and beverages (including alcoholic beverages), accommodation or entertainment or the opportunity to attend any cultural or sporting event.

4.2 Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets.

5. Appropriate Gifts and Hospitality

5.1 There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as an officer.

- (a) Civic hospitality provided by another public authority.
- (b) Normal and modest refreshment in connection with any meeting in the course of your work as a member
- (c) Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Authority or bodies to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion.

- (d) Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens.).
- (e) Drinks or other modest refreshment in the normal course of socialising arising consequentially from Authority business (e.g. inclusion in a round of drinks after a meeting).
- (f) Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Authority has a business connection.
- (g) Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

6. Principles to Apply in Relation to Gifts and Hospitality

- 6.1 Since the Council discharges many public functions it is essential that the public has every confidence that the Council officers try to operate fairly to everyone.
- 6.2 A gift by an interested party to an officer can threaten this trust, regardless of whether or not the gift is intended to influence its recipient's decision and regardless of whether it actually does influence it.
- 6.3 In deciding whether it is appropriate to accept any gift or hospitality you **mustshall** apply the following principles:
 - (a) Do not accept a gift or hospitality as an inducement or reward for anything you do as an officer. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you **mustshall** decline it.
 - (b) "Reward" includes remuneration, reimbursement and fee.
 - (c) Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
 - (d) Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances **willshall** include gifts and hospitality:
 - (i) From parties involved with the Authority in a competitive tendering or other procurement process;
 - (ii) From applicants for planning permission and other applications for licences, consents and approvals;
 - (iii) From applicants for grants, including voluntary bodies and other organisations applying for public funding;

- (iv) From applicants for benefits, claims and dispensations;
- (v) From parties in legal proceedings with the Authority.

- 6.4 Do not accept a gift or hospitality if you believe it ~~will~~may put you under any obligation to the provider as a consequence.
- 6.5 ~~Do~~ Do not solicit any gift or hospitality and avoid giving any perception of so doing.

7. Gifts and Hospitality

- 7.1 The ~~Offer~~offer of any gift at all should be reported to your ~~Chief Officer.~~Line Manager. Minor items such as cheap biro's, rulers, calendars and diaries ~~can~~may normally be accepted on behalf of the Council. No gifts at all ~~can~~shall be accepted personally. In order that the gift does not seem underhand, perhaps the gift ~~can~~may be acknowledged. Minor gifts of food and drink ~~can~~may be accepted on behalf of the Council and shared out.

8. Food and Drink Eaten with Other People

- 8.1 This is more difficult since it is offered to an officer personally. At one extreme, it is plainly ~~all-right~~acceptable to accept a cup of tea on a site visit and at the other it is definitely not acceptable to allow someone to buy you an expensive lunch in a rather nice restaurant. Perhaps a sensible compromise is to accept a lunch if you would otherwise have to claim for it or it is the most convenient way of having lunch and if its value is comparable to what you could have claimed. It is also acceptable to receive a lunch at an official opening or similar group function. This area is one where officers really have to use their own judgement. Remember, if in doubt, **REFUSE**.

9. Recording Hospitality

- 9.1 All gifts and hospitality ~~must~~shall be recorded.
- 9.2 You ~~can~~must either:
 - (a) record it in the register maintained by the Council's Deputy Monitoring Officer at South Cambridgeshire Hall; or
 - (b) record it on the Council's Gifts and Hospitalities Register. You can do this via the Moden.Gov system available on Insite by following the below steps:

- (i) Open Insite
- (ii) Click on the three horizontal bars on the top right of the screen and then on the 'Internal Modern.gov link at the top, middle of the page
- (iii) Click on the Logon tab at the bottom of the left-hand side menu
- (iv) Under username type SCDC\ followed by your first name and surname. Ensure that there is a space between your first name and your surname, as follows: SCDC\firstname surname
- (v) Insert your usual password
- (vi) Select the Work to do tab on the left-hand side menu
- (vii) Select the options tab
- (viii) Select Submit gift or hospitality
- (ix) Select add, and this should provide you with the necessary fields to complete
- (x) Select finish, which saves your entry

9.3 Should you require any procedural help or guidance on the policy please contact the Deputy Monitoring Officer by e-mail:

Monitoring.Officer@scams.gov.uk Monitoring.Officer@scams.gov.uk.

10. South Cambridgeshire's Policy

The Council believes that its officers can be trusted not to accept gifts where there is a danger of an ulterior motive being suspected. It urges officers to err on the side of caution in this delicate area. If in doubt, **REFUSE**refuse – it is better to offend a well-meaning giver than to jeopardise the Council's integrity. It also emphasises the importance that all gifts should be out in the open and Chief Officers should be aware of all gifts made or offered.

11. Gifts Received and Donated to the Chairman'sChair's Charity

11.1 Some officers receiving gifts of value may prefer not to retain these personally but to pass them to the ChairmanChair for use in relation to the Chairman'sChair's Charity Appeal.

11.2 Officers should indicate this intention to the provider and make this clear on their register of interests.

12. Sponsorship

- 12.1 Offers of sponsorship are likely to become more frequent, and, as a means of providing additional financial resource, sponsorship is to be welcomed. With this in mind, however, where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, where by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality shall apply.
- 12.2 Particular care mustshall be taken when dealing with contractors or potential contractors or where there may be a perceived conflict of interest with the Council's business in order to avoid compromising the integrity of Council operations. The Council mustshall not put itself in a position where it might be said that a sponsorship partnership might have or may be thought to have:
- (a) influenced the Council or its Officersofficers in carrying out #its statutory functions (e.g., planning / licensing / environmental health / housing)
 - (b) been in order to gain favourable terms from the Council in any business or other agreement
 - (c) aligned the Council with any organisation which conducted itself in a manner which conflicted with the council'sCouncil's values.
- 12.3 The Council retains the right to decline sponsorship from any organisation or individual which the Council in its sole discretion considers inappropriate.
- 12.4 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative mustshall benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

A. Gifts, Hospitality and Sponsorship Policy: Guidance for Members

1. General Caution

- 1.1 Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- 1.2 The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived.
- 1.3 No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This [guidance policy](#) is intended to enable you to make your own decision.

2. Criminal Law

The Bribery Act 2010 ~~came into force on 1st July 2011 and~~ replaces the offences at common law and the Prevention of Corruption Acts with two general offences relevant in a local authority context. According to the Act a ***“A Bribe is a financial and prohibits the offering, giving, soliciting and acceptance of money or other advantage intended in order to induce or reward the improper performance, where benefit could create a conflict between personal interests and business interests”***. It is now an of public and other functions. The first offence ~~to offer,~~ promises covers the offering, promising or giving of an advantage (*“active bribery”*) and an offence ~~to request, agree~~ (broadly, offences of bribing another person). The second deals with the requesting, agreeing to receive or ~~accept~~ accepting of an advantage (*“passive bribery”*). (broadly, offences of being bribed).

~~Members should disclose any interests in Contracts to the Monitoring Officer as part of their Registration of Interests and any changes to their interests should be made to the register within 28 days of the member becoming aware of the change¹. No councillor should subordinate their interest to that of another group or organisation.~~

¹ ~~For guidance on the identification, declaration and registration of their interests, Members should refer to the Code of Conduct in Part 5 of this Constitution.~~

3. Limits of Guidance Policy

1.1 This guidance policy does not apply to:

- (a) The acceptance of facilities or hospitality provided to you by the Authority.
- (b) Gifts given to the Authority that you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

4. Meaning of Gifts and Hospitality

1.2 The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:

- (a) The free gift of any goods or services.
- (b) The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- (c) The opportunity to obtain goods or services not available to the general public.
- (d) The offer of food, drink, drinks and beverages (including alcoholic beverages), accommodation or entertainment or the opportunity to attend any cultural or sporting event.

1.3 Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. Members should be cautious when purchasing anything when additional services, privileges or advantages are offered which might be related to their position as a member.

5. Appropriate Gifts and Hospitality

1.4 There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member.

- (a) Civic hospitality provided by another public authority.
- (b) Normal and modest refreshment refreshments in connection with any meeting in the course of your work as a member
- (c) Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Authority or bodies to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion.

- (d) Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens.).
- (e) Drinks or other modest refreshment in the normal course of socialising arising consequentially from Authority business (e.g. inclusion in a round of drinks after a meeting).
- (f) Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Authority has a business connection.
- (g) Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

6. Principles to Apply in Relation to Gifts and Hospitality

- 1.5 Since the Council discharges many public functions it is essential that the public has every confidence that members try to operate fairly to everyone.
- 1.6 A gift by an interested party to a member can threaten this trust, regardless of whether or not the gift is intended to influence its recipient's decision and regardless of whether it actually does influence it.
- 1.7 In deciding whether it is appropriate to accept any gift or hospitality you **mustshall** apply the following principles:
 - (a) Do not accept a gift or hospitality as an inducement or reward for anything you do as a member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you **mustshall** decline it.
 - (b) "Reward" includes remuneration, reimbursement and fee.
 - (c) Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
 - (d) Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances **willshall** include gifts and hospitality:
 - (i) From parties involved with the Authority in a competitive tendering or other procurement process;
 - (ii) From applicants for planning permission and other applications for licences, consents and approvals;
 - (iii) From applicants for grants, including voluntary bodies and other organisations applying for public funding;
 - (iv) From applicants for benefits, claims and dispensations;

- (v) From parties in legal proceedings with the Authority.
- (e) Do not accept a gift or hospitality if you believe it ~~will~~may put you under any obligation to the provider as a consequence.
- (f) ~~Do not~~ solicit any gift or hospitality and avoid giving any perception of so doing.

7. Gifts and Hospitality

1.8 The Code of Conduct for Members and Co-opted Members provides that

~~“You have a personal interest in any business shall, within 28 days of your authority where it relates to or is likely to affect receipt, notify the interests Monitoring Officer in writing of any person from whom you have received a gift, benefit or hospitality with an estimated value in excess of at least £25. £50 which you have accepted as a Member from any person or body other than the authority.”~~

~~This interest must be registered in the register of members' interests. You should register the interest as soon as possible after acceptance of the gift or hospitality. The registration should include the source and nature of the gift or hospitality.~~

1.9 ~~You must disclose, the existence value or a reasonable estimate and nature of the interest arising from a gift or hospitality at a meeting of the authority at which business is considered to which the interest relates. (i.e. business relating to the interests of the person or body giving the gift or hospitality) the date received. The disclosure requirement does not however apply to gift and hospitality interests registered more than 3 years ago interest shall be placed on a public register.~~

1.10 Whilst the registration requirement in the code is limited to gifts or hospitality over the value of ~~£25~~£50, members are encouraged to register any significant gift or hospitality they receive below this value. There is no obligation to make a disclosure in relation to gifts and hospitality on the register which are below ~~£25~~£50 in value.

8. Reporting of Inappropriate Gifts and Hospitality offered

~~It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Authority.~~

You ~~must~~shall immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you. You may thereafter be required to assist the Police in providing evidence.

9. Enforcement

1.11 The Civic Affairs Committee has responsibility for overseeing members' compliance with this ~~guidance~~Policy.

1.12 Allegations of any failure to meet the ~~guidance must~~Policy shall be made in writing to the Monitoring Officer.

10. Gifts Received and Donated to the ~~Chairman's~~Chair's Charity

10.1 Some members receiving gifts of value may prefer not to retain these personally but to pass them to the ~~Chairman~~Chair for use in relation to the ~~Chairman's~~Chair's Charity Appeal.

10.2 Members should indicate this intention to the provider and make this clear on their register of interests.

11. Sponsorship

~~Offers of sponsorship are likely to become more frequent, and, as a means of providing additional financial resource, sponsorship is to be welcomed. With this in mind, however, where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, where by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality shall apply.~~

~~Particular care must be taken when dealing with contractors or potential contractors or where there may be a perceived conflict of interest with the Council's business in order to avoid compromising the integrity of Council operations. The Council must not put itself in a position where it might be said that a sponsorship partnership might have or may be thought to have:~~

- ~~• influenced the Council or its Officers in carrying out its statutory functions (e.g., planning / licensing / environmental health / housing)~~
- ~~• been in order to gain favourable terms from the Council in any business or other agreement~~

- ~~aligned the Council with any organisation which conducted itself in a manner which conflicted with the council's values.~~

~~The Council retains the right to decline sponsorship from any organisation or individual which the Council in its sole discretion considers inappropriate.~~

~~Where the Authority wishes to sponsor an event or service neither a member nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Monitoring Officer of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, members should ensure that impartial advice is given and that there is no conflict of interest involved. Offers of sponsorship should be referred to a Chief Officer.~~

J Anti-Theft, Fraud and Corruption Policy

1. Introduction

1.1 South Cambridgeshire District Council (the Council) is committed to dealing with theft, fraud and corruption both inside and outside the Council (the latter in so far as it relates to the business of the Council). This document formalises the Council's approach to acts of theft, fraud and corruption, recognising the good practice guidelines produced by the Audit Commission (**Annex A**) and the Nolan Committee's 'Seven Principles of Public Life' (**Annex B**).

1.2 This document sets out the Council's anti-theft fraud and corruption policy as it relates to:

- the culture of the Council;
- Members;
- officers;
- systems;
- prevention, detection and investigation;
- punishment and sanction.

2. Summary

2.1 Overall responsibility for dealing with theft, fraud and corruption rests with the Executive Director (Corporate Services), the Council's Chief Finance Officer, through statutory, "section 151", responsibilities. Members and officers are encouraged to express concerns to the Executive Director (Corporate Services), Internal Audit, the Head of Legal Practice as the Council's Monitoring Officer, or any Director in the knowledge that any statements will be treated seriously and in confidence.

2.2 It is the Council's intention to pursue all individuals or organisations who are suspected of having defrauded or committed corrupt acts and to report them to the Police if appropriate.

2.3 The Council's Members and staff will lead by example and ensure that they comply with all Council rules, regulations, instructions and policies.

2.4 The Council's commitment to dealing with theft, fraud and corruption is demonstrated by having in place systems and procedures designed to limit, as far as possible, the opportunities to commit fraudulent acts and to enable any such acts to be detected at an early stage. The Council also has a Whistleblowing Policy to encourage people to raise concerns and enable the Council to take appropriate action. A concise list of policies to which this policy refers is attached at **Annex C**.

2.5 Allegations of theft, fraud and corruption will be investigated in a prompt, thorough and professional manner.

2.6 In accordance with recognised good practice, the Anti-Theft, Fraud and Corruption Policy will be reviewed on an annual basis.

2.7 Housing or council tax benefit is potentially the most likely area for attempted fraud by people outside the Council. **Annex D** sets out the Council's particular provisions relating to this.

3. Culture

3.1 The Council wishes it to be known that the culture and tone of the authority is one of honesty and openness in all of its dealings with wholehearted opposition to theft, fraud and corruption in any form. The Council's Members and staff play an important part in creating and maintaining this culture.

3.2 The Council expects all of the suppliers, contractors, organisations and individuals that it deals with to act at all times with honesty and integrity and with no thoughts of committing

Commented [A1]: Task and Finish group recommends that Audit and Corporate Governance Committee review the policy but that it not form part of the Constitution

theft, fraudulent or corrupt acts. The Council will in turn endeavour to ensure that all of its dealings will be on the same basis.

3.3 Officers will be encouraged to participate in local and national professional groups in order to exchange information, initiatives and ideas, some of which will have fraud and corruption implications. Liaison with other local authorities and relevant Government departments and agencies is also encouraged.

3.4 The Council's external auditors examine annually the Council's arrangements for the prevention, detection and investigation of theft, fraud and corruption and will report major deficiencies and concerns.

4. Definitions

4.1 The definitions of the Fraud Act 2006, and an explanation of their meaning, will assist in providing an improved understanding of what constitutes Fraud, Theft and Corruption.

4.2 The Fraud Act 2006 introduces provision for a general offence of fraud which is separated into three sections:

- Fraud by false representation;
- Fraud by failing to disclose information;
- Fraud by abuse of position.

4.3 **Fraud by false representation**

Representation must be made dishonestly, and is made with intention of making a gain or causing a loss or risk of loss to another.

A representation is defined as false if it is untrue or misleading and the person making it knows that it is, or might be, untrue or misleading. Representation can be stated by words or communicated by conduct, i.e., written, spoken or by electronic means.

4.4 **Fraud by failing to disclose information**

Fraud by failing to disclose information details that a fraud will have been committed, if a person fails to declare information which he / she has a legal duty to disclose. There is a requirement that the person acts dishonestly and intends to make a gain for him / herself, cause a loss to another or expose another to a risk of loss.

4.5 **Fraud by abuse of position**

Fraud by abuse of position requires a person who is in a privileged position to act dishonestly by abusing the position held; and by doing so, fails to disclose to another person, information which he / she is legally required to disclose. The dishonest act must be with the intention of making a gain for him / herself or another. Alternatively, it may be with the intention of causing a loss or risk of loss to another. The offence may be committed by omitting to make a declaration as well as by an act.

4.6 The introduction of the Fraud Act 2006 does not prevent the prosecution of offences using the remaining Theft Act legislation and Forgery and Counterfeiting legislation, e.g., theft, counterfeiting and falsification of documents.

4.7 **Corruption** – where someone is influenced by bribery, payment or benefit in kind to unreasonably use their position to give some advantage to another.

4.8 **Irregularity** – An irregularity may be any significant matter or issue, other than fraud or corruption, which may warrant consideration or investigation. An example of an irregularity may be where a member of staff makes a genuine error or mistake in the course of their duties / responsibilities, but where this error or mistake is subsequently hidden, perhaps to the on-going detriment. Additionally, an irregularity may also involve consideration of the

Anti-Theft, Fraud and Corruption Policy

possible inappropriate use of Council funds or assets, which may or may not constitute fraud, theft or corruption.

5. Raising concerns

5.1 Staff are encouraged to raise any matters that concern them relating to the Council's method of operation. Concerns can be raised in the certainty that they will be treated seriously and properly investigated in a confidential manner. Where staff feel unable to raise concerns with their immediate supervisor they may deal with another departmental manager. Failing this, they should raise concerns with:

- the Executive Director (Corporate Services);
- the Monitoring Officer; or
- any Director.

In the absence of the Executive Director (Corporate Services), concerns may be raised with either the Monitoring Officer or the Chief Executive.

5.2 Members may wish to raise concerns with:

- the Monitoring Officer;
- the Chief Executive; or
- the Chief Finance Officer, i.e., the Executive Director (Corporate Services), as appropriate.

5.3 While later sections of this policy make reference to the circumstances in which the Police might be informed, that is a course of action which the Council would decide upon. If Council employees have any concerns regarding theft, fraud or corruption, they should not contact the Police direct but report the matter to the relevant manager as set out in paragraph 5.1.

5.4 When raising concerns, staff and Members can be assured that confidences will be respected. Any allegation of theft, fraud and corruption will be dealt with in a thorough, prompt, professional and impartial manner.

5.5 Members of the public, organisations, Council suppliers and contractors are also encouraged to raise any issues that concern them through the channels listed above.

5.6 Issues of concern regarding theft, fraud or corruption should generally be raised according to the provisions of this policy. However, there may be times when the matter either does not relate directly to this policy or needs to be handled in a different way, in which case the Council's Whistleblowing Policy should be invoked. A copy of the Whistleblowing Policy is available on In-Site, the Council's intranet, together with other related documents and associated guidance, including anonymous reporting and the contact details of Public Concern at Work, a Whistleblowing charity that offers free, confidential advice to people concerned about crime, danger or wrongdoing at work.

6. Staff

6.1 The recruitment and retention of high-calibre staff is vital if it is to deliver quality services. The Council will take steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential staff.

6.2 Staff recruitment will be in accordance with the Council's Recruitment and Selection procedures and Criminal Records Bureau (CRB) policy.

6.3 Officers are bound by Contract Regulations and Financial Regulations, Council-wide codes of conduct, conditions of service and departmental codes of conduct. Particular note should be taken of the Council's position on the giving or receipt of gifts and / or hospitality. Officers are also bound by codes issued by relevant professional bodies of which they are

Anti-Theft, Fraud and Corruption Policy

members where these are relevant to the officer's role within the Council. Copies of codes issued by professional bodies can be made available if Members wish to see them.

- 6.4 The Council's formal Disciplinary Policy and Procedure is to be followed whenever staff are suspected of committing a theft, fraudulent or corrupt act.
- 6.5 The role of staff in the Council's systems will be as laid down in Contract Regulations and Financial Regulations, job descriptions, departmental instructions and any applicable procedural manuals.
- 6.6 The Council recognises the importance of training in the delivery of high quality services.
- 6.7 The contents of this and other relevant documents should be presented to all staff through management group and staff meetings.
- 6.8 All new staff will receive training on fraud identification and reporting, particularly with regard to housing and council tax benefit fraud, as part of their induction process. Regular refresher training will be provided to key groups of staff who are likely to come across evidence of housing and council tax benefit fraud during their day to day work.

7. Members

- 7.1 Members are required to operate within:
- Government Legislation
 - the local Code of Conduct
 - the Protocol on Member-Officer Relations
 - the Council's Contract Regulations / Financial Regulations
 - the Procedural Guidance for Planning and Licensing
- 7.2 The above matters are specifically addressed in the Member Toolkit. Members are required to provide the Chief Executive with specified information concerning their direct and indirect pecuniary interests and to keep that information up to date.
- 7.3 These matters listed above are supported by briefings received by new Members after election.

8. Systems

- 8.1 The Council has in place Contract Regulations and Financial Regulations that give Members and officers clear instructions, or guidance as the case may be, as to carrying out the Council's functions and responsibilities. The contents of these documents should be brought to the attention of all staff.
- 8.2 The Chief Finance Officer has a statutory duty under Section 151 of the Local Government Act 1972 to ensure that there are proper arrangements in place to administer the Council's financial affairs.
- 8.3 The Internal Audit planning process incorporates a risk assessment approach to planning audits, which will assist in determining the frequency of audits and the particular areas to focus attention on. The risk assessment process is subject to an ongoing review.
- 8.4 All of the Council's systems will incorporate, as far as is practicable, efficient and effective internal controls. The adequacy, appropriateness and effectiveness of internal controls will be independently monitored by the Internal Audit as part of their programme of work. Any weaknesses identified in internal control will be reported to management whose duty it will be to address and respond to all the issues raised.

9. Prevention, Detection and Investigation

- 9.1 The Council's systems should all incorporate internal control features and are designed such that theft, fraud and corruption should not be possible without collusion. Despite this, dishonest acts can be committed and agreed procedures can be disregarded.
- 9.2 The Council's Financial Regulations place a responsibility on certain officers to notify the Chief Finance Officer immediately of any irregularity or suspected irregularity.
- 9.3 The Chief Finance Officer will decide the initial action to be taken and determine the most appropriate person to undertake it (e.g., Internal Audit, the Fraud Manager, or another suitably trained person). In any event, Internal Audit will be notified in all instances where fraud is suspected.
- 9.4 Depending upon the nature of any irregularity, Internal Audit / the Fraud Manager will work closely with management and other agencies, such as the Police, to ensure that all matters are investigated thoroughly and reported upon.
- 9.5 To enable a consistent approach to be applied to any investigation following the discovery of a financial irregularity, a protocol exists between the Chief Finance Officer and Internal Audit which sets out the steps to be followed from the initial discovery of a fraud through to investigation, and where appropriate, police involvement.
- 9.6 The Council will participate in the Audit Commission's National Fraud Initiative to exchange data for the purposes of detecting fraud.

10. Punishment and Sanction

- 10.1 If the investigation indicates improper behaviour by an officer, the Council's Disciplinary Policy and Procedure will be followed. The Council may involve the Police where fraudulent or corrupt acts are discovered. This will be a matter for the Chief Finance Officer to decide in consultation with other relevant parties.
- 10.2 If the investigation suggests improper behaviour by a Member, the procedures of the Council's Constitution, including relevant Codes or Protocols, will be followed.
- 10.3 If the investigation reveals theft, fraud or corruption by another person or organisation, the Council will take whatever remedial action it considers relevant to the circumstances, including instigating criminal or civil legal proceedings where appropriate.

Approved by the Council in November 2009

Anti-Theft, -Fraud and -Corruption Policy: Annex A – Audit Commission Recommendations

As a result of the growing anxiety among the public and the media about the alleged levels of fraud and corruption in Local Government, the Audit Commission in 1993 issued a document entitled *Protecting the Public Purse*. This was followed up in 1995 by an Audit Commission bulletin *Ensuring Probity in Local Government – 1995 Update* which recommended that local government should:

- incorporate the Nolan Committee's *Seven Principles of Public Life* into Codes of Conduct (see Annex B);
- introduce codes of conduct where not issued;
- define what gifts and hospitality may be accepted by employees and members;
- establish audit committees;
- develop fraud strategy statements which emphasise the importance of probity;
- improve risk assessment by internal audit;
- create formal arrangements for employees to express concerns about suspected fraud and corruption;
- develop explicit investigatory protocols;
- continue developing relationships and effective liaison arrangements with other authorities and agencies; and
- develop data matching initiatives and the fraud audit liaison network.

The Seven Principles of Public Life

- Preamble** — The principles of public life apply to anyone who works as a public office holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
- Selflessness** — Holders of public office should act solely in terms of the public interest.
- Integrity** — Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- Objectivity** — Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- Accountability** — Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- Openness** — Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for 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.

Anti-Theft, -Fraud and -Corruption Policy: Annex C – Related Policies

~~Whistleblowing Policy~~

~~Recruitment & Selection Procedures~~

~~Criminal Records Bureau (CRB) Policy~~

~~Contract Regulations~~

~~Financial Regulations~~

~~Officer Code of Conduct~~

~~Member Code of Conduct~~

~~Disciplinary Policy & Procedure~~

~~Protocol on Member – Officer Relations~~

~~Procedural Guidance for Planning and Licensing~~

~~Member Toolkit~~

Anti-Theft, -Fraud and -Corruption Policy: Annex D – Housing Benefit and Council Tax Benefit Fraud

- ~~1. The Council shall make particular provisions to prevent, detect and punish instances of Housing Benefit and Council Tax Benefit Fraud.~~
- ~~2. A robust verification process will be operated in accordance with national guidelines to verify the identity of claimants and eligibility to benefits.~~
- ~~3. The Council will operate and publicise a free and confidential telephone hotline so that members of the public can report concerns about benefit or other frauds. The facility to report suspicions of fraud will also be made available through the Council's website.~~
- ~~4. The Council will maintain a suitably resourced benefits fraud investigation team to detect and investigate housing and council tax benefit fraud. Procedures will be put in place to ensure that team members are fully trained in the law relating to fraud investigation, national guidelines, good practice and internal procedures. The team may undertake investigation of other types of fraud if requested to do so.~~
- ~~5. The investigation team will include an officer authorised under s110 of the Social Security Administration Act.~~
- ~~6. Any employee with concerns about a potential benefit fraud may speak in confidence to the Fraud Manager or the Benefits Manager.~~
- ~~7. An interview room meeting the standards required by the Police and Criminal Evidence Act shall be made available to conduct formal tape-recorded interviews held under caution.~~
- ~~8. Where the law allows and it is considered both proportionate to the alleged crime and an effective use of resources covert surveillance will be used to detect crimes and compile evidence. Sound and image recording equipment may be used to gather evidence during such surveillance. Covert surveillance will only be conducted when authorised by a suitably trained authorising officer following a risk assessment of safety and collateral intrusion.~~
- ~~9. Proper records will be kept of all surveillance and authorisations and will be made available to the Surveillance Commissioner on request.~~
- ~~10. The Council will enter into a Fraud Partnership Agreement with the Department for Works and Pensions, and work jointly with other local authorities, the police and other agencies to investigate and prevent fraud.~~
- ~~11. The Council will agree a prosecutions and sanctions policy in respect of housing and council tax benefit fraud, which will ensure sanctions are imposed proportionate to the crime and reflecting the public interest. (The policy is attached as **Annex E**; it is currently being reviewed and the updated version will be attached to the anti-theft fraud and corruption policy in due course.)~~
- ~~12. The names and address of those individuals convicted in the courts of housing and council tax benefit fraud will be publicised where it is considered to be in the public interest. In particular where the publication will serve as a deterrent to others either engaged in or considering a similar course of conduct, or where it will raise public awareness of fraud and the mechanisms for reporting suspicions.~~
- ~~13. The Fraud Manager (or the Benefits Manager) will make regular reports of the Council's performance in respect of Housing and Council Tax Benefit Fraud to the Finance & Staffing Portfolio Holder.~~
- ~~14. The Council will participate in data matching through the Housing Benefit Matching Service and National Fraud Initiative and will subscribe to the National Anti-Fraud Network.~~

1. Introduction

- 1.1 South Cambridgeshire District Council (SCDC) is committed to the professional delivery of housing and council tax benefit services ("the Service") to its customers and the contribution that it can make to the corporate objective of providing quality, accessible, value for money services. Benefit is for those who are most vulnerable in society and the service objective is:
- To provide an efficient and modern service to those in need, taking measures to increase awareness of and access to the service,
- 1.2 SCDC has a duty to protect public funds from abuse and is aware of the risks within the benefits system for fraud, error or other irregularity. In carrying out this duty, the authority may use information provided to it for the purpose of preventing and detecting of fraud. It may also share this information with other bodies administering public funds solely for these purposes.
- 1.3 SCDC will, wherever possible incorporate effective internal controls to minimise the risk of fraud occurring. Nevertheless it is a fact fraud can be perpetrated and therefore appropriate procedures need to be in place.
- 1.4 SCDC understands that some people will attempt to obtain benefit to which they are not entitled and sometimes this is done dishonestly. Where an investigation has revealed this is the case, then the Council will consider the individual circumstances of the case and where appropriate will consider criminal prosecution, alternatively an Administrative Financial Penalty or a Formal Caution may be applied.
- 1.5 The Social Security Administration Act 1992 allows authorities to consider offering offenders a financial penalty or a formal caution as an alternative to prosecution. Such sanctions can only be offered if the case could be brought to prosecution. However, should the offender refuse to accept such sanction then the Council may consider instigating proceedings against the individual.
- 1.6 The Council's Prosecution Policy outlines the procedures to be followed with regard to the prosecution of benefit claimants, landlords, employees and members who have committed benefit fraud. The policy has been approved by Members of the Council as part of their overall endorsement of the Council's Fraud Strategy and is to be observed by Fraud Officers.

2. The Policy

- 2.1 The Investigation Officers must adhere at all times to the requirements of the following legislation and Codes (as amended or superseded):
- Police and Criminal Evidence Act 1984 (PACE);
 - Social Security Administration Act 1992 (as amended);
 - Social Security (Fraud) Act 1997;
 - Fraud Act 2001;
 - Code of Practice for Crown Prosecutors;
 - Criminal Procedures and Investigations Act 1996;
 - Regulation of Investigatory Powers Act 2000 (RIPA);
 - Data protection Act 1998;
 - Child Support Pensions and Social Security Act;
 - and other relevant legislation.
- 2.2 All cases where fraud has been proved, regardless of the level of the overpaid benefit, will be passed to the Fraud Manager who will recommend to the Chief Finance Officer (or other Officer authorised by him for this purpose), which course of action as listed below should be taken:

- Recommendation to the Head of Legal Practice that the case is suitable for prosecution. In appropriate cases the case will be referred for prosecution to another organisation such as the Police or Benefits Agency, depending on where the primary fraud appears to have perpetrated.
- Imposition of an administrative penalty (this can be offered only where there are sufficient grounds to prosecute but the penalty option is preferred).
- Imposition of a formal caution (this can be offered only where there are sufficient grounds to prosecute and the offence has been admitted at an interview).
- Closure of the case without sanction, as it would not be in the public interest to pursue the particular case.

2.3 Test of Public Interest

The public interest factors can increase the need to prosecute or may suggest an alternative course of action. The factors will vary from case to case. Not all the factors will apply to each case and there is no obligation to restrict consideration to the factors listed. In making a decision to prosecute all available information must be carefully considered.

The factors outlined below should be taken into consideration when determining whether or not to prosecute.

Public Interest Factors in Favour of a prosecution

- The defendant is alleged to have committed the offence whilst under an order of the court.
- The defendant's previous convictions or cautions are relevant to the present offence.
- A conviction is likely to result in a significant sentence.
- The defendant is in a position of trust.
- There is evidence that the offence was premeditated.
- There are grounds to believe that the defendant was motivated solely by personal gain.
- There are grounds for believing that the offences were likely to be continued or repeated, e.g., by a history of recurring conduct.
- The offence is alleged to have occurred over a long period of time involving more than one period of deception.
- The offence, although not serious in itself, is widespread in the area where it is committed.
- There is evidence that the offence was carried out by more than one person.
- The evidence shows that the suspect was a ringleader or an organiser of the offence.
- The overpayment of benefit is over £1,500 or the fraud spans a period exceeding 52 weeks.
- A good case has been established and clear reports have been compiled at every stage of the investigation.

Public Interest Factors Against a prosecution

- There has been a long delay between the offence taking place and the date of the trial, unless
 - the offence is serious
 - the delay has been caused in part by the defendant
 - the offence has only recently come to light.
- The defendant is elderly or is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is a real possibility that it may be repeated.
- The offence was committed as a result of a genuine mistake or misunderstanding (these factors must be balanced against the seriousness of the offence).

- (d) It is a first offence and the loss or harm can be considered minor (based on each individual case) particularly if it was caused by misjudgement.
- (e) The amount of the overpayment is less than £1,500 and the period spans less than 52 weeks.
- (f) The court is likely to award a very small or nominal penalty.
- (g) The defendant admitted the offence at the first opportunity and made an offer of repayment. Failure to honour such an agreement will result in the continuance of initiated action.
- (h) The defendant (whether it is a landlord or tenant) has put right the loss or harm that was caused. However, simply because the defendant can pay compensation does not mean that s/he can avoid prosecution.
- (i) Maladministration or delay of the housing / council tax benefit scheme has occurred at some period during the offence.

3. Alternatives to Prosecution

3.1 Only cases where there is sufficient evidence to prosecute will consideration be made to alternative sanctions. In essence, this means that the evidence must be sufficient to enable prosecution proceedings to be initiated otherwise the investigation is closed. If the evidence is insufficient then no alternative should be offered. In addition to reliable independent evidence, there must be an admission of guilt at the interview under caution for a formal caution to be considered. Investigations, which fail to meet the above criteria, will be closed.

3.2 The defendant must give his informed consent to the alternative procedure to prosecution being offered. If the offer is declined the Council must always be in a position to instigate criminal proceedings should it wish to do so. This means that an investigation must have been undertaken as if it was the intention to prosecute. An alternative to prosecution should only be considered where the evidence is such that a conviction is more likely than not in the event of a trial.

3.3 As a general rule the following cases should not normally be considered for an alternative to prosecution:

- (a) The defendant is a council member or employee.
- (b) The defendant has declined to accept or has withdrawn from their agreement to accept an administrative penalty.
- (c) The defendant has declined a formal caution.
- (d) The defendant has already received an administrative penalty or formal caution.
- (e) The defendant is subject to a prosecution by another agency for a similar offence.
- (f) The defendant has previous convictions for similar offences.
- (g) Where there is evidence that the defendant has used alias/es to claim benefit.

4. Formal Caution

4.1 A formal caution is an oral or written warning given to a person who has committed an offence as an alternative to prosecution. In any case selected for caution there must be evidence to prove the offence, an admission at an interview under caution, and the person being cautioned must give informed consent to this procedure. A formal caution is a deterrent, and does not affect the recipient except by re-offending when it may be cited in court on conviction. Where a caution has been declined the case must then be considered for criminal proceedings.

4.2 The Chief Finance Officer or other Officer authorised by him for this purpose, in consultation with Fraud Manager will offer a formal caution in appropriate cases. These will include:

- (a) A first offence that was disclosed by the defendant at the first opportunity.
- (b) A first offence where the overpayment is normally less than £500.

5. Administrative Penalty

5.1 Section 115a of the Social Security Administration Act 1992, as amended by section 15 of the Social Security Administration (Fraud) Act 1997 introduced financial administrative penalties as an alternative to prosecution. A financial penalty amounting to 30% of the gross adjudicated overpayment can be offered in a fraud case if the following conditions are met:

- (a) There is a recoverable overpayment of benefit under, or by virtue of, section 75 or 76 of the Social Security Administration Act 1992
- (b) The cause of the overpayment is attributed to an act or omission on the part of the defendant, and
- (c) There are grounds for instituting criminal proceedings for an offence relating to the overpayment upon which a penalty is based.

Other considerations to be taken into account before offering an administrative penalty are

- (a) What action the Department of Social Security is taking on any part of the benefit it administers.
- (b) All public interest criteria.

5.2 If the offender declines the offer of an administrative penalty or the offender withdraws his agreement to pay the penalty the case must be considered for prosecution.

The Chief Finance Officer or other Officer authorised by him for this purpose, in consultation with Fraud Manager will offer an administrative penalty in appropriate cases. These will include:

- (a) An offence where the overpayment is significant enough to consider that the claimant be prosecuted, but also dependant on the length of time over which the overpayment arose.
- (b) Whether or not there has been an admission at an interview under caution.

6. Recording Sanctions and Prosecutions

6.1 For an effective regime of sanctions to be successful it is highly desirable that accurate records of all convictions, administrative penalties and formal cautions are maintained. This will enable the correct decisions to be made taking full account of the defendant's background. Therefore, it is important that a record of each is maintained.

6.2 All sanctions must be recorded by the Council and copies of all documents used to consider and issue the sanction retained. Relevant paperwork must also be sent to the Department for Work and Pensions to update the central database on sanction activity.

7. Management Assurance

7.1 The Chief Finance Officer or other Officer authorised by him for this purpose, will provide assurance that the policy is being followed by checking each case at the point when the Fraud Manager has completed the Benefit Investigation closure form.

8. Publicity

8.1 It is the Council's intention to promote this policy as well as the outcome of any prosecutions, which should deter others from fraudulent activity. We will issue press releases for each case where prosecution is successful, which will appear on the Council's Website, 'South Cambs' Magazine and be released to local papers.

9. Reporting and Review

9.1 Summary information on cases and action taken will be reported by the Chief Finance Officer to the Finance and Staffing Portfolio Holder on a quarterly basis.

9.21.1 This policy will be reviewed annually or when changes in legislation require it.

K—C. Protocol on Member / Officer Relations

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1. Introduction

- 1.1 The Nolan Committee's Report on Standards of Conduct in Local Government in 1997 recommended that every Council should adopt a formal protocol setting out guidance for appropriate relationships between officers and members. The relationship between members and officers is an essential ingredient that goes to the very heart of the successful working of the Council. This relationship should be characterised by mutual trust, respect and courtesy. These are essential for good local government and serve to enhance local democracy. Members and officers should feel free to speak to one another openly and honestly. Nothing in this ~~Protocol~~protocol is intended to change this relationship. The purpose of this ~~Protocol is protocol~~, rather, is to help members and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The ~~Protocol~~protocol aims to serve as a guide to dealing with those issues that most commonly arise or which cause concern.
- 1.2 This protocol seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. It should be read and operated in the context of any relevant legislation, national and local Codes of Conduct and guidance on effective corporate governance, the Council's Constitution, and any other relevant Council policies. If a member is unsure about any matter, ~~he/she~~they should contact the Monitoring Officer for appropriate advice or guidance. If any officer is unsure about any matter ~~he/she~~, they should contact their line manager, ~~Director~~Head of Service or Chief Officer.

2. Roles of Members and Officers

- 2.1 The respective roles of members and officers can be summarised as follows:

Both members and officers are servants of the public and they are indispensable to one another. Their individual responsibilities are, however, distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are employees of the Council and their job is to give advice to members and the authority, and to carry out the Council's work under the direction and control of the Council, the ~~Executive~~Cabinet and relevant committees, panels etc. Officers ~~must~~shall act in the best interests of the Council as a whole and ~~must~~shall not give partisan political advice. Mutual respect between members and officers is essential to good local government.

~~*Mutual respect between members and officers is essential to good local government.*~~

Members

- 2.2 Members have three main areas of responsibility: (1) determining the policy of the Council and giving it political ~~Leadership (1)~~, leadership, (2) representing the Authority externally ~~(2)~~, and (3) acting as advocates on behalf of their constituents ~~(3)~~. It is not the role of members to involve themselves in the day-to-day management of the Council's services. Members should be careful to avoid involvement in internal office management, discipline and other employment related issues, as the actions of a member may be held to be the actions of the Council as an "employer".

Members of the ~~Executive, Chairmen~~ Cabinet, Chairs and Vice- ~~Chairmen~~ Chairs

- 2.3 Members of the ~~Executive Cabinet~~ and ~~chairmen chairs~~ and vice-
~~chairmen chairs~~ of committees and panels have additional responsibilities. Their relationships with officers may be different from u and ~~be~~ more complex than u those of members without those responsibilities and this is recognised in the expectations they are entitled to have.

Opposition Members

- 2.4 As individual members of the Council, all members have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of scrutiny and overview. Where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between officers (particularly those at a senior level in the Council) and the administration will differ from that with opposition groups. However, members in opposition still have the same rights and obligations in their relationships with officers and should be treated equally.

Officers

- 2.5 The role of officers is to give advice and information to members and to implement the policies determined by the Council.
- 2.6 Certain employees (i.e., the Head of Paid Service, Monitoring Officer and Section 151 Officer [Chief Finance Officer]) have responsibilities in law over

and above their obligations to the Council and its members that they must be allowed to discharge.

3. Expectations

3.1 Members can expect from officers:

- (a) a commitment to the Authority as a whole, and not to any political group;
- (b) a working partnership;
- (c) an understanding of and support for respective roles, workloads and pressures;
- (d) a timely response to enquiries and complaints;
- (e) professional advice, not influenced by political views or preference, which does not compromise the political neutrality of employees;
- (f) regular up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- (g) awareness of and sensitivity to the political environment;
- (h) respect, dignity and courtesy;
- (i) training and development in order to carry out their role effectively;
- (j) integrity, mutual support and appropriate confidentiality;
- (k) not to have personal issues raised with them by employees outside the agreed procedures;
- (l) that employees ~~will~~shall not use their relationship with members to advance their personal interests or to influence decisions improperly;
- (m) that employees ~~will~~shall at all times comply with the Officers' Code of Conduct.

3.2 Officers can expect from members:

- (a) a working partnership;

- (b) an understanding of, and support for, respective roles, workloads and pressures;
- (c) political leadership and direction;
- (d) respect, dignity and courtesy;
- (e) integrity, mutual support and appropriate confidentiality;
- (f) not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between members and officers, and the potential vulnerability of officers, particularly at junior levels;
- (g) that members ~~will~~shall not use their relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- (h) that members ~~will~~shall at all times comply with the local Code of Conduct.

4. Potential Issues

Working Relationships

- 4.1 It is clearly important that there should be close working relationships between all officers and members. However, such relationships should never be allowed to become so close or appear so close as to bring into question the individual's ability to deal impartially with others. Close personal familiarity between individual members and officers can damage professional relationships and can prove embarrassing to other members and officers. Situations should be avoided, therefore, that could give rise to suspicion and / or appearance of improper conduct or behaviour. This includes excessive socialising between members and officers, for example meeting on a social basis more than once per week. Provided these guidelines are observed, there is no reason why there should not be an informal atmosphere between members and officers outside formal meetings and events.
- 4.2 Any dealings between members and officers should be conducted with mutual trust, respect and courtesy and neither party should seek to take unfair advantage of ~~his / her~~their position. An employee who is one of their constituents may ask a member for advice and support. Employees are entitled to seek such assistance in the same way as any other member of the public. However, members should be careful not to prejudice the District

Council's position in relation to disciplinary procedures or employment matters in respect of any employee. A member approached for help in such circumstances should first seek advice from the Monitoring Officer.

- 4.3 In seeking advice and support, members should have due regard to the seniority of the officer with whom they are dealing and recognise that, whilst officers owe an overriding duty to the Council as a whole, such duties are first owed to their respective line managers, Directors/Heads of Service and Chief Officers and not to any individual member. For this reason, members should not give direct instructions to staff. In these circumstances, any requests should be given to the Director/Head of Service or Chief Officer and not to a more junior officer.
- 4.4 Members must/shall also not pressurise any officer to change his-/her/their professional opinion on any Council business matter or do anything that compromises, or which is likely to compromise, the impartiality of officers or those who work for, or on behalf of, the Council.

Constructive Criticism

- 4.5 It is an absolute requirement that councillors do not criticise officers personally or use, as councillors, intemperate language or conduct in public about reports or actions taken by officers. Officers are similarly constrained by their own code, by their employment provisions and by their requirement to maintain professional integrity. It is important that there should be mutual respect and courtesy between councillors and officers and that no councillor or officer should seek to take unfair advantage of their position
- 4.6 Councillors have the right to criticise reports or the actions taken by officers but they should always avoid personal attacks on officers and ensure that criticism is constructive, well-founded and likely to lead to improved performance in future, rather than solely and does not seek to apportion blame

Appointments with Officers

- 4.7 Where possible, members should endeavour to make appointments to speak to all levels of officers so that workloads can be organised around such appointments. This also avoids encroaching on the officer's colleagues' time in dealing with queries they are not best placed to assist with in the absence of that officer. Equally, members should try to ask questions via e-mail or telephone rather than face-to-face meetings where possible. Members must/should also appreciate that responses to such queries may not always be immediate depending on the particular officer's work priorities. There should be no expectation among members that member queries will always be given priority over an officer's other work commitments. (See also paragraph 7 of this protocol (Members' enquiries)).

4.8 Members should ensure, where possible, that they speak to the correct level of officer for their query in the first instance and should avoid speaking to ~~chief officers~~Chief Officers about issues that should be dealt with at a lower level. This is vital if ~~chief officers~~Chief Officers are to be allowed the time to focus on their more strategic work. Members should speak to the contact centre in the first instance in order to be referred to the officer / service they need to speak to. Members should advise their residents to do the same, and only themselves get involved if there is a failure of service. Members ~~can~~may also refer to the ~~departmental organisation charts~~intranet to establish which officer they need to speak to.

5. Accountability of Members / Officers under Scrutiny Arrangements

~~The Partnerships Review Committee~~ A scrutiny and Scrutiny and Overview Committee ~~overview committee~~ may scrutinise and review decisions made by the Cabinet or actions taken by /or on behalf of the Cabinet. As well as reviewing documentation, in fulfilling the scrutiny role, ~~the Partnerships Review Committee or Scrutiny and Overview Committee~~ a scrutiny and overview committee may require the Leader, ~~portfolio holder~~lead cabinet member, Chief Officer or ~~Director~~Head of Service to attend before it ~~to explain as provided~~ in relation to matters within their remit:the Scrutiny and Overview Procedure Rules.

- ~~any particular decision or series of decisions;~~
- ~~the extent to which the actions taken implement Council policy; and /or~~
- ~~their performance~~

~~and it is the duty of those persons to attend if so required. However, in exceptional circumstances, if the member or officer is unable to attend on the required date, then the relevant committee shall, in consultation with the member or officer arrange for an alternative date for attendance to take place within a reasonable period.~~

~~1.1 Where any member or officer is required to attend a committee under the provisions of paragraph 5.1 above, the Chairman of the relevant committee will arrange for the member or officer to be informed in writing, giving notice of the nature of the item (with reasons) on which he / she is required to attend to give account and giving sufficient notice having regard to whether or not the production of any documentation or report is required.~~

~~1.2 A committee may not scrutinise an action taken by a Chief Officer or Director under delegated powers, which is in furtherance of day-to-day administration of the service for which the officer is responsible. Only key decisions taken by officers~~

~~under delegated powers will be subject to call-in by the Scrutiny and Overview Committee.~~

6. Local Members

- 6.1 Local members have an important role to play in representing the District Council in the electoral ~~wards~~ Wards, responding to the concerns of their constituents, in meetings with partners and serving on external bodies and organisations.
- 6.2 It is essential for the proper running of the Council that there should be full consultation with local ~~ward~~ Ward members before decisions are taken which affect their electoral ~~wards~~ Wards. It is the duty of each ~~Director~~ Chief Officer and Head of Service to ensure that all relevant staff are aware of the requirements to consult, as set out in the Scheme of Delegation Rules¹, (Part 3 of the Constitution), and to keep local members informed and that the timing of such information allows members to contribute to those discussions. Local members should also be fully consulted and kept informed about matters affecting their ~~wards~~ Wards during the formative stages of policy development. Issues may affect a single electoral ~~ward~~ Ward but others may have a wider impact in which case numerous members will need to be consulted and kept informed.
- 6.3 Wherever a public meeting is organised by the Council to consider a local issue, all members representing the electoral ~~ward~~ Ward(s) affected should, as a matter of course, be invited to attend. Similarly, whenever the Council undertakes any form of consultation exercise, the local member(s) should be notified at the outset of the exercise.
- 6.4 If a local member is not sure how to handle a problem that has arisen in their ~~ward~~ Ward they may, if appropriate, seek guidance from their Group Leader or member colleagues before seeking advice from officers.

7. Members' Enquiries

7.1 The relationship between members and officers should be characterised by partnership, empowerment and trust. In order to ensure delivery of the Council's priorities and provision of high-quality public services it is essential

¹ ~~Constitution Part 4~~

that members and officers work in a collaborative and mutually supportive manner. Officers should recognise the need for members to receive information in a timely manner in order to carry out their constituency roles. Members should likewise be appreciative of the competing demands on officer time.

7.2 Heads of Service are responsible for ensuring that members' enquiries are dealt with promptly and satisfactorily within their service areas.

7.3 Officers shall aim to provide a substantive response to members' enquiries within 2 working days of receipt. If a substantive response cannot be provided within that timescale, officers shall contact the member to explain the reason why and shall liaise with them regarding the timescale within which the full response shall be sent.

7.4 An officer shall raise with their Head of Service any enquiry which would impose a disproportionate burden on their work and, if necessary, further discussion shall then take place with the member concerned with a view to agreement of the approach to managing the response to the enquiry

7.5 Members' enquiries which fall within the remit of constituents' complaints shall be handled under the Council's Complaints Procedure.

7.6 The process outlined in this paragraph supplements members' statutory and common law rights to information as detailed in paragraph 10.

7.8. Political Groups

8.1 Political group meetings, whilst they form an important part in the preliminaries to Council decision-making, are not formal decision-making bodies of the District Council and, as such, 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 members and officers understand and interpret them accordingly.

8.2 Officer support to political groups ~~must~~shall not extend beyond providing information and advice in relation to Council business (not party-political business). It may be appropriate for officers to participate in discussions within political group meetings in relation to the professional advice they give. However, it is good practice for party political discussions and debates to take place and conclusions to be reached in the absence of officers, in order to avoid suspicion of impropriety or misunderstanding.

- 8.3 Officers mustshall respect the confidentiality of any political group discussions. Any breach of this part of the protocol mustshall be brought to the attention of the Monitoring Officer for consideration. For the avoidance of doubt, it mustshall be recognised by all that, in discharging their duties, officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual members. Members shall, at all times, respect the political impartiality of officers and mustshall not expect or encourage officers to give a political view on any matter.
- 8.4 When an officer is requested to attend a political group meeting:
- (a) the request to attend mustshall be made through the and approved by the appropriate Chief Officer;
 - (b) such a request canshall only be made in relation to Council business; and officers willshall:
 - (i) provide relevant factual advice and assistance;
 - (ii) leave during the deliberations of the political group on the issues;
 - (iii) respect the confidentiality of any party group decisions at which they are present;
 - (iv) not champion, defend, action a request or spend any resources of the Council, or be held responsible for actioning in any way whatsoever the decisions of the political group(s), unless and until such decisions have become the formal decisions of the Council; and
 - (v) inform the other political groups, offering them the right of the same information.

8.9. Ceremonial Events

- 9.1 The ChairmanChair of the District Council, or in his / hertheir absence the Vice-Chairman, willChair, shall be the appropriate person to lead District Council ceremonial events and to represent the Council by invitation at ceremonial events of other organisations.
- 9.2 Local members should always be informed of, and where possible, invited to ceremonial events taking place within their own wardsWards.

- 9.3 Any member taking part in a ceremonial event ~~must~~shall not seek disproportionate personal publicity or use the occasion for party political advantage, bearing in mind that the member is representing the Council as a whole.
- 9.4 Members should always dress appropriately for a particular occasion, mindful of their community leadership role. The ~~Chairman~~Chair of the Council ~~will~~shall oversee this obligation.

9.10. Access to Information and Documentation

10.1 The Access to Information Procedure Rules set out the rights of access for members.

~~10.4~~10.2 Any member may request a private and confidential briefing from a senior officer on matters of policy, which have already been or may be discussed by the Council within its decision-making or advisory process. All such requests should be made to the appropriate Chief Officer or ~~Director~~Head of Service and shall be subject to the exigencies of the service. Briefings should remain strictly confidential and are not to be shared with other members of the Council unless so permitted by the relevant member and officer.

~~10.2~~10.3 Individual members may request any Chief Officer (or another senior officer) to provide them with factual information, which is necessary in pursuance of the proper performance of their duties. Such requests ~~must~~shall be reasonable and ~~must~~shall also recognise the need for officers to maintain the distinction between the ~~Executive~~cabinet and scrutiny processes.

~~10.3~~10.4 As regards the legal rights of members to inspect Council documents, these are partly covered by statute and partly by common law. This is commonly known as the “need to know principle”.

~~10.4~~10.5 Sometimes a member’s “need to know” will be presumed. For example, a member is unlikely to be refused an opportunity to inspect documents relating to the functions or activities of a member body on which they serve. At other times, for example when documents contain confidential information or personal information about a third party, the member will need to satisfy the relevant Chief Officer or ~~Director~~Head of Service about their “need to know”.

~~10.5~~10.6 If a Chief Officer or ~~Director~~Head of Service considers the cost of providing the information requested, or the nature of the request to be unreasonable ~~he / she~~they should seek guidance from the Monitoring Officer as to whether the information should be provided. Where necessary, the

Monitoring Officer ~~will~~shall determine whether the information should be provided.

~~10.6~~10.7 Confidential information relating to casework should not normally be sought. If in exceptional circumstances members wish to discuss confidential aspects of an individual case then they shall first seek advice from the appropriate Chief Officer or ~~Director~~Head of Service. If a member is already in possession of confidential information regarding a constituent then it is acceptable to discuss this with the relevant officer in order to help bring about a satisfactory resolution to a situation.

~~10.7~~10.8 Council information provided to a member ~~must~~shall only be used by the member for the purpose for which it was provided (i.e., in connection with the proper performance of the member's duties as a member of the District Council). Where confidential, personal or otherwise sensitive information is obtained by a member, they shall deal with that information in accordance with the Members' Code of Conduct.

10.11. Correspondence

11.1 E-mail relating to the Council ~~must~~shall be treated in the same way as formal business correspondence and its distribution considered accordingly. Members should restrict the distribution of e-mail correspondence to the intended recipients and refrain from using multi address distribution lists (for example e-mail replies copied to all members) unless there is good reason so to do. It should be noted that e-mail can be used for documentary evidence in matters such as disciplinary proceedings and libel cases even after it has been deleted.

11.2 Official correspondence on behalf of the Council ~~would~~shall normally be sent in the name of the appropriate officer, rather than in the name of a member. However, there ~~would be~~are circumstances in which it ~~would be~~is appropriate for correspondence to appear in the name of a member. For example, a local member may deal with correspondence with a local constituent in relation to a local matter in ~~his / her~~their name. Similarly, the Leader of the Council or a ~~portfolio holder~~lead cabinet member may deal with correspondence concerning ~~his / her~~their area of responsibility in ~~his / her~~their name. Any member who receives correspondence should consider whether it is appropriate in the circumstances for it to be passed to an officer for a reply, or for ~~him / her~~them to reply in ~~his / her~~their name. The ~~Chairman~~Chair of Council ~~will~~shall respond to correspondence addressed to ~~him / her~~them in consultation with the relevant officers. Any such correspondence should always have regard to the Council's policies, practices and procedures and any mechanisms, if appropriate, for changing them. A member is advised to seek advice, as necessary, from officers before sending any correspondence

in ~~his/her~~their own name. Correspondence which creates legal obligations or gives instructions on behalf of the Council should never be sent out in the name of a member. Correspondence includes any communication by letter, fax or e-mail, texts, social media posts or other electronic means.

11.12. Support Services to Members and Party Groups

The only basis on which the Council can lawfully provide support services (e.g., stationery, typing, printing, photocopying and transport) to members is to assist them in discharging their duties as a district councillor. Such support services ~~must~~shall therefore only be used on Council business. They should never be used in connection with any party-political activity or self-promotion. ~~Where the Council provides ICT equipment in the form of a PC or Laptop computer, the equipment can be used for constituency related tasks or other Council related use. The equipment may also be used for personal use, as long as such use complies~~Members are required to comply with the provisions of section 6, General Use, as set out in the agreement for members' use of the PC or Laptop computer~~the Members' ICT User Agreement (inclusive of the Members' ICT and Information Security Policy) when accessing the Council's network and email systems and when using any ICT equipment provided by the Council.~~

12.13. Publicity and Media

Publicity

~~13.1 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the~~The Council, explaining its policies ~~wishes to encourage regular, open and priorities to electors. In recent years, all local authorities have increasingly used publicity to keep~~two-way dialogue with its communities to ensure that the public ~~are aware of the Council's activities, are informed about how to access services and to encourage~~are aware of opportunities for public participation and see this in the democratic process.

~~4.3~~The way information is publicised has changed significantly over time with online and social media being more prominent and instant. Messaging in publicity should be well considered as an essential part of providing services.

~~13.1~~13.2 ~~Publicity is, however, a sensitive matter in any political environment because of the impact it may have. Expenditure on publicity can be expensive. It is essential~~therefore to ensure that local authority decisions on

publicity are made ~~properly and~~ in accordance with clear principles of good practice.

~~13.2~~13.3 Officers and members of the Council ~~will~~shall, therefore, in making decisions on publicity, take account of the provisions of the national Code of Recommended Practice on Local Authority Publicity ~~and Local Publicity Protocol and Media Guidelines~~ (<http://scambs.moderngov.co.uk/mgIssueHistoryHome.aspx?Id=16674>) ~~If in doubt, officers and / or members should initially seek advice from the Council's Communications Team. 2011. The Council's communications team can help to ensure publicity is timely, correct and targeted appropriately.~~

~~13.3~~13.4 Particular care should be taken with Council publicity ~~material~~ in the run-up to an election. ~~During the moratorium on publicity prior to elections, advice concerning any media engagement should be obtained from help members and officers. The guidance includes contacts in the Communications Team and Legal who can provide additional advice where necessary.~~

Media

~~13.5~~ Members wishing to publicise themselves or their political parties ~~must~~shall do so in an independent capacity without using Council resources, ~~subject to the provisions of the User Agreement for the use of IT.~~

~~13.4~~13.6 When using ~~council-headed paper or e-mailing using a Council e-mail address the email, or writing on behalf of the authority,~~ correspondence should not include political comments, ~~nor include an overtly party political stance and should not~~ or criticise ~~council~~Council policy adopted by Full Council. If members wish to make political statements in correspondence, they ~~should~~shall not use Council ~~headed notepaper, communications channels or~~ give the impression their views are those of the Council.

~~1.4~~ Members should always bear in mind potential damage to the reputation of the Council before issuing any statement to the press and should check the content of such statements with their Group Leader before speaking to the media. ~~Members should also be careful not to make derogatory or inflammatory comments about the Council's partner organisations as such comments may affect the success of future partnership working.~~

13.7 The Council's Communications Team provides a press office function on behalf of the Council. Press enquiries requesting information or a response on behalf of the Council should be referred to the Communications Team.

13.14. When Things Go Wrong

14.1 ~~Personal campaigns against~~This protocol is designed to provide the framework within which members ~~or~~and officers ~~do not project a healthy environment for engendering mutual trust, respect or courtesy and should be avoided. The~~work effectively together. However, the following ~~procedures~~process should be followed: in the event of any difficulties arising.

Procedure for officers to follow when experiencing difficulties with members

14.2 From time to time the relationship between members and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or member, officers ~~will~~shall have recourse to a procedure whereby the complaint or grievance ~~will~~shall be referred to the Council's Monitoring Officer. An informal meeting ~~will~~shall then be arranged between the relevant member and officer, the member's group leader and the Chief Executive. The ~~Chairman~~Chair of the Civic Affairs Committee may also be invited to attend where appropriate.

Procedure for members to follow when experiencing difficulties with officers

14.3 A member should not raise matters relating to the conduct, behaviour or capability of an officer in a manner that is incompatible with the objectives of this ~~Protocool~~protocol. An officer has no means of responding to such criticism in public. If any member feels that ~~he / she has~~they have not been treated with the proper mutual trust, respect or courtesy or ~~has~~have any concern about the conduct or capability of an officer, ~~he / she~~they should raise the matter, in private, with the relevant ~~officer and if necessary with their line manager.~~Head of Service. Any concerns with regard to a ~~Director~~Head of Service or ~~Executive Director~~Chief Officer should be discussed in private with the Chief Executive. Where the officer concerned is the Chief Executive, the matter should be raised with the ~~Chairman~~Chair of Council, Leader of the Council or Monitoring Officer, as appropriate to the circumstances. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.

~~Whistle-blowing~~Whistleblowing

14.4 Where an officer or councillor is concerned about potential unlawful conduct of an officer or councillor, the Council's whistle-blowing policy may also be relevant.

14.15. Interpretation

Questions of interpretation of this ~~Protocol will~~protocol shall be determined by the Monitoring Officer.

L—Member role descriptions

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- (a) District Councillor
- (b) Chairman of the District Council
- (c) ~~Vice-Chairman of the District Council~~
- (d) ~~Leader of the District Council~~
- (e) ~~Deputy Leader of the District Council~~
- (f) Cabinet Portfolio Holders
- (g) ~~Opposition Group Leader~~
- (h) ~~Chairmen of Scrutiny and Overview Committees~~
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- (l) ~~Chairmen of Committees and Sub-Committees with Regulatory Roles (Planning Committee, Licensing Committee, Licensing (2003 Act) Committee)~~
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- (n) ~~Chairman of the Civic Affairs Committee~~
- (o) ~~Vice-Chairman of the Civic Affairs Committee~~
- (p) ~~Chairman of Audit and Corporate Governance Committee~~

District Councillor

There are 45 district councillors ('members') representing the 26 electoral wards in the district, each elected to serve for a four-year term. In addition to the local representational role which all members undertake, members will participate in the political management of the Council and some may hold positions of responsibility in the political structures of the Council. Separate role descriptions exist which set out the key duties and responsibilities expected of these position holders.

ROLE DESCRIPTION

Main Purpose of Role

- To represent / champion the interests of the community, business and constituents residing in a particular District Council electoral ward as well as the interests of the Council as a whole.
- To contribute to the political management of the Council and undertake any other role allocated in respect of either Executive / non-executive, Scrutiny and Overview or quasi-judicial / appeals functions (e.g., planning and licensing matters).

Duties and Responsibilities

- To champion / represent the interests of those communities and businesses and of all constituents (irrespective of whether or not they voted for the member or did not vote at all).
- To represent the interests of an individual constituent as a champion or advocate.
- To develop an understanding of and impact on the local community of those key District Council strategic and service plans developed by the Council together with those developed by other external partners.
- To develop an understanding of the District Council's Compliments and Complaints Procedures, together with those of the County Council, Police Authority, other public agencies and the Local Government Ombudsman.
- To develop effective relationships with key individuals and partners in the ward (e.g., MP, MEP, county, district and town and parish councillors, key County and District Council officers and Leaders of the community, business and other relevant local organisations).
- To seek to secure the commitment of those individuals and partners in shaping and delivering a shared vision for the community.
- To bring forward proposals supported by the community for securing improvements to the social, environmental or economic well-being and the overall quality of life within the member's own electoral ward.
- To feedback, where appropriate, decisions and issues concerning the ward to community and business interests and individual constituents and to bring forward any views into the District Council's processes.
- To promote the effective use of any resources allocated to the area by the Council and / or partner organisations.
- To attend parish council meetings, community liaison and other public meetings arranged within the ward.
- To attend and participate in meetings within the Council's political structures.
- To participate, as appropriate, in the formulation of District Council policies and scrutiny of practices and service delivery.
- To participate, as appropriate, in performing those regulatory (planning and licensing) and appeal functions for which the Council is responsible.
- To carry out any watchdog / advocacy / champion role (if established and assigned).
- To participate in the Council's strategy to achieve best value and continuous improvement in the delivery of all its services.
- To contribute to and influence the work of any other external organisation on which the member is appointed to represent the Council and to make arrangements to feed back on that organisation's deliberations.

- ~~To participate in any training and development initiatives which are either a constitutional requirement or which are provided to assist members in the effective discharge of the roles required of them.~~
- ~~In undertaking their duties to observe the principles set out in the Code of Conduct for members and any other codes and protocols adopted by the Council.~~

Conventions and Protocols

- ~~To enable members to fulfil effectively their duties and responsibilities, members:~~
 - ~~can expect to be briefed, informed and involved in respect of any issue or initiative affecting their ward.~~
 - ~~have certain rights of access to information held by the District Council. Councillors should, however, recognise the need to respect any confidentiality of information made available to them to fulfil their responsibilities and respect the privacy of individuals.~~
 - ~~may not serve (or act as a substitute) on the Planning Committee or the Licensing Act 2003 Committee unless they have undertaken suitable training.~~
 - ~~who serve on the Planning Committee and Licensing Committee must abide by the Planning and Licensing Committees Procedural Guidance (Supplemental to the Code of Conduct) in relation to planning and licensing matters.~~

Accountability

- ~~The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.~~

Chairman of the District Council

The Chairman of the District Council will be elected by the Council annually.

ROLE DESCRIPTION

Main Purpose of Role

In addition to the duties and responsibilities expected to be undertaken by all members, to provide strong, fair and visible ceremonial and civic leadership to the community and the Council putting aside party political considerations.

Duties and Responsibilities

- To be the Civic Leader of South Cambridgeshire.
- To promote the interests and reputation of the District Council and South Cambridgeshire as a whole and to act as an ambassador for both.
- To undertake civic, community and ceremonial functions.
- To uphold and promote the purposes of the Constitution, and to interpret the Constitution where necessary, having particular regard to Article 16.02 and the Council's Standing Order which state that, "the ruling of the Chairman of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall be final".
- To preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of members and the interests of the community.
- To ensure that the Council meeting is a forum for debate for matters of concern to the local community and where members who do not serve on the Cabinet may hold the Cabinet to account.
- In the capacity of Chairman of the Council, to serve on any other bodies either within or outside the Council as appropriate or attend related events and conferences.
- To promote public involvement in the Council's activities.
- To be the conscience of the Council.
- To work closely with the Leader of the Council to provide clarity between civic and political leadership roles
- To respond to correspondence addressed to the Chairman of the Council, in consultation with the relevant officers.
- To undertake functions described elsewhere in this Constitution towards the effective running of the Council meeting, with particular regard to the following:
 - Chairman of (Council) meeting (Standing Order 7)
 - Quorum of Council meetings (Standing Order 8)
 - Questions by the public (Standing Order 10)
 - Questions by Members (Standing Order 11)
 - Notice of Motions (Standing Order 12)
 - Rules of debate (Standing Order 14)
 - Voting (Standing Order 16)
 - Minutes (Standing Order 17)
 - Members' Conduct (Standing Order 20)
 - Disturbance by public (Standing Order 21)

Conventions and Protocols.

- The Chairman will, in carrying out his / her duties, conduct himself / herself without regard to party political considerations and will only express views which are in accordance with the Council's policies, unless he / she makes it clear that such views are entirely personal.
- The Chairman may not concurrently be the Chairman of any other committee or member body.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

Vice-Chairman of the District Council

The Vice-Chairman of the District Council will be elected by the Council annually.

ROLE DESCRIPTION

Main Purpose of Role

In addition to the duties and responsibilities expected to be undertaken by all members to undertake, in his / her absence, those duties expected of the Chairman and encompassed in the role description for that position.

Duties and Responsibilities

- To deputise, as necessary, for the Chairman of the Council.
- To undertake specific tasks and responsibilities as requested by the Chairman.
- To share and support in general, the full workload of the Chairman.
- To work actively with the Chairman to manage the work of the Council meeting.

Conventions and Protocols

- The Vice-Chairman will, in carrying out his / her duties, conduct himself / herself without regard to party political considerations and will only express views which are in accordance with the Council's policies, unless he / she makes it clear that such views are entirely personal.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

Leader of the District Council

The Leader of the Council is elected to that position by the District Council. The Leader of the Council will serve on the Cabinet.

The Cabinet collectively holds responsibility for and takes any necessary decisions on executive functions for which it has responsibility, subject to matters delegated to individual portfolio holders in accordance with Table 2B in Part 3 of this Constitution. Ordinarily the Leader cannot take decisions individually on behalf of the Cabinet. However, he / she and, in his / her absence, the Deputy Leader, shall have all the delegated powers, functions and responsibilities of any portfolio holder in that portfolio holder's absence.

The Leader of the Council will normally be the Leader of a Controlling Political Group forming or being part of the ruling administration of the Council.

ROLE DESCRIPTION

Main Purpose of Role

- In addition to the duties and responsibilities expected to be undertaken by all members, to:
 - bring strong, fair and visible political leadership, direction and drive to the Community and the Council in developing and implementing a vision for the Council, designing and developing solutions that meet the needs and aspirations of the whole community and
 - ensure the effective operation of the Council's constitutional and political structures, including the Cabinet, the proper and effective provision of scrutiny and an effective representational role for all members.

Duties and Responsibilities

- The appointment and removal of Cabinet members and the allocation of portfolio holder responsibilities, in accordance with Article 7 of this Constitution.
- To lead, taking into account input and advice from the Partnerships Review Committee and Scrutiny and Overview Committee and bodies established by these committees, local partnerships, stakeholders and any other persons as appropriate:
 - the Sustainable Community Strategy planning process and drive for best value;
 - the development of effective corporate policies to enable the Council to develop high quality services to the people of South Cambridgeshire and to promote the social, economic and environmental well-being of the District;
 - the preparation and review of revenue and capital budgets.
- To lead in ensuring that the Council's strategies, plans, objectives and targets are monitored, implemented and achieved, and that such policies have appropriate regard to the community's interests and to any equalities and diversity issues.
- To lead in seeking to achieve the Council's commitment to continuous improvement.
- To ensure that the Council is open and responsive to the community, so that accountability is seen to operate through transparent policy development and decision-making processes, particularly the scrutiny process.
- To uphold the reputation of the Council effectively, taking a lead on media relations.
- To chair the Cabinet and manage its business / work programme.
- To ensure that decisions are taken properly, openly and, where appropriate, publicly and that key decisions are properly programmed and subject to effective public consultation.
- To ensure that proposals are made and decisions taken within appropriate timescales and in accordance with the Council's budget and policy framework and any other appropriate legislation.
- To arrange for the publication of the Council's Forward Plan.
- To lead on member training and development needs to ensure members are properly equipped to carry out their roles, or give full support to the portfolio holder with responsibility for this area, as appropriate.
- To ensure the effective management of the delivery of services and review the effectiveness of the Council's organisation and management processes.

- ~~To develop and maintain a good relationship with the Chief Executive of the Council and other officers, providing the conduit between the political and officer groups and setting an example to the whole organisation.~~
- ~~To represent the views of his / her Group in relation to any matter on which officers seek consultation and guidance.~~
- ~~To provide effective leadership and management of and communications within his / her own group and to ensure that members of his / her group comply with local and national codes of conduct and protocols governing member conduct and behaviour and where necessary to deal with any breaches of these codes or protocols.~~
- ~~To nominate Council members from his / her political group to serve on all appropriate member bodies, including, as appropriate, other outside bodies.~~
- ~~To provide effective liaison between all political groups and work closely with the Chairman of the Council to provide clarity between civic and political leadership roles.~~
- ~~To take on an ambassadorial role and represent by virtue of his / her position, the Council and community on district-wide, regional and national bodies and national and international events relating to, or organised by those bodies.~~
- ~~To exercise specific powers and duties as set out in the Constitution.~~

Accountability

- ~~The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.~~

Deputy Leader of the District Council

If the Leader of the Council so wishes he / she may appoint a Deputy Leader who will serve on the Cabinet.

The Cabinet collectively holds responsibility for and takes any necessary decisions on executive functions for which it has responsibility, subject to matters delegated to individual portfolio holders in accordance with Table 2B in Part 3 of this Constitution. Ordinarily the Leader cannot take decisions individually on behalf of the Cabinet, however he / she and, in his / her absence, the Deputy Leader, shall have all the delegated powers, functions and responsibilities of any portfolio holder in that portfolio holder's absence.

ROLE DESCRIPTION

Main purpose of role

In addition to the duties and responsibilities expected to be undertaken by all members to, in the absence of the Leader of the Council, undertake those duties expected of the Leader and encompassed in the role description for that position.

Key Duties and Responsibilities

- To deputise, as necessary, for the Leader of the Council.
- To undertake specific tasks and responsibilities as requested by the Leader.
- To share and support in general, the full workload of the Leader.
- To work actively with the Leader to manage the work of the Cabinet.
- To undertake the responsibilities, if allocated by the Leader, of a Cabinet portfolio holder.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

Cabinet Portfolio Holders

The Leader of the Council will appoint at least two and up to nine members to the Cabinet and will decide on the number of areas of responsibility and the allocation of those to members of the Cabinet (each known as a Cabinet portfolio holder)

The Cabinet collectively holds responsibility for and takes any necessary decisions on executive functions for which it has responsibility. The portfolio holder cannot take decisions individually on executive functions for which he / she has responsibility, unless specifically authorised to do so under delegations set out in Table 2B of Part 3 of this Constitution.

ROLE DESCRIPTION

Main Purpose of Role

- In addition to the duties and responsibilities expected to be undertaken by all members, to:
 - hold political responsibility within the scope of the area assigned;
 - provide political leadership in the formulation of strategies and plans within his / her portfolio, the achievement of best value and in the setting of objectives and targets prior to the approval by Cabinet and / or Council.

Duties and Responsibilities

- Participate effectively as a member of the Cabinet — take joint responsibility with other Cabinet members for all actions and be accountable collectively.
- Challenge issues prior to making decisions if felt appropriate to do so. Ensure appropriate regard to the community's interests and to any equalities and diversity issues. Encourage openness and honesty.
- To exercise delegated powers in accordance with the Council Constitution.
- Shape and develop the strategic priorities and vision of the Council, participating in debates and discussion about policy issues across the range of services provided by the Council.
- In connection with the portfolio:
 - (a) build good relationships with appropriate senior officers and work with them in developing policy or strategic issues prior to formal reporting. Be supportive in dealing with any problems at a strategic level
 - (b) keep abreast of related developments and policies at national, regional and local level
 - (c) enhance the Council's reputation through taking the national stage where possible and participating in regional and national networks
 - (d) represent the Cabinet at the Scrutiny and Overview Committee in connection with any related matter that may be requisitioned (called in). Similarly, attend the Partnerships Review Committee Scrutiny or Overview Committee at that body's request in connection with any issues associated with the portfolio that are being scrutinised.
 - (e) be aware of issues of importance to the community and other stakeholders concerning portfolio services and work towards implementing the Sustainable Community Strategy
 - (f) be aware of key budgetary issues affecting the portfolio of the Cabinet member
- Facilitate a corporate leadership role where appropriate to do so, and foster links through partnerships such as the Local Strategic Partnership.
- Be responsible for continuous personal development. Take advantage of learning opportunities to build on understanding and knowledge, and to develop relevant skills.
- Along with colleague Cabinet members be available as appropriate for other members to discuss any queries or matters of concern.
- To provide political leadership in ensuring that service strategies, plans, objectives and targets within his / her portfolio are implemented, monitored, and achieved.
- To remain accountable and answerable to the Council in relation to his / her portfolio.
- On a programmed basis, to report regularly to the Council setting out progress achieved in the implementation of the service plan within his / her portfolio and outline any proposed developments or current issues and activity within his / her area.

- ~~At meetings of the Cabinet to present / speak to and to move any necessary motions in relation to his / her portfolio.~~
- ~~To attend, if required, the Partnerships Review Committee or Scrutiny and Overview Committee or panel thereof to be held to account for matters within his / her portfolio and to be questioned.~~
- ~~To advise the Cabinet on how to respond to a scrutiny report relating to his / her portfolio.~~
- ~~To be the principal political spokesperson for his / her portfolio~~
- ~~To engender a culture of 'no surprises' for local members by:~~
 - ~~considering whether any particular area of policy or issue specifically affects a particular member's division;~~
 - ~~briefing relevant local members at the earliest opportunity and in any event making every endeavour to do so before any matter is considered by the Cabinet or action to be taken becomes public;~~
 - ~~keeping a local member informed about and where practicable inviting the local member to intended visits or events within the member's ward;~~
 - ~~being aware that if a media enquiry relates to a specific electoral ward and requires a political response that journalists are advised to also contact the relevant local member.~~
- ~~To represent, by virtue of his / her position, the Council on local, regional or national bodies or at related events and conferences.~~
- ~~To attend or be represented at such civic and ceremonial functions as deemed appropriate.~~

Conventions and Protocols

- ~~The Cabinet portfolio holder remains accountable to the Council in relation to the scope of the area assigned to him / her.~~
- ~~Questions at Council will be answered by the relevant Cabinet portfolio holder.~~

Accountability

- ~~The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.~~

Opposition Group Leader

Each Political Group other than that forming the ruling administration on the Council will appoint one of its members to the position of Group Leader / Co-ordinator / Convener.

ROLE DESCRIPTION

Main Purpose of Role

In addition to the duties and responsibilities expected to be undertaken by all members, to provide leadership of an opposition group.

Duties and Responsibilities

- To provide for residents, stakeholders and partners, visible political leadership in relation to the opposition group's views on the design, preparation and implementation of the Council's policies, strategies, budgets and service delivery.
- To lead the opposition group and provide strategic direction for that group in endeavouring to ensure that the Council works in the best interests of the local community.
- To act as the group's spokesperson on all aspects of the Council's agreed and developing budget and policy framework and fulfil the role of principal spokesperson for his / her group.
- To ensure that members of his / her group comply with local and national codes of conduct and protocols governing member conduct and behaviour and where necessary to deal with any breaches of these codes or protocols.
- To provide, as appropriate, alternatives or amendments to the District Council's policies, strategies and budgets.
- To provide strong and effective leadership of an opposition group including challenging the running of the Council by the controlling group(s) as appropriate.
- To represent the views of his / her Group in relation to any matter on which officers seek consultation and guidance.
- To maintain effective relationships with the Leader of the Council, other members of the Council, the Chief Executive, Directors and other relevant senior officers.
- To ensure effective contact with community leaders and other external stakeholders, as appropriate, and represent their views in ensuring effective opposition to the ruling administration, as appropriate.
- To nominate members of his / her group to serve on all appropriate member bodies, including as necessary other outside bodies.
- To represent, by virtue of his / her position, the Council on district-wide, regional and national bodies and national and international events relating to, or organised by, those bodies.
- If deemed appropriate to take personal responsibility for 'shadowing' one or more service or corporate area of the District Council's activity.
- If deemed appropriate to appoint members of his / her Group to 'shadow' particular service or corporate areas of the District Council's activity.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will be subject to any member personal development arrangements agreed by the Council.

Chairmen of Scrutiny and Overview Committees

The Council has established a Partnerships Review Committee and Scrutiny and Overview Committee to manage and co-ordinate the Council's Scrutiny activities. Their Terms of Reference can be found in Article 6 of this Constitution.

ROLE DESCRIPTION

Main Purpose of Role

- In addition to the duties and responsibilities expected to be undertaken by all members, to lead the management and co-ordination of the Council's Scrutiny activities.

Duties and Responsibilities

- To chair the Partnerships Review Committee or Scrutiny and Overview Committee and manage its business in an efficient manner, ensuring effective engagement by all members and participants.
- To provide leadership and direction for the committee.
- To promote the role of Scrutiny and Overview both within and outside the Council.
- To ensure that adequate resources (financial and officer support) are identified and sought from the Council.
- To engender a culture for scrutiny in which party political considerations are put aside, focussing instead on achieving the best outcomes for the community.
- To lead the committee in conducting its business with respect, equality, fairness, dignity and with regard to the principles of natural justice.
- To lead the committee in conducting its business in a consensual open, responsible and transparent way.
- To lead and encourage members of the committee in the formulation of a scrutiny programme which is manageable, balanced and meets the criteria for chosen topics.
- To lead and encourage the committee in challenging the corporate performance of the Council and in using performance monitoring information to inform scrutiny priorities.
- To ensure that individual scrutiny exercises are conducted in an appropriate and timely manner.
- To take a lead role in evaluating the effectiveness of individual scrutiny panels.
- To participate actively, as appropriate, in scrutiny exercises being undertaken by the committee, and any task and finish panels established by it.
- To ensure the production of high quality reports which are well-drafted, focused, relevant and timely and are well presented to the Cabinet and Council, the public, other stakeholders and the media.
- To present any reports produced by the committee to the Cabinet and / or Council.
- To report annually to Council as part of the Scrutiny and Overview arrangements.
- To take an active role in monitoring the work of the Cabinet, and reviewing the Forward Plan.
- To develop and maintain a constructive and effective working relationship and links with the Cabinet and its members.
- To develop and maintain an effective working relationship and links with the Vice-Chairman and other members of the Partnerships Review Committee or Scrutiny and Overview Committee, non-councillors involved in the scrutiny arrangements, including external stakeholders and partners, scrutiny support and other relevant officers.
- To bring forward suggestions to ensure the future development of the Council's scrutiny practices.
- To act as the public face / spokesperson for the committee.
- To exercise the powers of the Chairman of the committee set out in this Constitution, having particular regard to the following:
 - giving consent to the taking of a Special Urgency decision (Access to Information Procedure Rule 16)
 - giving consent to the taking urgent decisions outside the Budget or Policy Framework (Budget and Policy Framework Procedure Rule 4)

- ~~call-in of decision outside the budget or policy framework (Budget and Policy Framework Procedure Rule 7)~~
- ~~discretion to refuse a call-in request in certain circumstances (Scrutiny and Overview Procedure Rule 12)~~
- ~~To consider the training and development requirements of those members engaged in scrutiny and bring forward suggestions for meeting these needs.~~

Accountability

- ~~The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.~~

~~Vice-Chairmen of Scrutiny and Overview Committees~~

~~The Council has established a Partnerships Review Committee and Scrutiny and Overview Committee to manage and co-ordinate the Council's Scrutiny activities. Its Terms of Reference can be found in Article 6 of this Constitution.~~

~~ROLE DESCRIPTION~~

~~Main Purpose of Role~~

~~In addition to the duties and responsibilities expected to be undertaken by all members, to undertake, in the absence of the Chairman, those duties expected of the Chairman and encompassed in the role description for that position.~~

~~Duties and Responsibilities~~

- ~~• To deputise for the Chairman of the committee.~~
- ~~• To undertake specific tasks and responsibilities as requested by the Chairman.~~
- ~~• To share and support in general, the full workload of the Chairman.~~
- ~~• To work actively with the Chairman to manage the work of the Group.~~
- ~~• To lead, as required, certain small task and finish panels or sub-groups.~~

~~Accountability~~

- ~~• The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.~~

Scrutiny and Overview Committee Members

Scrutiny aims to improve the delivery of public services through providing critical but constructive challenge to the Cabinet and other organisations on issues of public concern, by acting as a community leader and championing the concerns of the public.

~~ROLES, RESPONSIBILITIES, AND EXPECTATIONS~~

~~Offering ‘critical friend’ challenge to the Cabinet and other organisations to help improve services in South Cambridgeshire~~

- ~~• objectively hold the Council's executive to account by reviewing service performance against stated strategies, targets and aspirations;~~
- ~~• offer suggestions for improvement and highlight areas of weaknesses in Council services and policies, and identify efficiency savings;~~
- ~~• investigate the basis on which major decisions are taken and ensure that they are consistent with the Council policy;~~
- ~~• undertake similar ‘critical friend’ challenge of other local service providers.~~

~~Contributing to in-depth review of services and the development of policy~~

- ~~• participate in in-depth reviews of services involving analysis and evaluation of the implementation of existing policies, strategies and plans;~~
- ~~• contribute to the development of policy through active participation in member-led reviews into particular issues or service areas.~~

~~Providing community leadership and engaging the public~~

- ~~• engage with service users and other key stakeholders in order to effectively represent and forward their interests to the Council and other organisations through the scrutiny system;~~
- ~~• on behalf of the public, bring to the attention of the Chairman or the Committee any issue or idea that may warrant further investigation, development or scrutiny by the relevant scrutiny committee;~~
- ~~• contribute to the scrutiny of external bodies where appropriate, whose services have an impact on South Cambridgeshire communities.~~

~~Conduct and Behaviour~~

- ~~• prepare effectively for meetings by reading all the relevant papers in advance so as to fully understand key issues;~~
- ~~• effectively and objectively question Cabinet members, officers and other individuals who offer evidence to the committee, and treat all with respect and courtesy;~~
- ~~• work effectively with fellow members of the relevant committee putting aside party differences;~~
- ~~• undergo appropriate training;~~
- ~~• to help fulfil the roles and expectations set out above.~~

~~The general expectations regarding Council Members' behaviour are set out in the Members' Code of Conduct.~~

Portfolio Holder Monitors (Members of Scrutiny and Overview Committees)

Scrutiny aims to improve the delivery of public services through providing critical but constructive challenge to the Cabinet and other organisations on issues of public concern, by acting as a community leader and championing the concerns of the public.

External inspectors have praised our system of Cabinet monitors as an example of good practice. The monitor acts as a bridge between the Scrutiny and Overview Committee and the Cabinet, promoting constructive dialogue and supporting effective scrutiny that adds value to the work of the Cabinet.

~~ROLES, RESPONSIBILITIES, AND EXPECTATIONS~~

1. ~~Attend all public meetings of the relevant Portfolio Holder. Where the monitor is unable to attend, he/she may arrange for another Member of the Scrutiny and Overview Committee to deputise.~~
2. ~~Prepare effectively for meetings by reading all the relevant papers in advance so as to fully understand key issues.~~
3. ~~Effectively and objectively question the Portfolio Holder, officers and other individuals at the meeting.~~
4. ~~Consider whether Portfolio Holder meetings effectively:
 - ~~review service performance against stated strategies, targets and aspirations;~~
 - ~~identify areas of weaknesses in Council services and policies;~~
 - ~~identify potential efficiency savings that are consistent with stated strategies, targets and aspirations;~~
 - ~~take account of stakeholders' views.~~~~
5. ~~Working with the Portfolio Holder, identify any issues where scrutiny might usefully add value and report these to the next meeting of the Scrutiny and Overview Committee, along with any stakeholder views expressed at the Portfolio Holder's meeting and significant matters arising which the monitor feels require bringing to the Committee's attention..~~
6. ~~Inform the Portfolio Holder of any current or proposed scrutiny activities which relate to the portfolio.~~
7. ~~Develop a professional 'critical friend' relationship with the Portfolio Holder.~~

Chairmen of Committees and Sub-Committees with Regulatory Roles

(Planning Committee, Licensing Committee, Licensing (2003 Act) Committee)

ROLE DESCRIPTION

Main Purpose of Role

In addition to the duties and responsibilities expected to be undertaken by all members, to ensure the effective discharge of the functions assigned to the Planning Committee, Licensing Committee and Licensing Committee (2003 Act) ensuring that the provisions of the Council's Procedural Guidance on Planning and Licensing Committees (Part 5, Section M of this Constitution) are complied with.

Duties and Responsibilities

- To chair and manage the business of the committee in a fair, impartial open and efficient manner ensuring effective engagement by all members.
- To provide leadership and direction for it.
- To determine priorities in the light of the volume of work presented to the committee.
- To facilitate the participation in the committee by the public and any others in accordance with any scheme agreed from time to time.
- To ensure that the committee takes balanced decisions based on all relevant evidence, always with impartiality and fairness.
- To ensure that committee decisions are recorded with full justifications.
- To promote actively national and local codes of good practice in relation to planning and licensing matters.
- To maintain effective working relationships and links with the Vice-Chairman, other members of the committee and relevant officers.
- To develop a thorough understanding of:
 - the process, relevant policies and other material considerations as they relate to the Council's planning and licensing activities.
 - the legal and probity framework relating to planning, development control and licensing.
 - local and national initiatives or developments which are likely to impact on the Council as Planning and Licensing Authority.

Conventions / Protocols

- Every member who serves on the committee will undertake to abide by the Procedural Guidance for Members and Officers in Planning and Licensing (Part 5, Section M of this Constitution).

No member may serve on regulatory committees unless and until they have undertaken suitable training.

Accountability

The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

Vice-Chairmen of Committees and Sub-Committees with Regulatory Roles

(Planning Committee, Licensing Committee, Licensing (2003 Act) Committee)

ROLE DESCRIPTION

Main Purpose of Role

In addition to the duties and responsibilities expected to be undertaken by all members, to undertake, in the absence of the Chairman, those duties expected of the Chairman and encompassed in the role description for that position.

Duties and Responsibilities

- To deputise as necessary for the Chairman of the committee.
- To undertake specific tasks and responsibilities as requested by the Chairman.
- To share and support in general, the full workload of the Chairman.
- To work actively with the Chairman to manage the work of the committee.

Conventions / Protocols

- Every member who serves on the committee will undertake to abide by the Procedural Guidance for Members and Officers in Planning and Licensing (Part 5, Section M of this Constitution).
- No member may serve on regulatory committees unless and until they have undertaken suitable training.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

~~Chairman of the Civic Affairs Committee~~

~~The Council may establish a Civic Affairs Committee.~~

~~The committee will elect one councillor to chair the committee.~~

~~ROLE DESCRIPTION~~

~~Main Purpose of Role~~

- ~~• To oversee the Council's civic affairs, including taking a leading role in promoting and maintaining high standards of conduct by the Council, its members and co-opted members, overseeing the amending and updating of the Council's Constitution and discharging the Council's responsibilities in respect of electoral arrangements.~~

~~Duties and Responsibilities~~

- ~~• To chair and manage the business of the committee in an efficient manner, ensuring effective engagement by all members.~~
- ~~• To provide leadership and direction for the committee.~~
- ~~• To determine priorities in the light of the volume of work presented to the committee.~~
- ~~• To ensure that the committee conducts any necessary inquiries, hearings and investigations having regard to the nature of the issue, the rules of natural justice and those local and national procedures adopted by the District Council.~~
- ~~• To ensure that the committee monitors the Council's Constitution on a regular basis to ensure it is up to date~~
- ~~• To promote actively, and on a regular basis, the Members' Code of Conduct and Protocols in place~~
- ~~• To ensure that the committee monitors on a regular basis the operation of the Members' Code of Conduct and Protocols currently in place.~~
- ~~• To review the Council's working arrangements for probity and high standards of conduct in public life.~~
- ~~• To command the respect and confidence of the Council in relation to matters of standards and probity.~~
- ~~• To maintain effective working relationships and links with the Vice-Chairman and members of the committee, the Chairman of the Council and other relevant members, the Monitoring Officer and any other relevant officers.~~
- ~~• To determine applications for dispensations alongside the Monitoring Officer and Independent Person~~
- ~~• To maintain an overview of best practice both nationally and locally.~~
- ~~• To bring forward suggestions for member training and development in relation to ethical issues, constitutional issues and electoral issues.~~
- ~~• To represent, by virtue of his / her position, the Council and committee on relevant external bodies and events as required.~~

~~Accountability~~

- ~~• The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.~~

~~Vice-Chairman of the Civic Affairs Committee~~

~~The committee may appoint one person as Vice-Chairman of the committee.~~

~~ROLE DESCRIPTION~~

~~Main Purpose of Role~~

~~In addition to undertaking those duties and responsibilities expected of all members as appropriate, to undertake, in the absence of the Chairman, those duties expected of the Chairman and encompassed in the role description for that position.~~

~~Duties and Responsibilities~~

- ~~• To deputise as necessary for the Chairman of the committee.~~
- ~~• To undertake specific tasks and responsibilities as requested by the Chairman.~~
- ~~• To share and support in general, the full workload of the Chairman.~~
- ~~• To work actively with the Chairman to manage the work of the committee.~~

~~Accountability~~

- ~~• The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for the members' performance is ultimately through the political and electoral processes but will also be subject to any member personal development arrangements agreed by the Council.~~

Chairman of Audit and Corporate Governance Committee

The Audit and Corporate Governance Committee has been established to oversee the Council's corporate governance arrangements, specifically to ensure that the Council's risk management and internal control arrangements are sound. The Committee also has responsibility for approving the Council's annual Statement of Accounts.

The Committee will comprise non-Executive (Cabinet) Members only. The Chairman of the Scrutiny and Overview Committee shall not be eligible to Chair the Committee, although he / she may be a member of it.

ROLE DESCRIPTION

Main Purpose of Role

- To take a leading role in ensuring that the Council's systems of corporate governance, risk management and internal control remain robust, and that the Committee raises issues of concern with Council and Cabinet where necessary.

Duties and Responsibilities

- To chair and manage the business of the committee in an efficient manner, ensuring effective engagement by all members.
- To provide leadership and direction for the committee.
- To determine priorities in the light of the volume of work presented to the committee.
- To ensure that the Committee successfully achieves its objectives set within its Terms of Reference, specifically:
 - To ensure the Committee carries out timely and in-depth reviews of the Council's corporate governance, risk management and internal control arrangements such that it is able to provide assurance that these arrangements are sound;
 - To ensure that the Committee makes appropriate recommendations to Cabinet and Council regarding matters of concern, and that it monitors recommendations to ensure that they are implemented as agreed.
- To command the respect and confidence of the Council in relation to matters of corporate governance.
- To sign and date the Statement of Accounts to represent completion of the Council's approval process of the annual accounts; to ensure that the annual corporate governance statement meets the requirements expected by the relevant guidance, and to act as member champion for the Council's risk management strategy.
- To maintain effective working relationships and links with the Vice-Chairman and members of the committee, the Leader of the Council and other relevant members, the Chief Executive, Chief Finance Officer and other relevant officers.
- To maintain effective working relationships with the Council's external auditors, and to ensure that the Committee contributes fully to the agreement of annual programmes of work.
- To maintain an overview of best practice in the field of corporate governance (as exhibited in the CIPFA / SOLACE framework) and to ensure that this is reflected in the Council's local code of corporate governance.
- To bring forward suggestions for member training and development in relation to corporate governance issues.
- To represent, by virtue of his / her position, the Council and committee on relevant external bodies and events as required.

Accountability

- The tasks and duties outlined in this role description relate to the activities of the postholders within the political structures of the Council. Accountability for the postholders' performance is to the Council.

M ~~Procedural guidance – Public Addressing Partnerships Review Committee and Scrutiny and Overview Committee~~

Commented [A1]: Replaced by new general public speaking scheme

1. ~~(a) If you are a member of the public and you would like to **make a statement** at a scrutiny meeting, please tell us in advance. You should contact the Democratic Services team as soon as possible, but **at the latest by 5.00 pm on the day before the meeting.**~~

~~(b) If you would like to **ask a question** at a scrutiny meeting, we will need advance notice to allow us time to arrange for a detailed answer to be prepared and for a senior officer or Councillor to attend the meeting to provide the answer. You should submit your question to the Democratic Services team **by no later than 5.00 pm seven working days** before the meeting. Meetings usually take place on Thursdays, in which case the deadline will be the previous Monday. Later questions may be accepted only with the Chairman's consent.~~
2. ~~You will be asked to say whether you are speaking as a private individual or as a representative of an organisation.~~
3. ~~You may speak on any matter except where it concerns:~~
 - ~~• Individual planning applications;~~
 - ~~• Licensing applications;~~
 - ~~• The competence or performance of a councillor or officer;~~
 - ~~• A matter normally considered "confidential";~~
 - ~~• Legal proceedings involving the Council;~~
 - ~~• Comments that would be abusive or libellous;~~
 - ~~• An individual matter which may be best dealt with by speaking directly to the relevant officer.~~~~The Democratic Services team will advise you about this.~~
4. ~~If your question or statement is of a general nature, you will be asked to speak at the beginning of the meeting.~~
5. ~~If it relates to a specific agenda item, you may choose to speak either at the beginning of the meeting, or when this agenda item is considered.~~
6. ~~You will be encouraged to keep your questions and comments brief; the Chairman will act as timekeeper.~~
7. ~~The Chairman of the committee may allow councillors to ask you questions.~~
8. ~~Where it is not possible to provide a detailed answer to any points raised at the meeting, the Chairman may decide that a written response should be sent after the meeting.~~

N Procedural Guidance – Petitions

Commented [A1]: New petitions scheme prepared

The Council welcomes petitions as one way in which residents can let us know their concerns. We set out below how the authority will respond to petitions it receives.

We have appointed a Petitions Officer, who is responsible for receiving, managing and reporting all valid petitions sent to the authority. Please address hard copies of petitions to—

Democratic Services Team Leader
 South Cambridgeshire District Council
 South Cambridgeshire Hall
 Cambourne Business Park
 Cambourne
 Cambridge CB23 6EA
democratic.services@scambs.gov.uk

You can also submit petitions electronically via the our e-petitions system at www.scambs.gov.uk/petitions

The Petitions Officer can also provide you with advice about how to petition the authority or the progress of your petition, at either of the above addresses or by telephone at 01954 713030.

What is a petition?

We treat as a petition any communication which is signed by or sent to us on behalf of a number of people. The type of petition will determine the number of signatures required for it to be valid and how it will be processed. There are five different types of petition, as set out below:

1. Consultation Petitions

These are petitions in response to an invitation from the authority for representations on a particular proposal or application, for example on planning or licensing applications. Consultation petitions do not require a minimum number of signatures and will be reported to a public meeting of the person or body which will be taking the decision on the application or proposal.

2. Statutory Petitions

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a directly elected Mayor. The number of signatures required will depend on the relevant statute. A petition submitted under such a specific statute will be reported to the next available meeting of the Council in accordance with the statutory requirements.

3. Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council it must contain at least 100⁴ signatories or 50% of the electorate of a particular parish to which the petition may relate, whichever is the lowest. These petitions will be taken to the next meeting of Council, excluding annual council or an extraordinary council meeting. The following process will be followed:

- a) Petition organiser (or a representative) to present the petition for up to 3 minutes
- b) Relevant Portfolio Holder invited to respond to the petition for up to 3 minutes
- c) Local Councillors (if necessary) invited to respond to the petition for up to 3 minutes

⁴ The number of signatories or petitioners required for Petitions for Debate, and for Petitions to Hold and Officer to Account have been set by the authority to try to ensure that matters of genuine concern can be brought to the authority's attention. These requirements will be reviewed periodically in the light of the number of petitions received, to ensure that the requirements are not excessive.

- d) ~~Council to debate the petition and make a decision to either:~~
- ~~— vote in support of the petition;~~
 - ~~— vote against the petition;~~
 - ~~— note the petition;~~
 - ~~— refer the petition to another body, Portfolio Holder or officer for consideration;~~
 - ~~— agree any other appropriate action.~~

~~A maximum of 30 minutes will normally be allowed at the meeting to consider the petition. The Chairman may use his or her discretion to extend this timescale if necessary. Any petition relevant to a particular item of business will be discussed under that item whilst petitions that do not relate to an ordinary item of business will be considered at the start of the meeting.~~

~~If any clarification of what the petitioner has said is required, the Chairman will have the discretion to allow Councillors to ask questions.~~

4. ~~Petitions to Hold an Officer to Account~~

~~If you want your petition to be considered at a meeting of the Partnerships Review Committee or Scrutiny and Overview Committee, where an officer will be required to answer questions on the conduct of a particular matter, your petition should contain at least 500 signatories. The authority has determined that such petitions must relate to the Chief Executive or Director or a Head of Service of the authority. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to the Head of People and Organisational Development in respect of the Chief Executive) and will be considered under the authority's Disciplinary Procedures, and not under this Petitions Procedure². The following process will be followed:~~

- ~~a) Petition organiser (or a representative) to present the petition for up to 3 minutes and set out any questions they would like to be addressed~~
- ~~b) Relevant officer invited to respond to the petition and address any questions raised~~
- ~~c) Local Councillors (if necessary) invited to respond to the petition for up to 3 minutes~~
- ~~d) Committee to debate the petition and make a decision to either:~~
 - ~~— vote in support of the petition;~~
 - ~~— vote against the petition;~~
 - ~~— note the petition;~~
 - ~~— refer the petition to another body, Portfolio Holder or officer for consideration;~~
 - ~~— agree any other appropriate action.~~

~~If any clarification of what the petitioner has said is required, the Chairman will have the discretion to allow Councillors to ask questions.~~

5. ~~Ordinary Petitions~~

~~These are petitions which do not come within any of the above specific types of petition and will require 50 signatures to be valid.~~

~~The Petitions Officer will arrange for each Ordinary petition to be reported to the next convenient meeting of the most relevant Portfolio Holder, Cabinet or a Committee or Sub-Committee of Council, which has the power to take a decision on the matter in question.~~

~~The Chairman of the meeting will invite the petition organiser (or a representative) to present their petition for up to three minutes. Any local Councillors present will also have~~

² Note that the Local Democracy, Economic Development and Construction Act 2009 makes no provision for handling petitions which raise issues of officer or member misconduct or officer competence, but in practice such petitions cannot be handled under the Petitions Procedure and must be handled under the procedures appropriate to such matters.

the opportunity to address the meeting for up to three minutes. If any clarification of what the petitioner has said is required, the Chairman will have the discretion to allow councillors to ask questions.

Any petition relevant to a particular item of business will be discussed under that item whilst petitions that do not relate to an ordinary item of business will be considered at the start of the meeting.

What information does a petition have to include?

A petition should include:

A clear statement of your concerns and what you want the authority to do

This must relate to something which is the responsibility of South Cambridgeshire District Council, or over which the Council has some influence. Where a petition relates to a matter over which the Council has no responsibility or influence, we will return the petition to the petition organiser with an explanation and recommendation as to where it could be submitted.

The name and contact details of the "petition organiser"

Contact details may be either the postal address or an email address of the petition organiser or someone to whom you would like any correspondence about the petition to be sent.

You may also include the addresses of petitioners, which may be useful to the authority, for example, in assessing the degree of local support or opposition to a planning application, but this is not essential.

If you are submitting the petition in response to our consultation on a specific matter, please identify the matter which it relates to, so that we can ensure that your petition is considered along with the original matter.

Is my petition guaranteed to be reported to a meeting of the Council?

If your petition includes all of the information outlined above, depending on the type of petition, it will normally be reported to a Portfolio Holder, a meeting of Cabinet, Council or a Committee or Sub-Committee of Council, whichever is the most relevant. There are certain exemptions, however, that may change the way in which your petition is presented or prevent the submission or reporting of your petition altogether. These are set out below:

Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, or which are broadly similar in intent, each petition organiser will be treated as an independent petition organiser but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

Repeat Petitions

A petition will not be considered where it is received within 6 months of another petition or public question being considered by the authority on the same matter.

Rejected Petitions

Petitions will not be reported if in the opinion of the Chief Executive, in consultation with the Monitoring Officer, they are abusive or libellous; frivolous, vague or ambiguous; rude, offensive, defamatory, scurrilous or time-wasting; require the disclosure of confidential or exempt information or are otherwise considered to abuse the Council's powers, duties or obligations; or which do not relate to something which is the responsibility of the authority, or over which the authority has some influence.

~~Petitions relating to applications for a permission, consent or licence yet to be determined or in response to a consultation~~

~~Petitions relating to applications for a permission, consent or licence yet to be determined or in response to a consultation will be reported to the relevant regulatory committee or referred to the relevant Portfolio Holder or decision-making body along with other responses to the consultation.~~

~~The interpretation of this criteria will be made by the Chief Executive and/or Monitoring Officer, with the Chairman of the Council and the Chairman of the Scrutiny and Overview Committee.~~

~~What happens when a petition is received?~~

~~Whenever a petition is received:~~

- ~~• Within two working days of the petition being received, the Petitions Officer will acknowledge receipt to the petition organiser.~~
- ~~• In some cases, the Petitions Officer may be able to resolve the petitioners' request directly, by getting the relevant Portfolio Holder or officer to take appropriate action. For example where the petition relates to fly tipping and the authority can arrange for it to be cleared up directly. Where this is done, the Petitions Officer will ask the petition organiser whether he or she considers that the matter is resolved.~~
- ~~• Unless the matter has been resolved to the satisfaction of the petition organiser, the Petitions Officer will within five working days of receipt of the petition provide a substantive response to the petition organiser setting out who the petition will be reported to for consideration, providing it has the requisite number of signatures and meets the exemption criteria. Details of when and where any meeting will take place will also be confirmed and the petition organiser will be invited to attend the relevant meeting and address it for up to 3 minutes on the issue covered by the petition.~~
- ~~• Whilst we are committed to dealing with petitions promptly, a petition will normally need to be received at least 10 working days before a relevant meeting if it is to be reported to that meeting. Where it is necessary to undertake a significant amount of work to collect information and advice to enable the matter to be properly considered, it may be necessary for the Petitions Officer to decide that the petition will be considered at the following meeting of the relevant body.~~
- ~~• At the same time as responding to the petition organiser, the Petitions Officer will notify political group leaders / convenors and relevant local Councillors and officers of receipt of the petition.~~
- ~~• Within 5 working days of receipt of a valid petition, the Petitions Officer will activate the petition on the authority's website: www.scambs.gov.uk/petitions and this applies to both petitions that are submitted electronically via the above webpage and to the more traditional paper petitions. The petition organiser's name and contact details will only be included on the website if he or she so requests.~~
- ~~• At each stage of the consideration of the petition, within 5 working days of any decision, the Petitions Officer will ensure that the petitions website is updated to ensure that petitioners can track progress of their petition.~~

~~What can I do if I am dissatisfied with how my petition has been dealt with?~~

Petitions

~~You have the right of appeal if you are dissatisfied with the Council's decision relating to your petition or the way in which your petition was been dealt with.~~

~~The Council's Scrutiny and Overview Committee will consider these appeals, following the below process:~~

- ~~• The petition organiser to submit an appeal by contacting the Petitions Officer.~~
- ~~• Within 5 working days of receipt of intention to appeal, the Petitions Officer will notify the petition organiser of the time, date and place of the next convenient meeting of the Scrutiny and Overview Committee.~~
- ~~• The petition organiser will be invited to address the Committee for up to 3 minutes on why the Council's decision or the handling of the petition was inadequate. Any local Councillors, if relevant, will also be invited to this meeting.~~
- ~~• The Scrutiny and Overview Committee cannot make decisions, but can make recommendations to the relevant decision making body.~~

C. Procedural Guidance for Members and Officers in Planning and Licensing – Supplemental to the Code of Conduct

This Guidance ~~was adopted by the Council on 25 April 2002, amended on 11 December 2003, and~~ supplements the Code of Conduct for members of the Council adopted by the Council ~~underpursuant to~~ Section ~~5127~~ of the ~~Local Government Localism~~ Act ~~2000-2011~~. The obligations and responsibilities contained within this Guidance shall apply to co-opted members in the same way as they do to members of the Council. Reference to the committee means the Planning Committee or the Licensing Committee and reference to the ~~Chairman~~Chair shall mean the ~~Chairman~~Chair of the relevant committee. Similarly, reference to the Chief Officer ~~means an Executive Director or appropriate Director~~has the meaning specified in Article 12 of the Constitution and reference to the ‘officer’ means the planning case officer or the licensing officer respectively.

Section 1: Members

1. The Role of Members

In making decisions on applications, members of the committee ~~will~~shall:

- (a) act fairly and openly
- (b) approach each application with an open mind
- (c) carefully weigh up all the material considerations
- (d) avoid undue contact with interested parties
- (e) ensure that reasons for decisions are clearly stated.

Members of the committee ~~will~~shall be free to vote on applications as they consider appropriate (i.e., without a Party ‘whip’), deciding them in the light of all the relevant information, evidence and arguments. They ~~will~~shall base their decisions on the provisions of the Acts and regulations under which the applications are made and fall to be determined (“the statutory framework”).

Members of the Council shall not give instructions to officers nor shall they place pressure on officers in order to secure a particular recommendation on an application.

In accordance with paragraph ~~63~~ of the Code of the Conduct for Members of the Council, a member ~~will not~~shall use ~~his or her~~their position ~~as a member improperly to confer or secure in the public interest and not~~ for ~~himself or herself, or for any other person, an~~personal advantage ~~or disadvantage~~.

2. Discussions with Applicants

Pre-application meetings with prospective applicants are encouraged, but, to avoid misunderstandings, they require a degree of formality. They will/shall normally only involve officers, except where the Monitoring Officer, in consultation with the Chairman/Chair of the committee, has agreed that a pre-application meeting shall include (along with an appropriate officer) a member or members of the Council.

- (a) It will/shall be made clear at pre-application meetings that:
- (b) only officers' initial provisional views can be given, based on the provisions of the statutory framework and other adopted Council policy
- (c) no decisions can be made which would bind or otherwise compromise the committee of the Council or the Chief Officer if delegated to make the decision.

Where pre-application meetings involve a prospective applicant with a member or members of the Council, a note of the discussion will/shall be taken by the officer and will/shall be made available for public inspection, subject to the usual rules about access to information, if and when an application is submitted. At least one appropriate officer will/shall be present at all such meetings.

Members of the Council will/shall not take part in post-submission meetings with applicants or other parties, unless the matter has been agreed by the Monitoring Officer, in consultation with the Chairman/Chair of the committee. A note of any discussions will/shall be taken and will/shall be made available for public inspection, subject to the usual rules about access to information. At least one appropriate Planning Officer will/shall be present at all such meetings.

3. Lobbying

It is quite common for applicants and others to wish to approach members of the Council to discuss a proposed application before an application is submitted or, if submitted, determined. This could be by way of an approach to an individual member, by telephone, or on a chance meeting, or by way of a request to see all or some of the members of the committee. It is an essential part of the democratic process that members of the public should be able to make their views known to elected members. However, to avoid compromising their position before they have received all the relevant information, evidence and arguments, members of the committee will/shall:

- (a) do their best to avoid, in discussion with an applicant or any other person, giving their thoughts about the merits of an application or proposal so as to give the impression or commitment that they will definitely vote in

favour or against a proposal or application. There is no objection to the member rehearsing comments from the officer or any of the consultees, whether in favour of or against the proposal or application or any aspect of it and the member can express ~~his or her~~their own reservations to give the proposer or applicant an opportunity of addressing them. The member ~~can~~may give an indication **on the information then available to ~~him or her~~them** whether ~~he~~they support or ~~she supports or opposes~~oppose but it would be wise to ensure beforehand that ~~he or she is~~they are fully briefed, preferably by the officer;

- (b) apart from the above, restrict their response to giving procedural advice, and make it clear that that is all they are prepared to do;
- (c) in suitable cases, direct lobbyists or objectors to the officer; and
- (d) advise the Chief Officer as soon as possible of the existence of any substantial or abnormal lobbying activity.

Whilst there is no bar on members of the Council generally expressing publicly, even robustly, their views on any application, committee members will recognise the need to determine applications as a committee taking into account all material considerations at the time the application falls to be determined. Members of the committee therefore should be careful not to express publicly a final¹ (see note 1) view on an application prior to the meeting of the committee at which a decision is to be taken however strongly they feel.

[Note 1: "Final" here means that that member's mind is already made up, i.e., clearly pre-determined by the member such that they are not simply presently in favour of or against an application on the facts and circumstances then known to that member but that they will not be open to future argument or representations when the application falls to be considered by the committee when all the facts are known, all consultation responses are in hand and all committee debate has taken place. This can include, for example, an expression by a member of the committee that they as a matter of principle or conviction never vote in favour of, or against [the type of activity or proposal in the application].

4. Site Visits

All sites are visited by officers as part of the application process. A site visit by the committee should only be necessary if the impact of the proposed development or proposed licence is difficult to visualise from the plans

¹ ~~“Final” here means that that member's mind is already made up, i.e., clearly pre-determined by the member such that he or she is not simply presently in favour of or against an application on the facts and circumstances then known to that member but that he or she will not be open to future argument or representations when the application falls to be considered by the committee when all the facts are known, all consultation responses are in hand and all committee debate has taken place. This can include, for example, an expression by a member of the committee that he or she as a matter of principle or conviction never votes in favour of — or against — [the type of activity or proposal in the application].~~

submitted, the written report and the officer presentation to committee. Whilst site visits involve delay in determining the applications concerned and additional cost, they should be considered if they are likely to inform better the judgement of members of the committee concerning the potential impact of proposals on, e.g., the neighbours, the countryside, the setting of a listed building or on the conservation area, i.e., where important aesthetic judgements fall to be made, the safety of road users and pedestrians, crime and disorder.

A decision to inspect a site willshall normally be arrived at either by the officer or at the request of a local member or the ChairmanChair **in advance of any committee consideration**. Members should try to avoid proposing at the meeting itself a deferment for a site visit, although there may be exceptions where the need for a site visit becomes apparent only during the debate and consideration of the appropriate application at a committee meeting.

If access to private land is necessary for a site visit by members of the committee, officers willshall secure the prior agreement of the landowner, explaining that members willshall not hear argument from any interested party while at the site.

Where a site visit has been agreed by the committee, all members of the committee are encouraged to attend, accompanied by appropriate officers. The local member, if not a member of the committee, willshall also be invited.

The purpose of the site visit is fact finding. Officers will be able to point out relevant features of the site and surroundings. Members will be able to see the physical features of the site and ask questions through the ChairmanChair or the officer to seek clarification. A written record willshall be kept of the site visit by the officer and willshall be reported as part of the committee papers where the application falls to be determined.

No discussion of the merits of the case willshall be permitted and all questions from members willshall be put through the ChairmanChair or officer.

The site visit is not part of the formal consideration of an application and therefore public rights to attend the meeting do not apply. No interested parties or local Parish councillor (who is not also the local district councillor or a member of the committee) willshall be permitted to attend.

The visiting party willshall stay together as a group. No lobbying by applicants or objectors who might be present willshall be allowed. If an applicant or group persists in attempting to lobby, all members and officers willshall leave the site and the site visit willshall be abandoned.

The members of the committee when on site visits should not make any comments that could create an impression if observed by an outside party that they had already formed a view on the merits of the application. No decision on the application shall be made until the formal meeting of the committee at which the application is to be considered, when members willshall have before

them all necessary information to be able to make an informed decision. Members are encouraged to convey at the formal meeting all the relevant conclusions they themselves reached on any site visit to help inform the decision.

If a member finds it necessary to visit a site alone (perhaps because it was not possible for ~~him or her~~them to attend a committee visit), the member should view the site only from public vantage points, seek to avoid any discussion with interested parties, and, if there is such discussion, make it clear that no decision on the application ~~will~~shall be taken until it has been discussed at committee.

5. Material Submitted to Committee

A member of the Council receiving apparently new material in writing from or on behalf of an applicant or third party in connection with an application before the committee should establish from the officer whether the material has been received by that officer unless it is clear from the document itself that the officer already has it or has been sent a copy. If it has not, the member should make it available as soon as possible to the officer.

Relevant documents in connection with an application should all be dealt with in the officer's report to committee. Any additional information received after the preparation of that report up to 1530 hours on the day before the committee meeting ~~will~~shall normally also be brought to the attention of the committee. Except when requested by the officer, papers received after that time ~~will~~shall usually be discounted, since time ~~will~~shall not be available to check their accuracy or to give consideration to their implications. Even papers received before that time may not be able to be included in the officer's oral report if they are complex or raise important new points. In such cases, the right course may be to defer the consideration of the application to another meeting.

6. Members of Committee who serve on County Councils and Parish Councils

A member may also serve as a member of the County Council or of a parish council ('dual' member) which makes representations about an application to be considered by the committee. If the member is present at a meeting of the County Council or a parish council (or one of its committees) when the attitude of the County Council or that parish council to the application is under consideration, the member should make this known when the application concerned is under discussion at the committee.

A local member who is also a member of the parish council may, if appointed to do so by the parish council concerned, act as the parish council's representative at a Licensing Committee (unless that member is on the Licensing Committee panel

determining the application) or under the protocol which allows parish council representatives to address the Planning Committee. In such event, the member should make it clear whether ~~he or she is~~they are addressing the committee as parish council representative only or as representative **and** on ~~his or her~~their own behalf because it is not a requirement that the views of each, upon the application, should be the same.

7. Voting at Committee

~~(a)~~—A member of the committee should only vote on an application before the committee if ~~he or she has~~they have been present for the whole of the presentation of and discussion on the application.

~~(b)~~—Where an application has been the subject of a site visit, any member of the Planning Committee who has not attended the site visit should consider, before deciding whether or not to vote on the application, whether they are sufficiently informed about all relevant issues. If they are not, they should not vote.

8. Non-members of Committee attending Committee Meetings

~~(a)~~—Members of the Council who are not members of the committee may attend meetings of that committee and speak (subject to the law on declarations of interest) **but not vote** on items under the procedure laid down in Council Procedure Rules, whether as a ward councillor, or to represent the views of the County Council or a parish council, or otherwise.

~~(b)~~—When such members attend the Licensing Committee they shall sit with the visiting public or persons wishing to make representations. When such members attend the Planning Committee, they should not sit in the public gallery, but in the place reserved in the committee room for Members of the Council who are not members of the Planning Committee.

~~(c)~~—When such a member speaks at the meeting, either the ~~Chairman~~Chair of the committee in calling upon the member to speak or the member in speaking should make it clear upon what basis ~~he or she is~~they are taking part in the meeting. The guidance in ~~paragraph 29~~paragraphs 6.1 & 6.2 regarding committee members who are 'dual' members should also be observed by other members of the Council who attend meetings of the committee.

~~(d)~~—Where a member not a member of the committee is attending to speak as the local member, ~~he or she~~they should be identified and may be asked to speak before any other member makes a contribution to the debate.

~~(e)~~—Unless specifically allowed by the ~~Chairman~~Chair, members who are neither members of the committee nor the local member should not contribute

to the debate on applications in other wards unless they have information to impart that will assist the committee in making a decision.

9. Decisions Contrary to Officer Recommendations or to Development Plan Policies

From time to time, there will be occasions when the committee disagree with the professional advice on an application given by the Chief Officer. In such cases the reasons for differing from the professional advice received should be specified in the resolution of the committee, along with the reasons for refusing an application recommended for approval or the conditions to be imposed on any approval in a case recommended by officers for refusal. The same provisions apply to relevant decisions taken contrary to Development Plan policies.

Where any Planning Committee decision is taken to refuse an application contrary to the recommendation by the officers for approval (with or without conditions), it shall normally be expected that a member, preferably the local member, speaking and / or voting against the application, ~~will~~shall offer ~~himself or herself~~themselves to give evidence to support the grounds of refusal at any appeal hearing or inquiry. ~~The Chairman will deal with this point before moving to the next item of business.~~

Where Planning Committee is minded to make a decision contrary to technical advice, its final decision should not be made until it has received, and taken into account, credible second opinion which ~~will~~shall be obtained for their consideration by the ~~Planning and New Communities Director~~Chief officer.

10. Applications in which a Member of the Council has an interest

All applications which are submitted by or on behalf of a member of the Council in ~~his or her~~their private capacity or by a close friend, relative or the partner of a member (as defined in the Code of Conduct for Members) ~~will~~shall be drawn to the attention of the Chief Officer by the member concerned in writing, and ~~will~~shall be reported to the committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to Officers.

4.——The member concerned ~~will~~shall take no part in the determination of the application.

Hospitality

~~Members of the Council are discouraged from receiving hospitality from people with an interest in unless they have obtained a proposal. If receipt of hospitality is unavoidable, members will ensure that it is of the minimum level, and if it exceeds the level to which the Council's Code of Conduct for Members applies, will declare its receipt, as soon as possible, in a hospitality book which is retained by the Council's Deputy Monitoring Officer.~~Dispensation.

11. Training

~~(a)~~— Training on development control and development plan issues and procedures ~~will~~shall be provided and updated as necessary. All members of the Planning Committee should ensure that they have received sufficient and appropriate training to enable them to undertake the duties required of them. Training is mandatory for members who wish to sit on the Planning Committee.

~~(b)~~— All new members of the Licensing Committee ~~will~~shall be required to receive training in licensing procedures at the beginning of their term of office and all members of the committee ~~will~~shall be required to undertake training periodically on new regulations and as a refresher. A record ~~will~~shall be kept by the Chief Officer of the training undertaken by each member. Training is mandatory for members who wish to sit on the Licensing Committee.

12. Whistle-blowing

A member or any officer ~~must~~shall, if ~~he or she becomes~~they become aware of any conduct by another member or any officer which ~~he or she~~they reasonably ~~believes~~believe involves a failure to comply with this Guidance, notify the Monitoring Officer as soon as it is practicable for ~~him or her~~them to do so.

Section 2: Officers

13. The Role of Officers

13.1 In making delegated decisions on applications, officers ~~will~~shall:

- (a) act fairly and openly
- (b) approach each application with an open mind
- (c) carefully weigh up all the material considerations
- (d) avoid undue contact with interested parties
- (e) ensure that reasons for decisions are clearly stated.

In reporting to committee on non-delegated applications, officers ~~will~~shall:

- (a) provide professional and impartial advice

- (b) make sure that all information necessary for a decision to be made is given
- (c) set the application in the context of the statutory framework and all other material considerations
- (d) include the substance of objections and the views of people who have been consulted
- (e) provide a clear and accurate written analysis of the issues
- (f) normally give a clear recommendation.

~~Any~~Subject to the provisions of paragraph 5.2, any material information which is received after the written report has been prepared and before the cut off time ~~specified in paragraph 21 above will~~shall be presented orally to the committee by officers.

The Chief Officer, in discussion with the ~~Chairman~~Chair of the committee, ~~will~~shall have the discretion to withdraw any item from the agenda of the committee subsequent to the preparation of the report but prior to discussion by the committee if the circumstances of the consideration of an application change within that period.

Officers are responsible for carrying out the decisions of the committee whether or not those decisions are in line with officer recommendations.

14. Discussions concerning Applications

14.1 All officers taking part in pre application or post submission discussions with applicants, supporters or objectors should make it clear that decisions on applications are taken either:

- (a) by the elected members in committee, or
- (b) under specific circumstances by the Chief Officer or an officer specified by ~~him / her~~them using powers of delegation.

A written note ~~will~~shall be made of all such meetings. A follow-up letter should be sent setting out the advice given at such a meeting and the basis on which it was given. The meeting note and any follow-up correspondence should be placed on the application file, should an application materialise following initial discussions.

15. Disclosures of Interest

Officers (of every grade) shall play no part in the processing of any application in circumstances where there is, or would be perceived by a reasonable person with knowledge of the relevant facts to be, a conflict between their personal or financial interests, or those of their families or friends, and their professional duty. They shall openly declare the existence of any such conflict in writing by placing a note of the circumstances of the interest on the case file.

16. Applications Submitted by Officers

All applications submitted in respect of which any officer has an interest shall be reported to the committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to officers. If the officer concerned is present at the meeting of the committee at which such an application is determined, ~~he or she~~they will leave the room during consideration of the application.

Hospitality

~~2. Officers are discouraged from receiving hospitality from people with an interest in a proposal. If receipt of hospitality is unavoidable, officers will ensure that it is of the minimum level, and will declare its receipt if it exceeds the level to which the Council's Code of Conduct for Officers applies, as soon as possible, in a hospitality book which is retained by the Council's Deputy Monitoring Officer.~~

17. Action on Decisions Taken Contrary to Professional Advice

17.1 In cases where an officer recommendation for approval has been overturned by committee and an appeal is lodged:

- (a) case officers shall give full support to members and any Council appointed external witnesses in preparing evidence for any court proceedings or public inquiry, short of giving evidence themselves. Whilst members' decisions giving rise to appeals will always have officer support, whether by the Appeals Officer, Legal Officer, Environmental Health Officer or any other officer(s) selected by the appropriate Chief Officer, case officers involved in formulating the original recommendation ~~will~~shall only give evidence themselves in exceptional circumstances, where their Code of Professional Conduct is not breached
- (b) where a hearing is to be held, with no cross examination, the case officer may give evidence, but this ~~will~~shall normally be an officer not involved in formulating the original recommendation

- (c) officers shall give full support to member decisions which are appealed using the written representations procedures.

18. General

This Guidance shall be kept under continuous review by the Civic Affairs Committee and also reviewed whenever there is any change in the Council's Procedure Rules or the Council's Code of Conduct for Members or for Officers.

~~P~~ D. Code of Conduct Complaints Procedure

1. Introduction

1.1 Under Section 28 of the Localism Act 2011, the Council shall have in place arrangements under which allegations that a member or co-opted member of the authority or of a Parish Council within the authority's area has failed to comply with that authority's Code of Conduct may be investigated and decisions made on such allegations.

4.1.2 These procedures set out how you may make a complaint and how the Council will deal with allegations that an elected or co-opted member of this Council, or of a ~~parish council~~ Parish Council within its area, has failed to comply with their council's Code of Conduct for Councillors.

~~The procedures also set out how the Council will deal with allegations of a failure to comply with the Code of Conduct.~~

~~2.~~ The Codes of Conduct

~~The Council has adopted a Code of Conduct for Councillors Members, which is available published on the Council's website ~~and on request from Democratic Services (see contact details below).~~~~

~~Each parish council Parish Council is also required to adopt a Code of Conduct for Councillors. The parish council code is available on request from the respective parish clerk.~~

~~3.~~ Making a Complaint

~~In order, If you wish to ensure that we have all the information which we need to be able to process inspect a complaint, Complaints must be~~

Part D – Code of Conduct Complaints Procedure

~~submitted on the standard Complaint Form, which can be downloaded from the Parish Council's website and is available on request from Democratic Services (see contact details below).~~

~~Complaints must be sent to the Monitoring Officer (see contact details below).~~

~~The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.~~

~~The Council's arrangements for handling complaints relating to the Code of Conduct include the appointment of at least one Independent Person (who has no connection with local government) whose views must be sought by the Council before Code of Conduct, it takes a decision on what action to take.~~

~~If a Complaint is received other than on the Standard Complaint Form, we will not consider it but we will send the Complainant should be available on any website operated by the Parish Council or you may request the parish clerk to allow you to inspect a copy of the form for completion. If anyone needs assistance completing the form, they can contact Democratic Services (see contact details below).~~

1.3 – Complainants should give us at their name offices.

1.4 The following terms used in this Procedure are defined as follows:

(a) **Complainant:** the person making the complaint.

(b) **Member:** the elected councillor or co-opted member of the authority or of a Parish Council subject to the complaint.

(c) **Investigator:** either an officer of the Council and/or an independent investigator whom the Monitoring Officer has asked to investigate a complaint.

- (d) **Monitoring Officer:** the Council officer (or their appointed Deputy) with statutory responsibilities under section 5 of the Local Government and a contact address or Housing Act 1989 and as set out below in this Code.
- (e) **Independent Person:** a person or persons appointed by the Council to advise it or the member on the determination of complaints.
- (f) **Determination Hearing:** the sub-committee at which a complaint is heard.

2. How to Make a Complaint

2.1 Any person may make a complaint about a member under the Code of Conduct.

Complaints shall:

- (a) Be made in writing, i.e. by email or letter addressed to the Monitoring Officer, South Cambridgeshire District Council, South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA or to monitoring.officer@scams.gov.uk.
- (a)(b) Include the real full name and address of the complainant and email address, so that we can acknowledge receipt of the ~~Complaint~~complaint and keep them informed of its progress. If a ~~Complainant~~complainant wants to keep their name and address confidential, they should ~~indicate~~clearly state this ~~on the Standard Complaint Form.~~in their complaint. In this case we would not disclose their name and address to the ~~Councillor~~councillor without the ~~Complainant's~~complainant's prior consent. However, the Council does not normally investigate anonymous ~~Complaints~~complaints or complaints where the ~~Complainant~~complainant wishes to remain confidential, unless there is a clear public interest in doing so.
- (c) Identify the member complained of;
- (d) Set out the nature and substance of the alleged breach of the Code of Conduct for Members. It is recommended that complaints include or attach evidence to support the allegation.

2.12.2 Within five working days of receiving a fully evidenced ~~Complaint~~complaint, the Monitoring Officer ~~will usually~~shall:

- (a) ~~— i) —~~ acknowledge receipt to the ~~Complainant~~complainant;
- (b) ~~— ii) —~~ send a copy of the ~~Complaint~~complaint to the ~~Councillor~~member, unless the Monitoring Officer considers that this may prejudice investigation;
- (c) ~~— iii) —~~ send a copy of the ~~Complaint~~complaint to the ~~Clerk~~clerk (if appropriate).

2.22.3 The Monitoring Officer ~~will~~shall keep the ~~Complainant~~complainant, the ~~Councillor~~member and the ~~Clerk~~clerk (if appropriate) informed of the progress of the ~~Complaint~~complaint, unless the Monitoring Officer considers that this may prejudice any investigation.

3. Will the Complaint be Investigated?

- 3.1 Where possible and appropriate, the Monitoring Officer ~~will~~shall seek to resolve the ~~Complaint~~complaint informally, without the need for a formal investigation. Such informal resolution may involve the ~~Councillor~~member accepting that their conduct was unacceptable/inappropriate and offering an apology, or other alternative action by the Council or the respective ~~parish~~councilParish Council.
- 3.2 The Monitoring Officer ~~will~~shall review every ~~Complaint~~complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation.
- 3.3 In determining whether or not the complaint should be referred for investigation or not, or whether alternative resolution is appropriate, The Monitoring Officer and Independent Person ~~will~~shall have regard to a range of factors including the following:
 - (a) Whether there is sufficient evidence upon which to base a decision;
 - (b) Whether the alleged action relates to a breach of the code of conduct – complaints that are really about Council services, its policies or performance are not suitable for investigation under this procedure and should be dealt with in accordance with the Council's Complaints Policy;

Part D – Code of Conduct Complaints Procedure

- (c) Whether the alleged action is considered to be serious ~~of~~ minor/trivial;
 - (d) Whether the complaint appears to be politically motivated, vexatious or tit for tat;
 - (e) When the action complained about occurred (was it more than 3 months ago);
 - (f) Whether the allegations relate to actions occurring whilst the ~~councillor~~member was acting in their official capacity or in their private capacity;
 - (g) Whether it is in the public interest to investigate;
 - (h) Whether the matter is considered suitable for alternative resolution and if so whether the ~~councillor~~member and the complainant are prepared to consider this alternative;
 - (i) If the complaint relates to a ~~parish council~~Parish Council issue whether a complaint has been made first to the ~~parish council~~Parish Council using the parish complaints procedure;
 - (j) If a complaint has been made to a ~~parish council~~Parish Council and they have taken action whether the action taken would be considered reasonable in all the circumstances.
- 3.4 This decision ~~will~~shall normally be taken within twenty working days of receipt of the ~~Complaint~~complaint. When the Monitoring Officer has taken a decision, they ~~will~~shall inform the ~~Complainant~~complainant, the ~~Councillor~~member and the ~~Clerk~~clerk (if appropriate) of their decision and the reasons for that decision.
- 3.5 Where the Monitoring Officer requires additional information in order to come to a decision, they may ask ~~the Complainant, the Councillor or the Clerk (if appropriate)~~any such person as they see fit for such information. Where a ~~Complaint~~complaint relates to a parish councillor, the Monitoring Officer may also seek the views of the ~~Chairman~~Chair of the ~~parish council~~Parish Council before deciding whether the ~~Complaint~~complaint merits formal investigation.
- 3.6 If the ~~Complaint~~complaint alleges criminal conduct or breach of a regulation by any person, the Monitoring Officer has the power to refer the matter to the Police and/or other regulatory agencies. In such cases it may be necessary to postpone consideration of the ~~Complaint~~complaint until the Police or other action has been concluded.

- 3.7 If the Monitoring Officer decides not to investigate a complaint, they ~~will~~shall nevertheless report this to the next ordinary meeting of the Civic Affairs Committee ~~and the relevant parish council (if appropriate) for information.~~

~~5.~~ 4. ~~How is an~~ Investigation Conducted?

- 4.1 If the Monitoring Officer decides, after consultation with the Independent Person, that a ~~Complaint~~complaint merits formal investigation, they ~~will~~shall appoint an ~~Investigating Officer who may be another officer of the Council, an officer of another Council or an appropriately experienced external~~ investigator.
- 4.2 The ~~Investigating Officer will~~investigator shall decide whether they need to meet or speak to the ~~Complainant~~complainant to understand the nature of the ~~Complaint~~complaint and so that the ~~Complainant~~complainant can explain their understanding of events and suggest what documents the ~~Investigating Officer~~investigator needs to see, and who they need to interview.
- 4.3 The ~~Investigating Officer would~~investigator shall normally write to the ~~Councillor~~member and ask them to provide their explanation of events, and to identify what documents the ~~Investigating Officer~~investigator needs to see and who they need to interview. In exceptional cases, the ~~Investigating Officer~~investigator may delay notifying the ~~Councillor~~member until the investigation has progressed sufficiently.
- 4.4 ~~At the end of the~~The investigation, ~~the Investigating Officer will~~ shall ~~take no longer than 2 months from the date of appointment of the~~ investigator and on conclusion, the investigator shall usually produce a draft report and ~~will~~shall send copies of that draft report, in confidence, to the ~~Complainant~~complainant and to the ~~Councillor~~member, to give them both an opportunity to identify any matter in that draft report which they disagree with or which they believe requires more consideration. Having received and taken account of any comments on the draft report, the ~~Investigating Officer~~ investigator shall send their final report to the Monitoring Officer.

65. What happens if the ~~Investigating Officer~~investigator concludes ~~that there is no evidence~~has not been a breach of a failure to comply with the Code of Conduct?

- 5.1 The Monitoring Officer ~~will~~(after consultation with the Independent Person) shall review the ~~Investigating Officer's~~investigator's report and if satisfied that it is sufficient, the Monitoring Officer ~~will~~shall send a copy of the ~~Investigating Officer's~~investigator's final report to the ~~Complainant~~complainant, the ~~Councillor~~member and the ~~Clerk~~clerk (if appropriate) and notify them that no further action is required. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, ~~she~~they may ask the ~~Investigating Officer~~investigator to reconsider their report.
- 5.2 The outcome of such investigations ~~will~~shall be reported to the next ordinary meeting of the Civic Affairs Committee and the relevant ~~parish council~~Parish Council (if appropriate) for information.

76. What happens if the ~~Investigating Officer~~investigator concludes that there is evidence of a failure to comply with the Code of Conduct?

- 6.1 The Monitoring Officer ~~will~~shall review the ~~Investigating Officer's~~investigator's report and ~~will~~shall then either send the matter for a ~~hearing~~Determination Hearing by the Civic Affairs Committee or, after consulting the Independent Person, seek Summary Resolution (see ~~87~~ below).

87. Summary Resolution

- 7.1 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a ~~hearing~~Determination Hearing. In such a case, ~~she will~~they shall consult with the ~~Chairman~~Chair of the Civic Affairs Committee, the Independent Person and with the ~~Complainant~~complainant and seek to agree what they consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such a resolution may include the ~~Councillor~~member accepting that their conduct was

unacceptable/inappropriate and offering an apology, and/or other alternative action by the Council or the relevant ~~parish council~~Parish Council (if appropriate).

- 7.2 If the ~~Councillor~~member complies with the suggested resolution, the Monitoring Officer ~~will~~shall report the matter to the next Civic Affairs Committee and the relevant parish council (if appropriate) for information, but ~~will~~shall take no further action.

9. ~~Referral for 8.~~ Determination Hearing

- 8.1 If the Monitoring Officer considers that Summary Resolution is not appropriate, or the ~~Councillor~~member does not comply with any suggested resolution at 7 above, then the Monitoring Officer ~~will~~shall refer the ~~Investigating Officer's~~investigator's report to ~~the Civic Affairs Committee for a hearing~~Determination Hearing to decide whether or not the ~~Councillor~~member has ~~failed to comply with~~breached the respective Code of Conduct and, if so, whether to take any action in respect of the ~~Councillor.~~ member. The hearing procedure is set out in Part ~~5, Section Q1 of this Constitution.~~E of the Ethical Handbook (Civic Affairs Sub-Committee – Procedure for Local Hearings).

9. ~~10.~~ What action can the Civic Affairs Sub Committee take where a Councillormember has failed to comply withbreached the Code of Conduct?

~~The Council has delegated to the Civic Affairs Committee such of its powers to take action in respect of individual councillors as may be necessary to promote and maintain high standards of conduct.~~

- 9.1 ~~–The sanctions available to the Civic Affairs Committee are set out in Part 5, Section Q2 of this Constitution.~~E of the Ethical Handbook (Civic Affairs Sub-Committee – Procedure for Local Hearings).

~~11.~~ 10. **What happens after a Hearing?**

10.1 As soon as reasonably practicable, the Monitoring Officer ~~will~~shall prepare a formal decision notice, in consultation with the ~~Chairman~~Chair, and send a copy to the ~~Complainant~~complainant, the ~~Councillor~~councillor and the ~~Clerk~~clerk (if appropriate). They ~~will~~shall also make that decision notice available for public inspection on the Council's website after the hearing.

~~11~~~~12.~~ ~~Who are the Civic Affairs Committee?~~

~~— The Civic Affairs Committee is a committee of the District Council, appointed by the Council and comprising thirteen District Councillors.~~

~~13.~~ ~~Who is the Independent Person?~~

~~— The Independent Person is a lay person who has been appointed by a majority of all the Councillors on the District Council.~~

~~— The Independent Person is invited to attend all meetings of the Civic Affairs Committee. Their views are sought and taken into consideration:~~

~~(a) — before the Monitoring Officer decides whether to investigate a Complaint~~

~~(b) — before the Monitoring Officer decides whether to refer an investigated Complaint for hearing or for Summary Resolution~~

~~(c) — before the Committee takes any decision on whether the Councillor's conduct constitutes a failure to comply with the respective Code of Conduct; and~~

~~(d) as to any action to be taken following a finding of failure to comply with the respective Code of Conduct.~~

14. Appeals

11.1 There is no right of appeal for the ~~Complainant~~complainant or for the ~~Councillor~~member against a decision of the Monitoring Officer or of the ~~Civic Affairs~~Sub Committee. If you feel that the ~~authority~~Council has failed to deal with your complaint properly, you may make a complaint to the Local Government & Social Care Ombudsman. The web address for making complaints is <https://www.lgo.org.uk/contact-us>

~~15.~~12. **Revision of these Arrangements**

12.1 The Civic Affairs Committee may amend these arrangements, and has delegated to the ~~Chairman~~Chair of the Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

~~16~~13. **Contact details**

13.1 The Monitoring Officer can be contacted at:

Legal Services
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

Tel: 01223 457092

~~—~~ Email: monitoring.officer@scams.gov.uk

1. —

2. —

3. —

4. —

5. —

-Email: monitoring.officer@scams.gov.uk

~~Q1~~ **E. Civic Affairs Sub-Committee – Procedure for Local Hearings**

1. General points:

- 1.1 ~~The Monitoring Officer will refer a complaint to a panel of the Civic Affairs Committee for a hearing where an investigator appointed by the Monitoring Officer has found that a councillor has breached the code of conduct and where informal resolution of the complaint has not been possible or is not appropriate.~~ The purpose of a hearing will/shall be to determine if the ~~panel~~sub-committee agrees with the findings of the ~~investigation~~investigator's report that a ~~councillor~~member has breached the code of conduct and if so, what action should now be taken.
 - 1.2 The ~~hearings will~~hearing shall, where possible, be held within 3 months of the issue of ~~an investigation~~the investigator's report in which the investigator has found that a ~~councillor~~Member has breached the code of conduct
 - 1.3 The hearing will/shall be before a ~~Panel~~sub-committee of 3 members drawn from the Civic Affairs Committee. One of the members present will/shall be elected ~~Chairman~~Chair.
 - 1.4 The Independent Person [IP] appointed under section 28 of the Localism Act 2011 will/shall also be present to sit alongside the ~~panel~~. ~~His/her views will~~sub-committee. Their view shall be requested and taken into account by the ~~Panel~~sub-committee, but by law ~~he/she/they~~ cannot vote.
 - 1.5 The Monitoring Officer, or Deputy Monitoring Officer ~~will, shall~~ be present as advisor to the ~~Panel~~sub-committee.
 - 1.6 The investigator will/shall attend to present ~~his/her~~their investigation report and may invite ~~the complainant to appear as a witness or call other~~ witnesses.
 - 1.7 The ~~councillor will~~Member shall be invited to attend and may present ~~his/her~~their own case or they may be represented.
- ~~The councillor~~Monitoring Officer may bring witnesses (of a number the Panel considers is reasonable), in which case written statements from the witnesses must be lodged with the Monitoring Officer at least 10 working days before the hearing. "Character witnesses" who cannot provide evidence on the matter complained about will not be permitted. The cost of any attendance/representation must be borne by the party concerned.
 - ~~All written evidence must be provided to the Monitoring Officer at least 5 working days before the hearing so it can be circulated to the Panel, the IP, the Investigating Officer, the councillor and the complainant.~~
 - ~~Written statements will not be read out at the hearing as it will be assumed all those present are already familiar with their contents.~~

- 1.8 ~~The Monitoring Officer can~~ speak at any time to advise the ~~Panel~~sub-committee on technical matters or ask questions of any party.

2. Procedure

2.1 Formalities

- (a) ~~1.~~—The ~~Chairman~~Chair of the ~~Panel~~sub-committee shall introduce the members of the ~~Panel~~sub-committee, the Independent Person, officers, the ~~councillor~~Member, the ~~investigating officer~~investigator and the complainant if present.
- (b) ~~2.~~—The ~~Chairman~~Chair shall explain the reason for the meeting and outline the procedure to be followed. The ~~Chairman~~Chair may choose to vary this procedure in any particular instance where ~~s/he is~~they are of the opinion that such a variation is necessary in the interests of fairness.
- (c) ~~3.~~—The ~~Chairman~~Chair shall also explain that the hearing will normally be held in public unless the ~~Panel~~sub-committee exercises its discretion to exclude the public from all or part of the hearing in accordance with the Local Government Act 1972.
- (d) ~~4.~~—The ~~Chairman~~Chair shall then confirm that all those ~~involved~~present understand the procedure to be followed and ask if there are any preliminary procedural issues which anyone wishes to raise before the Hearing begins.
- (e) ~~5.~~—If any procedural issues are raised, the ~~Panel~~sub-committee shall hear representations on them before determining them.
- (f) ~~6.~~—If the ~~Councillor~~member is not present at the start of the hearing, the ~~Panel~~sub-committee shall consider any reasons given by them for ~~his/her nonattendance~~their non-attendance. If the ~~Panel~~sub-committee is satisfied that there is good reason for ~~his/her~~their non-attendance, it may

Part E – Civic Affairs Sub-Committee Local Hearings Procedure

adjourn to another date, or proceed ~~on~~at the request of the ~~Councillor~~member.

- (g) ~~7.~~—If the ~~Panel~~sub-committee is not satisfied that there is good reason for the ~~Councillor's~~member's non-attendance, or if the ~~Councillor~~member failed to give any reason for ~~his/her~~their non-attendance, the ~~Panel~~sub-committee may decide:
- (i) to consider the matter and make a determination in the absence of the ~~Councillor~~member, or
 - (ii) to adjourn the Hearing to another date.

The Determination Hearing

~~2.2~~ 8.—~~The Investigator will be invited to summarise his/her~~normally take the following order:

~~The investigator shall present their~~ report and findings and ~~make any representations about the written pre-hearing submission of the Councillor.~~ The Investigator may call any witnesses, ~~including the~~. The complainant.

~~9.~~—~~The Panel will identify the areas of disagreement between the Investigator and the Councillor on the Investigation report's facts or conclusions.~~

~~10.~~—~~The Councillor will then be invited to make representations in support of the fact(s) concerned~~member may question the investigator and whether the evidence gives rise to a breach or breaches of the Code of Conductany witnesses in this order.

~~11.~~—~~The Panel and/or the Independent Person has the discretion to question any of the parties at any point, as it sees fit.~~

~~12.~~—~~The councillor and the investigator/complainant will be given the opportunity to make closing statements if they wish to do so.~~

Part E – Civic Affairs Sub-Committee Local Hearings Procedure

~~(a) 13. The Panel~~The complainant presents their evidence and calls any witnesses. The investigator and the member may then question the complainant and any witnesses in this order.

~~(b)~~ The member presents their evidence and calls any witnesses. The investigator and the complainant may then question the member and any witnesses in this order.

~~(c)~~ Final Submissions – The investigator, complainant and member will present their final submissions in this order.

~~(a)(d)~~ The sub-committee and the Independent Person will retire to consider what they have heard in private accompanied only by the clerk and legal advisor, who will advise them when required.

~~(b)(e) 14.~~—The ~~Chairman will~~Chair shall then announce to all present at the Determination Hearing the ~~Panel's~~sub-committee's decision as to whether or not the ~~Councillor~~councillor has ~~failed to comply with~~breached the Code of Conduct, whilst setting out the ~~facts upon which~~reasons for the ~~conclusions have been reached~~decision.

~~15.~~—~~If the Panel decides that the Councillor has not failed to follow the Code of Conduct, the Panel will then consider whether it should make any recommendations to the Council.~~

3. Sanctions

3.1 ~~16.~~—If the ~~Panel~~sub-committee decides that the ~~Councillor~~councillor has ~~failed to comply with~~breached the Code of Conduct, it ~~will~~shall consider ~~any verbal or written~~ representations from the ~~Investigator~~investigator, the Monitoring Officer, and the ~~Councillor~~member as to:

(a) ~~a.~~—whether or not the ~~Panel~~sub-committee should impose a sanction and/or recommend to Council that a sanction be imposed; and

(b) ~~b.~~—what form of sanction(s) is/are appropriate.

(c) ~~c.~~—any mitigation the Councillor wishes the ~~Sub-Committee~~sub-committee to take into account

- 3.2 ~~17.~~—The ~~Panel~~sub-committee and the Independent Person ~~will~~shall retire to consider these representations in private accompanied only by the clerk [and legal advisor if required] and decide whether or not to impose/recommend the imposition of sanctions on the ~~Councillor~~member and, if so, what type of sanction(s).
- 3.3 ~~18.~~—The ~~Panel~~will sub-committee shall also consider whether or not it should make any recommendations with a view to promoting high standards of conduct among members of the relevant authority.

4. Issue of decision

~~19.~~—The ~~Panel~~will sub-committee shall announce its decision in public at the conclusion of the hearing and ~~will~~shall issue a full written decision including reasons within 10 working days of the hearing.

- 4.1 ~~20.~~—~~A written report of the hearing and decision, with reasons, will be prepared, usually within 10 working days.~~ A copy ~~will~~shall be sent to all those present at the hearing and to the ~~Clerk~~clerk of the parish council if the complaint was about a parish councillor. The written report ~~will~~shall be available for public inspection.

5. Decisions open to the ~~Panel~~sub-committee:

5.1 These are:

- (a) ~~1.~~—That the ~~councillor~~member did not ~~fail to comply with~~breach the Code of Conduct;
- (b) ~~2.~~—That the ~~councillor~~member did ~~fail to comply with~~breach the Code of Conduct, and that
- (i) ~~1.~~No action need be taken; or
- (ii) ~~1.~~One or more of the sanctions set out ~~in Q2~~ below should be applied.

Part E – Civic Affairs Sub-Committee Local Hearings Procedure

- 5.2 The Panel sub-committee may also make any recommendations it considers appropriate to the Council or Parish Council regarding procedural amendments or other matters that might assist members generally to follow the Code of Conduct and with the aim of promoting high standards within the authority.

6. ~~Q2~~ — Sanctions Available to the Civic Affairs Committee

- 6.1 The Council has delegated to the Civic Affairs Committee powers to take action to promote and maintain high standards of conduct.
- 6.2 The ~~Committee~~sub-committee may, when it has found that a ~~councillor~~ ~~[or Parish Councillor]~~member has breached the Code of Conduct:
- (a) ~~a.~~—Censure or reprimand the member
 - (b) ~~b.~~—Publish its findings in respect of the member’s conduct
 - (c) ~~c.~~—Report its findings to Council [or to the Parish Council] for information
 - (d) ~~d.~~—Recommend to the member’s Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that ~~he/she/they~~ be removed from any or all ~~Committees~~committees or ~~Sub-Committees~~sub-committees of the Council
 - (e) ~~e.~~—Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities
 - (f) ~~f.~~—Recommend to Council that the member be replaced as Leader of the Council
 - (g) ~~g.~~—Instruct the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member
 - (h) ~~h.~~—Remove [or recommend to the Parish Council that the member be removed] from all outside appointments to which ~~he/she has~~they have been appointed or nominated by the authority [or by the Parish Council]
 - (i) ~~i.~~—Withdraw [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access
 - (j) ~~j.~~—Exclude [or recommend that the Parish Council exclude] the member from the Council’s offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and ~~Sub-Committees~~sub-committee meetings.

F. Licensing Act 2003 Committee – Appeal Hearing Procedure

1. Introduction

- 1.1 The ~~Chairman~~Chair of the sub-committee ~~will~~shall welcome and introduce everyone present, giving explanations of roles where necessary, and outline the procedure to be followed.
- 1.2 The hearing ~~will~~shall take the form of a discussion to be led by the sub-committee.
- 1.3 Members of the sub-committee ~~will~~shall be able to ask questions of any party, or the Licensing Officer, at the hearing. They ~~will~~shall try, so far as possible, to ask their questions at the conclusion of each party's submission.
- 1.4 The sub-committee ~~will~~shall consider any requests for permission to ask questions of other parties. It ~~will~~shall decide if questions are required in order for it to consider the case properly. If permission is given to one party, it ~~will~~shall usually be given to all other parties.
- 1.5 The ~~Chairman~~Chair may ask any person behaving in a disruptive manner to leave and may refuse to permit that person(s) to return or may permit them to return with specified conditions. Such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.
- 1.6 Members of the sub-committee ~~will~~shall be asked to make any Declaration of Interests.

2. Witnesses

- 2.1 The sub-committee ~~will~~shall consider any requests from any of the parties to call witnesses.

3. New evidence / information

- 3.1 The sub-committee ~~will~~shall consider any requests for permission to present new evidence or information not previously disclosed to all the parties and the sub-committee prior to the hearing. The general rule is that such information or evidence ~~must~~shall not be considered unless all parties at the hearing agree to it being considered on the day of the hearing. A request may be made for a short adjournment to allow time for everyone to receive copies of the extra information and time to read it.

4. Allocation of time

4.1 Each party ~~will~~shall be asked for a time estimate for the presentation of their case. The sub-committee ~~will~~shall hear all estimates and then allocate each party an equal amount of time to speak.

5. Licensing Officer's report

5.1 The Council's Licensing Officer will outline details of the application and representations received ~~by the council. No recommendation to members will be made.~~

6. Applicant's case

6.1 The applicant will present their case first. They have a right to:

- (a) address the sub-committee on any points of clarification the council has sought;
- (b) address the committee generally; and
- (c) call any witnesses that they have been given permission to call. Witnesses may be cross-examined if permission is granted. If this happens, the time taken for questions ~~will~~shall count towards the allocated time of the party asking the questions, not the party answering them.

6.2 Members of the sub-committee may ask questions of the applicant.

7. Police representations

7.1 The Police will make any representations about the application, with the same rights as listed at ~~s~~section.6.

7.2 Members of the sub-committee may ask questions of the police representative.

8. "Responsible authorities" representations

8.1 Other "responsible authorities" ~~(Police / Fire / Environmental)~~:

- (a) the relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
- (b) the chief officer of police;
- (c) the local fire and rescue authority;
- (d) the relevant enforcing authority under the ~~Health Officer / Social Services / Trading Standards / Planning Directorate~~ and Safety at Work etc Act 1974;
- (e) the local authority with responsibility for environmental health;
- (f) the local planning authority;
- (g) a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- (h) each local authority's Director of Public Health (DPH) in England
- (i) the local weights and measures authority (trading standards); and
- (a)(j) Home Office Immigration Enforcement (on behalf of the Secretary of State) will then make representations, with the same rights as listed at ~~s-~~section 6.

~~8.18.2~~ Members of the sub-committee may ask questions of those authorities represented.

9. Any other representations

- 9.1 Anybody else making representations ~~will~~shall go last, with the same rights listed at ~~s-~~section 6.
- 9.2 Members of the sub-committee may ask questions of any person who has made a representation.

10. Legal advice

- 10.1 Once all parties have presented their cases to the sub-committee, and the members of the sub-committee have no more questions for any of the parties, the Council's Legal Officer ~~will~~shall be asked to outline any relevant legal guidance.

11. Decision-making

11.1 The sub-committee willshall then retire to another room to make its decision. The Council's Legal Officer and Clerk willshall accompany members to advise, where necessary, and take notes of the decision.

12. Notification of decision

12.1 Depending on the nature of the application, a determination of the case willshall either be made at the conclusion of the hearing, or within five working days. In most cases, all parties willshall be notified of the decision in writing.

Part 6: Members' Allowances Scheme

Members’ Allowances Scheme

Contents

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~~**PART 6: MEMBERS' ALLOWANCE SCHEME**~~

Schedule 1 – Schedule of Allowances

Schedule 2 – Approved Duties

Members' Allowances Scheme ~~2018/19~~2019/20

Introduction

1. ~~1.~~ The South Cambridgeshire District Council, on ~~27~~26 September ~~2018~~2019 agreed to increase ~~all allowances~~ the basic allowance by the equivalent percentage amount as the Council ~~agrees~~agreed to apply to the pay rates of council staff with effect from 1 April 2019. The Council also agreed amendments to special responsibility allowances effective from 26 September 2019. The Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) [and Amendment] Regulations 2003, hereby makes the following scheme:
- 1.2 This scheme may be cited as the South Cambridgeshire District Council Members' Allowances Scheme and shall have effect from ~~8 May 2018~~1 April 2019 in respect of the basic allowance and from 26 September 2019 for all other allowances.

~~2.~~

Definitions

~~2.1~~ In this scheme,

- (a) "councillor" means an elected member of the South Cambridgeshire District Council;

~~3.~~

- (b) "year" means the 12 months ending on 31 March ~~2019~~2020.

Basic Allowance

~~2.1. Basic Allowance~~

- ~~4.13.1~~ Subject to paragraph 6, for each year a basic allowance of ~~£4,9125,010~~ shall be paid to each councillor, which includes ~~£679692~~ towards expenses. This is intended to cover time spent in attendance at meetings and with constituents,

parish council meetings and the cost of telephone / internet calls from home. It is assumed that some elements of the work of councillors are undertaken on a voluntary basis.

Special Responsibility Allowances

~~3.1. Special Responsibility Allowances~~

~~4.~~

- 4.1 ~~(1)~~— Each year, a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority as specified in schedule 1 to this Scheme.
- 4.2 ~~(2)~~— No councillor may normally receive more than ~~one~~two special responsibility ~~allowance~~allowances.
- 4.3 ~~(3)~~— Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in schedule 1 to this Scheme.

~~4.1. Renunciation~~

~~5.~~

~~(1)~~— Renunciation

- 5.1 A councillor may, by notice in writing given to the Chief Executive, elect to forgo any part of ~~his / her~~their entitlement to an allowance under this scheme.
- 5.2 ~~(2)~~— A councillor not wishing to receive ~~his / her~~their allowances may nominate a charity to which they may be paid.

~~5.1. Part-year Entitlements~~

(1) — Part-year Entitlements

6.

- 6.1 The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic and special responsibility allowances or a member to co-optees’ allowances where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility is payable, or the member’s appointment begins or ends.
- 6.2 ~~(2)~~ — If an amendment to this scheme changes the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance or adds or deletes entitlement to a special responsibility allowance then, in relation to the period following the amendment, the entitlement to such an allowance shall be in the same proportion as that period bears to the relevant municipal year.
- 6.3 ~~(3)~~ — Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance shall be in the same proportion as the term of office bears to the relevant municipal year.
- 6.4 ~~(4)~~ — Where a councillor has during part of, but not throughout, a year such special responsibilities as ~~entitle him or her~~entitles them to a special responsibility allowance, that councillor’s entitlement shall be in the same proportion as the period of special responsibility bears to the relevant municipal year.
- 6.5 ~~(5)~~ — Where the appointment of a member (a person not an elected member of the authority but a member of a committee or sub-committee of the authority) begins or ends otherwise than at the beginning or end of a year, the entitlement of that member to a co-optees’ allowance shall be in the same proportion as the term of office as member bears to the relevant municipal year.

2.7.

Dependants’ Carers’ allowance

2.17.1 A carers’ allowance may be claimed by a councillor where additional expenditure is incurred on childcare or care for a sick or dependent relative to facilitate fulfilment of approved Council duties. Payments will cover the period of the qualifying duty and the travelling time to and from the councillor’s home and the location of the duty.

2.27.2 Meetings or activities that qualify for the allowance will be those specified on the list of approved duties attached at schedule 2 to this Scheme; attended as of right or by invitation.

2.37.3 Reimbursement of expenditure will be restricted:

- (a) in the case of childcare to children up to their fourteenth birthday who normally reside with the councillor.
- (b) in the case of a sick or dependent relative to care which would otherwise be carried out by the councillor.
- (c) normally, to payments made to persons providing care other than a close relation or a person normally resident at the councillor’s home.

2.47.4 It is the responsibility of the councillor employing the carer to ensure that ~~s/he~~ isthey are suitably qualified to provide the care required.

2.57.5 Payments will reimburse actual expenditure up to a maximum hourly rate set by the Council. The maximum hourly rate set by the Council for the period up until to 31 March ~~2019~~2020 is £15.47.

~~6.1. Travelling Allowances~~

8. Travelling Allowances

2.68.1 Travelling allowances may be claimed by councillors or independent members (with the meaning as in paragraph ~~4~~610.1) for necessary travel from home to undertake approved duties as contained in the list at schedule 2 of this Scheme.

2.78.2 Details of rates and other provisions are listed in schedule 1 to this Scheme.

~~9.7.1. Subsistence Allowances~~

Subsistence Allowances

2.89.1 Subsistence allowances may be claimed by councillors or independent members (with the meaning in paragraph ~~4~~610.1) where carrying out an approved duty involves an absence from home of more than 4 hours, including specified hours.

2.99.2 Details of rates and other provisions are listed in schedule 1 to this Scheme.

Allowances for Independent Members

~~8.1. Allowances for Independent Members~~

~~2.10~~10.1 Each year an allowance shall be paid to the Independent and Deputy Independent Members of Council, who have been ~~appoint~~appointed to help ~~oversee that Council’s Code of Conduct.~~

~~2.11~~10.2 Subject to paragraph 6, the allowances for the year shall be:

Independent Member £1,~~030~~060

Deputy Independent Member ~~£515~~ £530

~~9.1. Pensions~~

Pensions

~~3.11.~~
Following a change in the law, councillors are no longer entitled to join the Local Government Pension Scheme.

~~10.1. Claims and Payments~~

~~12.~~

(Claims and Payments

~~12.1)~~ Payments shall be made in respect of basic, special responsibility and co-optees’ allowances, subject to sub-paragraph ~~(12.2)~~12.2, in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month, except that co-optees may select an alternative means of payment;

~~(12.2)~~ Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 6, ~~he or she is~~they are entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which ~~he or she is~~they are entitled.

12.3 Claims for dependants’ carers’ and travel and subsistence allowances under this Scheme will need to be submitted in writing no later than the 14th of the month in

which they are to be paid and mustshall be submitted by one month of the end of the relevant financial year to which the claim applies. Claims for carers’ allowance mustshall be accompanied by a receipt signed by the carer. Claims for travel and subsistence allowance mustshall be accompanied by relevant VAT receipts.

12.4 Claims may not be made from two bodies for the same meeting nor travel expenses claimed for the same journey from two or more bodies where different meetings are attended on the same day. Claims shall be accompanied by a statement that the councillor has not made and will not make any such other claim.

Publicity

~~11.1. Publicity~~ 13.

As soon as practicable after the end of each year, arrangements will be made for the publication within the area of South Cambridgeshire of the total sum paid in that year under this Scheme to each member in respect of each of the following, namely, basic allowance, special responsibility allowance, dependants’ carers’ allowance, travelling and subsistence allowance and co-optees’ allowance.

~~14.~~ **Annual Review**

~~12.1. 14.1~~ Annual Review

Annual adjustments may be indexed for up to four years, subject to an annual review by an independent remuneration panel of any changes in responsibilities.

14.2 The Council, at its meeting held on 26 September 2019, agreed that the basic allowance shall be increased annually in line with the Council’s staff pay award to the end of the 2021/22 financial year and that special responsibility allowances shall also be increased annually in line with increases to the basic allowance to the end of that financial year.

Schedule 1: Schedule of Allowances

The following rates apply until 31 March ~~2019~~2020:

~~Basic Allowance~~

1. Basic Allowance

~~4.1.~~

£4,~~233~~318 plus expenses of £~~679~~ (£4,~~912~~692 (£5,010 total) towards the cost of purchase of office sundries other than those provided by the Council, telephone calls etc.

2. Special Responsibility Allowances

~~5.1.~~

~~Special Responsibility Allowances~~

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, and the amounts of those allowances:

Position with Special Responsibility Allowance	£	£
Leader of the Council	10,718 11,220	-
Deputy Leader <u>(Statutory)</u>	8,040290	-
Cabinet Member	7,147650	-
Major Opposition Group Leader	3,637800	-
	Chairman	Vice-Chairman
Council		
Allowances for Chairman of Council	4,042	2,020

Committees		
Scrutiny & Overview Committee	3,637	1,818
Planning Committee	4,612	2,309
Audit and Corporate Governance Committee	1,847	-
Licensing Committee	520	-
Civic Affairs Committee	461	-
Employment and Staffing Committee	448	-
Grants Advisory Committee	448	-
Climate Change & Environment Advisory Committee	448	-
Independent Members’ Allowances		
Independent Member	1,030	-
Deputy Independent Member	515	-

=	<u>Chair</u>	<u>Vice-Chair</u>
<u>Council</u>		
<u>Allowances for Chair of Council</u>	<u>4,240</u>	<u>2,120</u>
<u>Committees</u>		
<u>Scrutiny & Overview Committee</u>	<u>3,800</u>	<u>1900</u>
<u>Planning Committee</u>	<u>6,360</u>	<u>3,180</u>
<u>Audit and Corporate Governance Committee</u>	<u>2,120</u>	:
<u>Licensing Committee</u>	<u>1,060</u>	:
<u>Civic Affairs Committee</u>	<u>1,060</u>	:
<u>Employment and Staffing Committee</u>	<u>1,060</u>	:
<u>Grants Advisory Committee</u>	<u>1,060</u>	:
<u>Climate Change & Environment Advisory Committee</u>	<u>1,060</u>	:
<u>Committee Members</u>		:
<u>Planning</u>	<u>500</u>	
<u>Scrutiny & Overview</u>	<u>250</u>	
<u>Licensing*</u>	<u>250</u>	
<u>Grants Advisory</u>	<u>125</u>	
<u>Cambridgeshire and Peterborough Combined Authority</u>		:
<u>Executive Board</u>	<u>5,010</u>	
<u>Overview & Scrutiny</u>	<u>1,253</u>	
<u>Audit and Governance</u>	<u>501</u>	
<u>Greater Cambridge Partnership</u>		:
<u>Executive Board Chair</u>	<u>2,505</u>	
<u>Executive Board Member</u>	<u>2,505</u>	
<u>Assembly Member</u>	<u>752</u>	
<u>Independent Members’ Allowances</u>	:	:
<u>Independent Member</u>	<u>1,060</u>	:
<u>Deputy Independent Member</u>	<u>530</u>	:

*Must attend 4 or more panels per year to receive allowance

2.3. Dependants’ Carers’ Allowances

Reimbursement of actual cost up to a maximum hourly rate of £15.47. This allowance may be claimed for attendance as a district councillor at a parish council meeting.

4. Travel Allowances

4.1 Private transport rates

Motor Vehicles	cc of vehicle	rate per mile	without VAT receipt
=	All vehicles	45.0p	43.49p
Motorcycles	All vehicles	24.0p	22.64p
Bicycles	=	20.0p	20.0p

4.2 A supplement of not more than 5p per mile may be added for each passenger, payable to a maximum of four.

4.3 The Council will normally pay mileage for the most direct route between relevant points.

5. Public and other Transport

5.1 (a) — Travel by public transport will be reimbursed at the ordinary or any available cheap fare rate and tickets ~~should~~shall be attached to the claim form.

5.2 (b) — The cost of travel by taxi may be reimbursed in exceptional circumstances, (e.g.: where there is no other useable alternative;) and the Head of Legal Practice should~~Head of Legal Practice should~~Chief Executive or their nominee shall be advised (where practicable) in advance of the journey. Should prior approval not be practicable, actual reasonable costs may be met on the production of receipts but only with the approval of the Chief Executive (or their nominee).

6. Subsistence Allowances

6.1 Councillors may claim the actual amount spent up to the following sums:

Breakfast ~~£6.88~~ £6.88

(more than 4 hours away from normal place of residence before 11am)

Lunch: £9.50

(more than 4 hours away from normal place of residence including the period 12 noon to 2pm)

Tea: £3.76

(more than 4 hours away from normal place of residence including the period 3pm to 6pm)

Evening meal: £11.77

(more than 4 hours away from normal place of residence ending after 7pm)

(Rates equivalent to the prevailing National Joint Council for local government employees)

- 6.2 Receipts are required in support of claims.
- 6.3 Where breakfast, lunch or evening meal is necessarily taken on a train and the other qualifying conditions are fulfilled, reimbursement may be made in full.
- 6.4 Refreshments may be purchased from the staff room. Where there is entitlement to reimbursement as above, the refreshments ~~should~~shall be ordered through an appropriate officer, in which case the Council will bear the cost directly.
- 6.5 Any claim will be reduced by an appropriate amount in respect of any meal provided free of charge by the Council or other body during the same period as the claim covers.

7. Overnight Subsistence

- 7.1 Where the total period of absence from home on approved duties, exceeds 24 hours, and the Council has booked or paid for the accommodation on behalf of the councillor, actual expenditure on bed and breakfast accommodation will be reimbursed, up to a maximum of £130 per night.
- 7.2 The maximum allowance is increased to £150 for an overnight stay in London.
- 7.3 An out-of-pocket allowance of £4 per night may be claimed in addition.
- 7.4 Subsistence for other meals may be claimed in accordance with the provisions for meal subsistence allowances above.

Schedule 2: Approved Duties

~~(This Members’ Allowances Scheme has been updated to reflect changes approved at the meeting of the Council on~~

Members are eligible to claim travelling and subsistence allowances for all duties carried out for the purposes of, or in connection with, the discharge of the functions of the Council, ~~its Executive~~ the Cabinet or any of its committees or sub-committees and other duties as authorised by any two of the ~~Chairman~~ Chair of Council, the Chief Executive, Chief Finance Officer or Leader.

For guidance, claims will automatically be allowed for:

1. Attendance at all internal meetings, including seminars
2. Attendance as an authorised representative of the Council at meetings of outside bodies (except where that body pays expenses to representatives)
3. Attendance at meetings authorised by the Council
4. Attendance as the Council’s representative at joint meetings of local authorities, government bodies or a local authority association
5. Attendance at approved conferences and training sessions
6. Authorised duties on behalf of the Council in relation to the inspection of premises
7. Duties carried out by ~~Executive~~ Cabinet members and ~~chairmen~~ chairs and vice-~~chairmen~~ chairs for the necessary exercise of the functions of the post
8. Duties carried out as a ~~ward~~ Ward member at the request of Council or one of its constituent parts
9. The Dependents’ Carers’ Allowance may be claimed for attendance as a district councillor at a parish council meeting.

The Council will not pay allowances for:

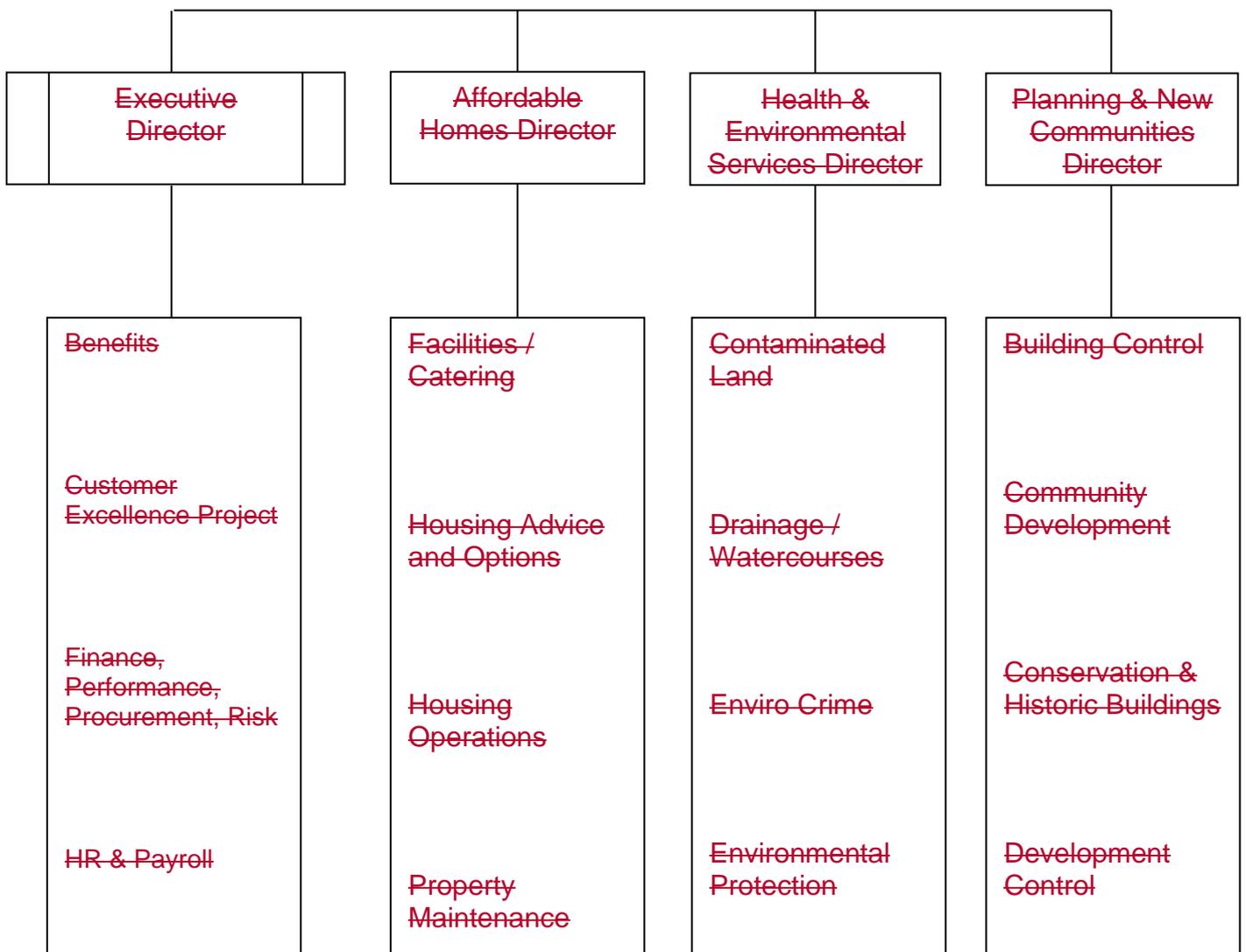
1. Attendance at meetings of a single political group
2. Attendance at the ~~Chairman’s~~ Chair’s Reception and similar functions
3. Attendance at parish council meetings.

**~~PART~~PART 7: MANAGEMENT STRUCTURE
(~~ALLOCATION OF SERVICES BETWEEN SENIOR
MANAGEMENT~~)**

Management Structure

July 2017

Chief Executive



Management Team:

~~Chief Executive~~

~~Executive Director
(Corporate
Services)~~

~~Director of Housing~~

~~Health &
Environmental
Services Director~~

~~Joint Director for
Planning & Economic
Development~~

~~Head of People and
Organisational
Development~~

~~CONTACT DETAILS FOR MEMBERS OF CABINET~~

Portfolio	Member of Cabinet	Contact
Leader of Council		
Deputy Leader		
Customer Service and Business Improvement Portfolio Holder		
Environmental Services and Licensing		
Finance		
Housing		
Planning		

The Council's management structure is published on our website and may be inspected via the following link:

South Cambridgeshire District Council Management Structure

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**South
Cambridgeshire
District Council**



Ethical Handbook of South Cambridgeshire District Council

Protocols and Guidance

- A. Gifts, Hospitality and Sponsorship Policy for Members
- B. Gifts, Hospitality and Sponsorship Policy for Officers
- C. Procedural Guidance for Members and Officers in Planning and Licensing
- D. Code of Conduct Complaints Procedure
- E. Civic Affairs Committee – Procedure and Sanctions for Legal Hearings
- F. Licensing Act 2003 Committee – Appeals Hearing Procedure

A. Gifts, Hospitality and Sponsorship Policy for Members

1. General Caution

- 1.1 Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- 1.2 The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived.
- 1.3 No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This policy is intended to enable you to make your own decision.

2. Criminal Law

The Bribery Act 2010 replaces the offences at common law and the Prevention of Corruption Acts with two general offences and prohibits the offering, giving, soliciting and acceptance of money or other advantage in order to induce or reward the improper performance of public and other functions. The first offence covers the offering, promising or giving of an advantage (broadly, offences of bribing another person). The second deals with the requesting, agreeing to receive or accepting of an advantage (broadly, offences of being bribed).

3. Limits of Policy

- 1.1 This policy does not apply to:
 - (a) The acceptance of facilities or hospitality provided to you by the Authority.
 - (b) Gifts given to the Authority that you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

4. Meaning of Gifts and Hospitality

- 1.2 The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:
 - (a) The free gift of any goods or services.

- (b) The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
 - (c) The opportunity to obtain goods or services not available to the general public.
 - (d) The offer of food, drinks and beverages (including alcoholic beverages), accommodation or entertainment or the opportunity to attend any cultural or sporting event.
- 1.3 Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. Members should be cautious when purchasing anything when additional services, privileges or advantages are offered which might be related to their position as a member.

5. Appropriate Gifts and Hospitality

- 1.4 There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member.
- (a) Civic hospitality provided by another public authority.
 - (b) Normal and modest refreshments in connection with any meeting in the course of your work as a member
 - (c) Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Authority or bodies to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion.
 - (d) Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens.).
 - (e) Drinks or other modest refreshment in the normal course of socialising arising consequentially from Authority business (e.g. inclusion in a round of drinks after a meeting).
 - (f) Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Authority has a business connection.
 - (g) Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

6. Principles to Apply in Relation to Gifts and Hospitality

- 1.5 Since the Council discharges many public functions it is essential that the public has every confidence that members try to operate fairly to everyone.
- 1.6 A gift by an interested party to a member can threaten this trust, regardless of whether or not the gift is intended to influence its recipient's decision and regardless of whether it actually does influence it.
- 1.7 In deciding whether it is appropriate to accept any gift or hospitality you shall apply the following principles:
 - (a) Do not accept a gift or hospitality as an inducement or reward for anything you do as a member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you shall decline it.
 - (b) "Reward" includes remuneration, reimbursement and fee.
 - (c) Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
 - (d) Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances shall include gifts and hospitality:
 - (i) From parties involved with the Authority in a competitive tendering or other procurement process;
 - (ii) From applicants for planning permission and other applications for licences, consents and approvals;
 - (iii) From applicants for grants, including voluntary bodies and other organisations applying for public funding;
 - (iv) From applicants for benefits, claims and dispensations;
 - (v) From parties in legal proceedings with the Authority.
 - (e) Do not accept a gift or hospitality if you believe it may put you under any obligation to the provider as a consequence.
 - (f) Do not solicit any gift or hospitality and avoid giving any perception of so doing.

7. Gifts and Hospitality

- 1.8 The Code of Conduct for Members and Co-opted Members provides that

“You shall, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the authority.”

1.9 The registration should include the source and nature of the gift or hospitality, the value or a reasonable estimate and the date received. The interest shall be placed on a public register.

1.10 Whilst the registration requirement in the code is limited to gifts or hospitality over the value of £50, members are encouraged to register any significant gift or hospitality they receive below this value. There is no obligation to make a disclosure in relation to gifts and hospitality on the register which are below £50 in value.

8. Reporting of Inappropriate Gifts and Hospitality offered

You shall immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you. You may thereafter be required to assist the Police in providing evidence.

9. Enforcement

1.11 The Civic Affairs Committee has responsibility for overseeing members' compliance with this Policy.

1.12 Allegations of any failure to meet the Policy shall be made in writing to the Monitoring Officer.

10. Gifts Received and Donated to the Chair's Charity

10.1 Some members receiving gifts of value may prefer not to retain these personally but to pass them to the Chair for use in relation to the Chair's Charity Appeal.

10.2 Members should indicate this intention to the provider and make this clear on their register of interests.

11. Sponsorship

Offers of sponsorship should be referred to a Chief Officer.

B. Gifts, Hospitality and Sponsorship Policy for Officers

1. General Caution

- 1.1 Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- 1.2 The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived.
- 1.3 No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

2. Criminal Law

- 2.1 The Bribery Act 2010 replaces the offences at common law and the Prevention of Corruption Acts with two general offences and prohibits the offering, giving, soliciting and acceptance of money or other advantage in order to induce or reward the improper performance of public and other functions. The first offence covers the offering, promising or giving of an advantage (broadly, offences of bribing another person). The second deals with the requesting, agreeing to receive or accepting of an advantage (broadly, offences of being bribed).
- 2.2 Officers should disclose any interests in Contracts to their Chief Officer and no officer should subordinate their interest to that of another group or organisation.

3. Limits of Policy

- 3.1 This policy does not apply to:
 - (a) The acceptance of facilities or hospitality provided to you by the Authority.
 - (b) Gifts given to the Authority that you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

4. Meaning of Gifts and Hospitality

- 4.1 The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:
- (a) The free gift of any goods or services.
 - (b) The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
 - (c) The opportunity to obtain goods or services not available to the general public.
 - (d) The offer of food, drinks and beverages (including alcoholic beverages), accommodation or entertainment or the opportunity to attend any cultural or sporting event.
- 4.2 Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets.

5. Appropriate Gifts and Hospitality

- 5.1 There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as an officer.
- (a) Civic hospitality provided by another public authority.
 - (b) Normal and modest refreshment in connection with any meeting in the course of your work as a member
 - (c) Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Authority or bodies to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion.
 - (d) Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens.).
 - (e) Drinks or other modest refreshment in the normal course of socialising arising consequentially from Authority business (e.g. inclusion in a round of drinks after a meeting).
 - (f) Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Authority has a business connection.

- (g) Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

6. Principles to Apply in Relation to Gifts and Hospitality

- 6.1 Since the Council discharges many public functions it is essential that the public has every confidence that the Council officers try to operate fairly to everyone.
- 6.2 A gift by an interested party to an officer can threaten this trust, regardless of whether or not the gift is intended to influence its recipient's decision and regardless of whether it actually does influence it.
- 6.3 In deciding whether it is appropriate to accept any gift or hospitality you shall apply the following principles:
 - (a) Do not accept a gift or hospitality as an inducement or reward for anything you do as an officer. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you shall decline it.
 - (b) "Reward" includes remuneration, reimbursement and fee.
 - (c) Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
 - (d) Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances shall include gifts and hospitality:
 - (i) From parties involved with the Authority in a competitive tendering or other procurement process;
 - (ii) From applicants for planning permission and other applications for licences, consents and approvals;
 - (iii) From applicants for grants, including voluntary bodies and other organisations applying for public funding;
 - (iv) From applicants for benefits, claims and dispensations;
 - (v) From parties in legal proceedings with the Authority.
- 6.4 Do not accept a gift or hospitality if you believe it may put you under any obligation to the provider as a consequence.
- 6.5 Do not solicit any gift or hospitality and avoid giving any perception of so doing.

7. Gifts and Hospitality

- 7.1 The offer of any gift at all should be reported to your Line Manager. Minor items such as cheap biros, rulers, calendars and diaries may normally be accepted on behalf of the Council. No gifts at all shall be accepted personally. In order that the gift does not seem underhand, perhaps the gift may be acknowledged. Minor gifts of food and drink may be accepted on behalf of the Council and shared out.

8. Food and Drink Eaten with Other People

- 8.1 This is more difficult since it is offered to an officer personally. At one extreme, it is plainly acceptable to accept a cup of tea on a site visit and at the other it is definitely not acceptable to allow someone to buy you an expensive lunch in a rather nice restaurant. Perhaps a sensible compromise is to accept a lunch if you would otherwise have to claim for it or it is the most convenient way of having lunch and if its value is comparable to what you could have claimed. It is also acceptable to receive a lunch at an official opening or similar group function. This area is one where officers really have to use their own judgement. Remember, if in doubt, **REFUSE**.

9. Recording Hospitality

- 9.1 All gifts and hospitality shall be recorded.

- 9.2 You must either:

- (a) record it in the register maintained by the Council's Deputy Monitoring Officer at South Cambridgeshire Hall; or
- (b) record it on the Council's Gifts and Hospitalities Register. You can do this via the Moden.Gov system available on Insite by following the below steps:
 - (i) Open Insite
 - (ii) Click on the three horizontal bars on the top right of the screen and then on the 'Internal Modern.gov link at the top, middle of the page
 - (iii) Click on the Logon tab at the bottom of the left-hand side menu
 - (iv) Under username type SCDC\ followed by your first name and surname. Ensure that there is a space between your first name and your surname, as follows: SCDC\firstname surname

- (v) Insert your usual password
- (vi) Select the Work to do tab on the left-hand side menu
- (vii) Select the options tab
- (viii) Select Submit gift or hospitality
- (ix) Select add, and this should provide you with the necessary fields to complete
- (x) Select finish, which saves your entry

9.3 Should you require any procedural help or guidance on the policy please contact the Deputy Monitoring Officer by e-mail:

Monitoring.Officer@scambsgov.uk.

10. South Cambridgeshire's Policy

The Council believes that its officers can be trusted not to accept gifts where there is a danger of an ulterior motive being suspected. It urges officers to err on the side of caution in this delicate area. If in doubt, **refuse** – it is better to offend a well-meaning giver than to jeopardise the Council's integrity. It also emphasises the importance that all gifts should be out in the open and Chief Officers should be aware of all gifts made or offered.

11. Gifts Received and Donated to the Chair's Charity

11.1 Some officers receiving gifts of value may prefer not to retain these personally but to pass them to the Chair for use in relation to the Chair's Charity Appeal.

11.2 Officers should indicate this intention to the provider and make this clear on their register of interests.

12. Sponsorship

12.1 Offers of sponsorship are likely to become more frequent, and, as a means of providing additional financial resource, sponsorship is to be welcomed. With this in mind, however, where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, where by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality shall apply.

Part B – Gifts, Hospitality & Sponsorship Policy for Officers

- 12.2 Particular care shall be taken when dealing with contractors or potential contractors or where there may be a perceived conflict of interest with the Council's business in order to avoid compromising the integrity of Council operations. The Council shall not put itself in a position where it might be said that a sponsorship partnership might have or may be thought to have:
- (a) influenced the Council or its officers in carrying out its statutory functions (e.g., planning / licensing / environmental health / housing)
 - (b) been in order to gain favourable terms from the Council in any business or other agreement
 - (c) aligned the Council with any organisation which conducted itself in a manner which conflicted with the Council's values.
- 12.3 The Council retains the right to decline sponsorship from any organisation or individual which the Council in its sole discretion considers inappropriate.
- 12.4 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative shall benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

C. Procedural Guidance for Members and Officers in Planning and Licensing – Supplemental to the Code of Conduct

This Guidance supplements the Code of Conduct for members of the Council adopted by the Council pursuant to Section 27 of the Localism Act 2011. The obligations and responsibilities contained within this Guidance shall apply to co-opted members in the same way as they do to members of the Council. Reference to the committee means the Planning Committee or the Licensing Committee and reference to the Chair shall mean the Chair of the relevant committee. Similarly, reference to the Chief Officer has the meaning specified in Article 12 of the Constitution and reference to the ‘officer’ means the planning case officer or the licensing officer respectively.

Section 1: Members

1. The Role of Members

In making decisions on applications, members of the committee shall:

- (a) act fairly and openly
- (b) approach each application with an open mind
- (c) carefully weigh up all the material considerations
- (d) avoid undue contact with interested parties
- (e) ensure that reasons for decisions are clearly stated.

Members of the committee shall be free to vote on applications as they consider appropriate (i.e., without a Party ‘whip’), deciding them in the light of all the relevant information, evidence and arguments. They shall base their decisions on the provisions of the Acts and regulations under which the applications are made and fall to be determined (“the statutory framework”).

Members of the Council shall not give instructions to officers nor shall they place pressure on officers in order to secure a particular recommendation on an application.

In accordance with paragraph 3 of the Code of the Conduct for Members of the Council, a member shall use their position in the public interest and not for personal advantage.

2. Discussions with Applicants

Pre-application meetings with prospective applicants are encouraged, but, to avoid misunderstandings, they require a degree of formality. They shall normally only involve officers, except where the Monitoring Officer, in consultation with the Chair of the committee, has agreed that a pre-application meeting shall include (along with an appropriate officer) a member or members of the Council.

- (a) It shall be made clear at pre-application meetings that:
- (b) only officers' initial provisional views can be given, based on the provisions of the statutory framework and other adopted Council policy
- (c) no decisions can be made which would bind or otherwise compromise the committee of the Council or the Chief Officer if delegated to make the decision.

Where pre-application meetings involve a prospective applicant with a member or members of the Council, a note of the discussion shall be taken by the officer and shall be made available for public inspection, subject to the usual rules about access to information, if and when an application is submitted. At least one appropriate officer shall be present at all such meetings.

Members of the Council shall not take part in post-submission meetings with applicants or other parties, unless the matter has been agreed by the Monitoring Officer, in consultation with the Chair of the committee. A note of any discussions shall be taken and shall be made available for public inspection, subject to the usual rules about access to information. At least one appropriate Planning Officer shall be present at all such meetings.

3. Lobbying

It is quite common for applicants and others to wish to approach members of the Council to discuss a proposed application before an application is submitted or, if submitted, determined. This could be by way of an approach to an individual member, by telephone, or on a chance meeting, or by way of a request to see all or some of the members of the committee. It is an essential part of the democratic process that members of the public should be able to make their views known to elected members. However, to avoid compromising their position before they have received all the relevant information, evidence and arguments, members of the committee shall:

- (a) do their best to avoid, in discussion with an applicant or any other person, giving their thoughts about the merits of an application or proposal so as to give the impression or commitment that they will definitely vote in favour or against a proposal or application. There is no objection to the

member rehearsing comments from the officer or any of the consultees, whether in favour of or against the proposal or application or any aspect of it and the member can express their own reservations to give the proposer or applicant an opportunity of addressing them. The member may give an indication **on the information then available to them** whether they support or oppose but it would be wise to ensure beforehand that they are fully briefed, preferably by the officer;

- (b) apart from the above, restrict their response to giving procedural advice, and make it clear that that is all they are prepared to do;
- (c) in suitable cases, direct lobbyists or objectors to the officer; and
- (d) advise the Chief Officer as soon as possible of the existence of any substantial or abnormal lobbying activity.

Whilst there is no bar on members of the Council generally expressing publicly, even robustly, their views on any application, committee members will recognise the need to determine applications as a committee taking into account all material considerations at the time the application falls to be determined. Members of the committee therefore should be careful not to express publicly a final (see note 1) view on an application prior to the meeting of the committee at which a decision is to be taken however strongly they feel.

[Note 1: “Final” here means that that member’s mind is already made up, i.e., clearly pre-determined by the member such that they are not simply presently in favour of or against an application on the facts and circumstances then known to that member but that they will not be open to future argument or representations when the application falls to be considered by the committee when all the facts are known, all consultation responses are in hand and all committee debate has taken place. This can include, for example, an expression by a member of the committee that they as a matter of principle or conviction never vote in favour of, or against [the type of activity or proposal in the application].

4. Site Visits

All sites are visited by officers as part of the application process. A site visit by the committee should only be necessary if the impact of the proposed development or proposed licence is difficult to visualise from the plans submitted, the written report and the officer presentation to committee. Whilst site visits involve delay in determining the applications concerned and additional cost, they should be considered if they are likely to inform better the judgement of members of the committee concerning the potential impact of proposals on, e.g., the neighbours, the countryside, the setting of a listed building or on the conservation area, i.e., where important aesthetic judgements fall to be made, the safety of road users and pedestrians, crime and disorder.

A decision to inspect a site shall normally be arrived at either by the officer or at the request of a local member or the Chair **in advance of any committee consideration**. Members should try to avoid proposing at the meeting itself a deferment for a site visit, although there may be exceptions where the need for a site visit becomes apparent only during the debate and consideration of the appropriate application at a committee meeting.

If access to private land is necessary for a site visit by members of the committee, officers shall secure the prior agreement of the landowner, explaining that members shall not hear argument from any interested party while at the site.

Where a site visit has been agreed by the committee, all members of the committee are encouraged to attend, accompanied by appropriate officers. The local member, if not a member of the committee, shall also be invited.

The purpose of the site visit is fact finding. Officers will be able to point out relevant features of the site and surroundings. Members will be able to see the physical features of the site and ask questions through the Chair or the officer to seek clarification. A written record shall be kept of the site visit by the officer and shall be reported as part of the committee papers where the application falls to be determined.

No discussion of the merits of the case shall be permitted and all questions from members shall be put through the Chair or officer.

The site visit is not part of the formal consideration of an application and therefore public rights to attend the meeting do not apply. No interested parties or local Parish councillor (who is not also the local district councillor or a member of the committee) shall be permitted to attend.

The visiting party shall stay together as a group. No lobbying by applicants or objectors who might be present shall be allowed. If an applicant or group persists in attempting to lobby, all members and officers shall leave the site and the site visit shall be abandoned.

The members of the committee when on site visits should not make any comments that could create an impression if observed by an outside party that they had already formed a view on the merits of the application. No decision on the application shall be made until the formal meeting of the committee at which the application is to be considered, when members shall have before them all necessary information to be able to make an informed decision. Members are encouraged to convey at the formal meeting all the relevant conclusions they themselves reached on any site visit to help inform the decision.

If a member finds it necessary to visit a site alone (perhaps because it was not possible for them to attend a committee visit), the member should view the site only from public vantage points, seek to avoid any discussion with interested

parties, and, if there is such discussion, make it clear that no decision on the application shall be taken until it has been discussed at committee.

5. Material Submitted to Committee

A member of the Council receiving apparently new material in writing from or on behalf of an applicant or third party in connection with an application before the committee should establish from the officer whether the material has been received by that officer unless it is clear from the document itself that the officer already has it or has been sent a copy. If it has not, the member should make it available as soon as possible to the officer.

Relevant documents in connection with an application should all be dealt with in the officer's report to committee. Any additional information received after the preparation of that report up to 1530 hours on the day before the committee meeting shall normally also be brought to the attention of the committee. Except when requested by the officer, papers received after that time shall usually be discounted, since time shall not be available to check their accuracy or to give consideration to their implications. Even papers received before that time may not be able to be included in the officer's oral report if they are complex or raise important new points. In such cases, the right course may be to defer the consideration of the application to another meeting.

6. Members of Committee who serve on County Councils and Parish Councils

A member may also serve as a member of the County Council or of a parish council ('dual' member) which makes representations about an application to be considered by the committee. If the member is present at a meeting of the County Council or a parish council (or one of its committees) when the attitude of the County Council or that parish council to the application is under consideration, the member should make this known when the application concerned is under discussion at the committee.

A local member who is also a member of the parish council may, if appointed to do so by the parish council concerned, act as the parish council's representative at a Licensing Committee (unless that member is on the Licensing Committee panel determining the application) or under the protocol which allows parish council representatives to address the Planning Committee. In such event, the member should make it clear whether they are addressing the committee as parish council representative only or as representative **and** on their own behalf because it is not a requirement that the views of each, upon the application, should be the same.

7. Voting at Committee

A member of the committee should only vote on an application before the committee if they have been present for the whole of the presentation of and discussion on the application.

Where an application has been the subject of a site visit, any member of the Planning Committee who has not attended the site visit should consider, before deciding whether or not to vote on the application, whether they are sufficiently informed about all relevant issues. If they are not, they should not vote.

8. Non-members of Committee attending Committee Meetings

Members of the Council who are not members of the committee may attend meetings of that committee and speak (subject to the law on declarations of interest) **but not vote** on items under the procedure laid down in Council Procedure Rules, whether as a ward councillor, or to represent the views of the County Council or a parish council, or otherwise.

When such members attend the Licensing Committee they shall sit with the visiting public or persons wishing to make representations. When such members attend the Planning Committee, they should not sit in the public gallery, but in the place reserved in the committee room for Members of the Council who are not members of the Planning Committee.

When such a member speaks at the meeting, either the Chair of the committee in calling upon the member to speak or the member in speaking should make it clear upon what basis they are taking part in the meeting. The guidance in paragraphs 6.1 & 6.2 regarding committee members who are 'dual' members should also be observed by other members of the Council who attend meetings of the committee.

Where a member not a member of the committee is attending to speak as the local member, they should be identified and may be asked to speak before any other member makes a contribution to the debate.

Unless specifically allowed by the Chair, members who are neither members of the committee nor the local member should not contribute to the debate on applications in other wards unless they have information to impart that will assist the committee in making a decision.

9. Decisions Contrary to Officer Recommendations or to Development Plan Policies

From time to time, there will be occasions when the committee disagree with the professional advice on an application given by the Chief Officer. In such cases the reasons for differing from the professional advice received should be specified in the resolution of the committee, along with the reasons for refusing an application recommended for approval or the conditions to be imposed on any approval in a case recommended by officers for refusal. The same provisions apply to relevant decisions taken contrary to Development Plan policies.

Where any Planning Committee decision is taken to refuse an application contrary to the recommendation by the officers for approval (with or without conditions), it shall normally be expected that a member, preferably the local member, speaking and / or voting against the application, shall offer themselves to give evidence to support the grounds of refusal at any appeal hearing or inquiry.

Where Planning Committee is minded to make a decision contrary to technical advice, its final decision should not be made until it has received, and taken into account, credible second opinion which shall be obtained for their consideration by the Chief officer.

10. Applications in which a Member of the Council has an interest

All applications which are submitted by or on behalf of a member of the Council in their private capacity or by a close friend, relative or the partner of a member (as defined in the Code of Conduct for Members) shall be drawn to the attention of the Chief Officer by the member concerned in writing, and shall be reported to the committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to Officers.

The member concerned shall take no part in the determination of the application unless they have obtained a Dispensation.

11. Training

Training on development control and development plan issues and procedures shall be provided and updated as necessary. All members of the Planning Committee should ensure that they have received sufficient and appropriate training to enable them to undertake the duties required of them. Training is mandatory for members who wish to sit on the Planning Committee.

All new members of the Licensing Committee shall be required to receive training in licensing procedures at the beginning of their term of office and all members of the committee shall be required to undertake training periodically on new regulations and as a refresher. A record shall be kept by the Chief

Officer of the training undertaken by each member. Training is mandatory for members who wish to sit on the Licensing Committee.

12. Whistle-blowing

A member or any officer shall, if they become aware of any conduct by another member or any officer which they reasonably believe involves a failure to comply with this Guidance, notify the Monitoring Officer as soon as it is practicable for them to do so.

Section 2: Officers

13. The Role of Officers

13.1 In making delegated decisions on applications, officers shall:

- (a) act fairly and openly
- (b) approach each application with an open mind
- (c) carefully weigh up all the material considerations
- (d) avoid undue contact with interested parties
- (e) ensure that reasons for decisions are clearly stated.

In reporting to committee on non-delegated applications, officers shall:

- (a) provide professional and impartial advice
- (b) make sure that all information necessary for a decision to be made is given
- (c) set the application in the context of the statutory framework and all other material considerations
- (d) include the substance of objections and the views of people who have been consulted
- (e) provide a clear and accurate written analysis of the issues
- (f) normally give a clear recommendation.

Subject to the provisions of paragraph 5.2, any material information which is received after the written report has been prepared and before the cut off time shall be presented orally to the committee by officers.

The Chief Officer, in discussion with the Chair of the committee, shall have the discretion to withdraw any item from the agenda of the committee subsequent to the preparation of the report but prior to discussion by the committee if the circumstances of the consideration of an application change within that period.

Officers are responsible for carrying out the decisions of the committee whether or not those decisions are in line with officer recommendations.

14. Discussions concerning Applications

14.1 All officers taking part in pre application or post submission discussions with applicants, supporters or objectors should make it clear that decisions on applications are taken either:

- (a) by the elected members in committee, or
- (b) under specific circumstances by the Chief Officer or an officer specified by them using powers of delegation.

A written note shall be made of all such meetings. A follow-up letter should be sent setting out the advice given at such a meeting and the basis on which it was given. The meeting note and any follow-up correspondence should be placed on the application file, should an application materialise following initial discussions.

15. Disclosures of Interest

Officers (of every grade) shall play no part in the processing of any application in circumstances where there is, or would be perceived by a reasonable person with knowledge of the relevant facts to be, a conflict between their personal or financial interests, or those of their families or friends, and their professional duty. They shall openly declare the existence of any such conflict in writing by placing a note of the circumstances of the interest on the case file.

16. Applications Submitted by Officers

All applications submitted in respect of which any officer has an interest shall be reported to the committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to officers. If the officer concerned is present at the meeting of the committee at which such an application is determined, they will leave the room during consideration of the application.

17. Action on Decisions Taken Contrary to Professional Advice

17.1 In cases where an officer recommendation for approval has been overturned by committee and an appeal is lodged:

- (a) case officers shall give full support to members and any Council appointed external witnesses in preparing evidence for any court proceedings or public inquiry, short of giving evidence themselves. Whilst members' decisions giving rise to appeals will always have officer support, whether by the Appeals Officer, Legal Officer, Environmental Health Officer or any other officer(s) selected by the appropriate Chief Officer, case officers involved in formulating the original recommendation shall only give evidence themselves in exceptional circumstances, where their Code of Professional Conduct is not breached
- (b) where a hearing is to be held, with no cross examination, the case officer may give evidence, but this shall normally be an officer not involved in formulating the original recommendation
- (c) officers shall give full support to member decisions which are appealed using the written representations procedures.

18. General

This Guidance shall be kept under continuous review by the Civic Affairs Committee and also reviewed whenever there is any change in the Council's Procedure Rules or the Council's Code of Conduct for Members or for Officers.

D. Code of Conduct Complaints Procedure

1. Introduction

- 1.1 Under Section 28 of the Localism Act 2011, the Council shall have in place arrangements under which allegations that a member or co-opted member of the authority or of a Parish Council within the authority's area has failed to comply with that authority's Code of Conduct may be investigated and decisions made on such allegations.
- 1.2 These procedures set out how you may make a complaint and how the Council will deal with allegations that an elected or co-opted member of this Council, or of a Parish Council within its area, has failed to comply with their council's Code of Conduct for Councillors.
- 1.3 The Council has adopted a Code of Conduct for Members, which is published on the Council's website. Each Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council's Code of Conduct, it should be available on any website operated by the Parish Council or you may request the parish clerk to allow you to inspect a copy at their offices.
- 1.4 The following terms used in this Procedure are defined as follows:
- (a) **Complainant:** the person making the complaint.
 - (b) **Member:** the elected councillor or co-opted member of the authority or of a Parish Council subject to the complaint.
 - (c) **Investigator:** either an officer of the Council and/or an independent investigator whom the Monitoring Officer has asked to investigate a complaint.
 - (d) **Monitoring Officer:** the Council officer (or their appointed Deputy) with statutory responsibilities under section 5 of the Local Government and Housing Act 1989 and as set out below in this Code.
 - (e) **Independent Person:** a person or persons appointed by the Council to advise it or the member on the determination of complaints.
 - (f) **Determination Hearing:** the sub-committee at which a complaint is heard.

2. How to Make a Complaint

2.1 Any person may make a complaint about a member under the Code of Conduct.

Complaints shall:

- (a) Be made in writing, i.e. by email or letter addressed to the Monitoring Officer, South Cambridgeshire District Council, South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA or to monitoring.officer@scambs.gov.uk.
- (b) Include the real full name and address of the complainant and email address, so that we can acknowledge receipt of the complaint and keep them informed of its progress. If a complainant wants to keep their name and address confidential, they should clearly state this in their complaint. In this case we would not disclose their name and address to the councillor without the complainant's prior consent. However, the Council does not normally investigate anonymous complaints or complaints where the complainant wishes to remain confidential, unless there is a clear public interest in doing so;
- (c) Identify the member complained of;
- (d) Set out the nature and substance of the alleged breach of the Code of Conduct for Members. It is recommended that complaints include or attach evidence to support the allegation.

2.2 Within five working days of receiving a fully evidenced complaint, the Monitoring Officer shall:

- (a) acknowledge receipt to the complainant;
- (b) send a copy of the complaint to the member, unless the Monitoring Officer considers that this may prejudice investigation;
- (c) send a copy of the complaint to the clerk (if appropriate).

2.3 The Monitoring Officer shall keep the complainant, the member and the clerk (if appropriate) informed of the progress of the complaint, unless the Monitoring Officer considers that this may prejudice any investigation.

3. Will the Complaint be Investigated?

- 3.1 Where possible and appropriate, the Monitoring Officer shall seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that their conduct was unacceptable/inappropriate and offering an apology, or other alternative action by the Council or the respective Parish Council.
- 3.2 The Monitoring Officer shall review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation.
- 3.3 In determining whether or not the complaint should be referred for investigation or not, or whether alternative resolution is appropriate, The Monitoring Officer and Independent Person shall have regard to a range of factors including the following:
 - (a) Whether there is sufficient evidence upon which to base a decision;
 - (b) Whether the alleged action relates to a breach of the code of conduct – complaints that are really about Council services, its policies or performance are not suitable for investigation under this procedure and should be dealt with in accordance with the Council's Complaints Policy;
 - (c) Whether the alleged action is considered to be serious or minor/trivial;
 - (d) Whether the complaint appears to be politically motivated, vexatious or tit for tat;
 - (e) When the action complained about occurred (was it more than 3 months ago);
 - (f) Whether the allegations relate to actions occurring whilst the member was acting in their official capacity or in their private capacity;
 - (g) Whether it is in the public interest to investigate;
 - (h) Whether the matter is considered suitable for alternative resolution and if so whether the member and the complainant are prepared to consider this alternative;

- (i) If the complaint relates to a Parish Council issue whether a complaint has been made first to the Parish Council using the parish complaints procedure;
 - (j) If a complaint has been made to a Parish Council and they have taken action whether the action taken would be considered reasonable in all the circumstances.
- 3.4 This decision shall normally be taken within twenty working days of receipt of the complaint. When the Monitoring Officer has taken a decision, they shall inform the complainant, the member and the clerk (if appropriate) of their decision and the reasons for that decision.
- 3.5 Where the Monitoring Officer requires additional information in order to come to a decision, they may ask any such person as they see fit for such information. Where a complaint relates to a parish councillor, the Monitoring Officer may also seek the views of the Chair of the Parish Council before deciding whether the complaint merits formal investigation.
- 3.6 If the complaint alleges criminal conduct or breach of a regulation by any person, the Monitoring Officer has the power to refer the matter to the Police and/or other regulatory agencies. In such cases it may be necessary to postpone consideration of the complaint until the Police or other action has been concluded.
- 3.7 If the Monitoring Officer decides not to investigate a complaint, they shall nevertheless report this to the next ordinary meeting of the Civic Affairs Committee.

4. Investigation

- 4.1 If the Monitoring Officer decides, after consultation with the Independent Person, that a complaint merits formal investigation, they shall appoint an investigator.
- 4.2 The investigator shall decide whether they need to meet or speak to the complainant to understand the nature of the complaint and so that the complainant can explain their understanding of events and suggest what documents the investigator needs to see, and who they need to interview.
- 4.3 The investigator shall normally write to the member and ask them to provide their explanation of events, and to identify what documents the investigator needs to see and who they need to interview. In exceptional cases, the investigator may delay notifying the member until the investigation has progressed sufficiently.

4.4 The investigation shall take no longer than 2 months from the date of appointment of the investigator and on conclusion, the investigator shall usually produce a draft report and shall send copies of that draft report, in confidence, to the complainant and to the member, to give them both an opportunity to identify any matter in that draft report which they disagree with or which they believe requires more consideration. Having received and taken account of any comments on the draft report, the investigator shall send their final report to the Monitoring Officer.

5. What happens if the investigator concludes there has not been a breach of the Code of Conduct?

5.1 The Monitoring Officer (after consultation with the Independent Person) shall review the investigator's report and if satisfied that it is sufficient, the Monitoring Officer shall send a copy of the investigator's final report to the complainant, the member and the clerk (if appropriate) and notify them that no further action is required. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the investigator to reconsider their report.

5.2 The outcome of such investigations shall be reported to the next ordinary meeting of the Civic Affairs Committee and the relevant Parish Council (if appropriate) for information.

6. What happens if the investigator concludes that there is evidence of a failure to comply with the Code of Conduct?

6.1 The Monitoring Officer shall review the investigator's report and shall then either send the matter for a Determination Hearing by the Civic Affairs Committee or, after consulting the Independent Person, seek Summary Resolution (see 7 below).

7. Summary Resolution

7.1 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a Determination Hearing. In such a case, they shall consult with the Chair of the Civic Affairs Committee, the Independent Person and with the complainant and seek to agree what they consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such a resolution may include the member accepting that their conduct was unacceptable/inappropriate and offering an apology, and/or other

alternative action by the Council or the relevant Parish Council (if appropriate).

- 7.2 If the member complies with the suggested resolution, the Monitoring Officer shall report the matter to the next Civic Affairs Committee and the relevant parish council (if appropriate) for information, but shall take no further action.

8. Determination Hearing

- 8.1 If the Monitoring Officer considers that Summary Resolution is not appropriate, or the member does not comply with any suggested resolution at 7 above, then the Monitoring Officer shall refer the investigator's report to a Determination Hearing to decide whether or not the member has breached the respective Code of Conduct and, if so, whether to take any action in respect of the member. The hearing procedure is set out in Part E of the Ethical Handbook (Civic Affairs Sub-Committee – Procedure for Local Hearings).

9. What action can the Sub Committee take where a member has breached the Code of Conduct?

- 9.1 The sanctions available are set out in Part E of the Ethical Handbook (Civic Affairs Sub-Committee – Procedure for Local Hearings).

10. What happens after a Hearing?

- 10.1 As soon as reasonably practicable, the Monitoring Officer shall prepare a formal decision notice, in consultation with the Chair, and send a copy to the complainant, the councillor and the clerk (if appropriate). They shall also make that decision notice available for public inspection on the Council's website after the hearing.

11. Appeals

- 11.1 There is no right of appeal for the complainant or for the member against a decision of the Monitoring Officer or of the Sub Committee. If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government & Social Care Ombudsman. The web address for making complaints is <https://www.lgo.org.uk/contact-us>

12. Revision of these Arrangements

12.1 The Civic Affairs Committee may amend these arrangements, and has delegated to the Chair of the Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13. Contact details

13.1 The Monitoring Officer can be contacted at:

Legal Services
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

Tel: 01223 457092

Email: monitoring.officer@scambs.gov.uk

E. Civic Affairs Sub-Committee – Procedure for Local Hearings

1. General points:

- 1.1 The purpose of a hearing shall be to determine if the sub-committee agrees with the findings of the investigator's report that a member has breached the code of conduct and if so, what action should now be taken.
- 1.2 The hearing shall, where possible, be held within 3 months of the issue of the investigator's report in which the investigator has found that a Member has breached the code of conduct
- 1.3 The hearing shall be before a sub-committee of 3 members drawn from the Civic Affairs Committee. One of the members present shall be elected Chair.
- 1.4 The Independent Person [IP] appointed under section 28 of the Localism Act 2011 shall also be present to sit alongside the sub-committee. Their view shall be requested and taken into account by the sub-committee, but by law they cannot vote.
- 1.5 The Monitoring Officer, or Deputy Monitoring Officer, shall be present as advisor to the sub-committee.
- 1.6 The investigator shall attend to present their investigation report and may invite witnesses.
- 1.7 The Member shall be invited to attend and may present their own case or they may be represented.
- 1.8 The Monitoring Officer may speak at any time to advise the sub-committee on technical matters or ask questions of any party.

2. Procedure

2.1 Formalities

- (a) The Chair of the sub-committee shall introduce the members of the sub-committee, the Independent Person, officers, the Member, the investigator and the complainant if present.
- (b) The Chair shall explain the reason for the meeting and outline the procedure to be followed. The Chair may choose to vary this procedure in

any particular instance where they are of the opinion that such a variation is necessary in the interests of fairness.

- (c) The Chair shall also explain that the hearing will normally be held in public unless the sub-committee exercises its discretion to exclude the public from all or part of the hearing in accordance with the Local Government Act 1972.
- (d) The Chair shall then confirm that all those present understand the procedure to be followed and ask if there are any preliminary procedural issues which anyone wishes to raise before the Hearing begins.
- (e) If any procedural issues are raised, the sub-committee shall hear representations on them before determining them.
- (f) If the member is not present at the start of the hearing, the sub-committee shall consider any reasons given by them for their non-attendance. If the sub-committee is satisfied that there is good reason for their non-attendance, it may adjourn to another date, or proceed at the request of the member.
- (g) If the sub-committee is not satisfied that there is good reason for the member's non-attendance, or if the member failed to give any reason for their non-attendance, the sub-committee may decide:
 - (i) to consider the matter and make a determination in the absence of the member, or
 - (ii) to adjourn the Hearing to another date.

2.2 The Determination Hearing will normally take the following order:

The investigator shall present their report and findings and may call any witnesses. The complainant and member may question the investigator and any witnesses in this order.

- (a) The complainant presents their evidence and calls any witnesses. The investigator and the member may then question the complainant and any witnesses in this order.
- (b) The member presents their evidence and calls any witnesses. The investigator and the complainant may then question the member and any witnesses in this order.
- (c) Final Submissions – The investigator, complainant and member will present their final submissions in this order.

- (d) The sub-committee and the Independent Person will retire to consider what they have heard in private accompanied only by the clerk and legal advisor, who will advise them when required.
- (e) The Chair shall then announce to all present at the Determination Hearing the sub-committee's decision as to whether or not the councillor has breached the Code of Conduct, whilst setting out the reasons for the decision.

3. Sanctions

- 3.1 If the sub-committee decides that the councillor has breached the Code of Conduct, it shall consider representations from the investigator, the Monitoring Officer, and the member as to:
 - (a) whether or not the sub-committee should impose a sanction and/or recommend to Council that a sanction be imposed; and
 - (b) what form of sanction(s) is/are appropriate.
 - (c) any mitigation the Councillor wishes the sub-committee to take into account
- 3.2 The sub-committee and the Independent Person shall retire to consider these representations in private accompanied only by the clerk [and legal advisor if required] and decide whether or not to impose/recommend the imposition of sanctions on the member and, if so, what type of sanction(s).
- 3.3 The sub-committee shall also consider whether or not it should make any recommendations with a view to promoting high standards of conduct among members of the relevant authority.

4. Issue of decision

- 4.1 The sub-committee shall announce its decision in public at the conclusion of the hearing and shall issue a full written decision including reasons within 10 working days of the hearing. A copy shall be sent to all those present at the hearing and to the clerk of the parish council if the complaint was about a parish councillor. The written report shall be available for public inspection.

5. Decisions open to the sub-committee:

- 5.1 These are:

- (a) That the member did not breach the Code of Conduct;
- (b) That the member did breach the Code of Conduct, and that
 - (i) No action need be taken; or
 - (ii) One or more of the sanctions set out below should be applied.

5.2 The sub-committee may also make any recommendations it considers appropriate to the Council or Parish Council regarding procedural amendments or other matters that might assist members generally to follow the Code of Conduct and with the aim of promoting high standards within the authority.

6. Sanctions Available to the Civic Affairs Committee

6.1 The Council has delegated to the Civic Affairs Committee powers to take action to promote and maintain high standards of conduct.

6.2 The sub-committee may, when it has found that a member has breached the Code of Conduct:

- (a) Censure or reprimand the member
- (b) Publish its findings in respect of the member's conduct
- (c) Report its findings to Council [or to the Parish Council] for information
- (d) Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that they be removed from any or all committees or sub-committees of the Council
- (e) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities
- (f) Recommend to Council that the member be replaced as Leader of the Council
- (g) Instruct the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member
- (h) Remove [or recommend to the Parish Council that the member be removed] from all outside appointments to which they have been appointed or nominated by the authority [or by the Parish Council]

Part E – Civic Affairs Sub-Committee Local Hearings Procedure

- (i) Withdraw [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access

- (j) Exclude [or recommend that the Parish Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and sub-committee meetings.

F. Licensing Act 2003 Committee – Appeal Hearing Procedure

1. Introduction

- 1.1 The Chair of the sub-committee shall welcome and introduce everyone present, giving explanations of roles where necessary, and outline the procedure to be followed.
- 1.2 The hearing shall take the form of a discussion to be led by the sub-committee.
- 1.3 Members of the sub-committee shall be able to ask questions of any party, or the Licensing Officer, at the hearing. They shall try, so far as possible, to ask their questions at the conclusion of each party's submission.
- 1.4 The sub-committee shall consider any requests for permission to ask questions of other parties. It shall decide if questions are required in order for it to consider the case properly. If permission is given to one party, it shall usually be given to all other parties.
- 1.5 The Chair may ask any person behaving in a disruptive manner to leave and may refuse to permit that person(s) to return or may permit them to return with specified conditions. Such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.
- 1.6 Members of the sub-committee shall be asked to make any Declaration of Interests.

2. Witnesses

- 2.1 The sub-committee shall consider any requests from any of the parties to call witnesses.

3. New evidence / information

- 3.1 The sub-committee shall consider any requests for permission to present new evidence or information not previously disclosed to all the parties and the sub-committee prior to the hearing. The general rule is that such information or evidence shall not be considered unless all parties at the hearing agree to it being considered on the day of the hearing. A request may be made for a short adjournment to allow time for everyone to receive copies of the extra information and time to read it.

4. Allocation of time

- 4.1 Each party shall be asked for a time estimate for the presentation of their case. The sub-committee shall hear all estimates and then allocate each party an equal amount of time to speak.

5. Licensing Officer's report

- 5.1 The Council's Licensing Officer will outline details of the application and representations received

6. Applicant's case

- 6.1 The applicant will present their case first. They have a right to:
- (a) address the sub-committee on any points of clarification the council has sought;
 - (b) address the committee generally; and
 - (c) call any witnesses that they have been given permission to call. Witnesses may be cross-examined if permission is granted. If this happens, the time taken for questions shall count towards the allocated time of the party asking the questions, not the party answering them.
- 6.2 Members of the sub-committee may ask questions of the applicant.

7. Police representations

- 7.1 The Police will make any representations about the application, with the same rights as listed at section.6.
- 7.2 Members of the sub-committee may ask questions of the police representative.

8. "Responsible authorities" representations

- 8.1 Other "responsible authorities":
- (a) the relevant licensing authority and any other licensing authority in whose area part of the premises is situated;

- (b) the chief officer of police;
- (c) the local fire and rescue authority;
- (d) the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- (e) the local authority with responsibility for environmental health;
- (f) the local planning authority;
- (g) a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- (h) each local authority's Director of Public Health (DPH) in England
- (i) the local weights and measures authority (trading standards); and
- (j) Home Office Immigration Enforcement (on behalf of the Secretary of State) will then make representations, with the same rights as listed at section 6.

8.2 Members of the sub-committee may ask questions of those authorities represented.

9. Any other representations

- 9.1 Anybody else making representations shall go last, with the same rights listed at section 6.
- 9.2 Members of the sub-committee may ask questions of any person who has made a representation.

10. Legal advice

- 10.1 Once all parties have presented their cases to the sub-committee, and the members of the sub-committee have no more questions for any of the parties, the Council's Legal Officer shall be asked to outline any relevant legal guidance.

11. Decision-making

11.1 The sub-committee shall then retire to another room to make its decision. The Council's Legal Officer and Clerk shall accompany members to advise, where necessary, and take notes of the decision.

12. Notification of decision

12.1 Depending on the nature of the application, a determination of the case shall either be made at the conclusion of the hearing, or within five working days. In most cases, all parties shall be notified of the decision in writing.

South Cambridgeshire District Council

Public Speaking Scheme

1. General

1.1 Any person who lives, works, studies or owns or occupies property in the District, may, at the discretion of the Chair, ask a question or make a statement at ordinary meetings of:

(a) the Council; and

(b) the Cabinet, a committee or a sub committee where the question or statement falls within the remit of that body (other than regulatory committees, sub committees and panels)

in accordance with this scheme.

1.2 The Chair shall have discretion to permit any other person to ask a question or make a statement in accordance with this scheme where they are satisfied that such person is affected by, or has a legitimate interest in, the business of the Council, Cabinet, relevant committee or sub committee, as appropriate (for example, representatives of partner organisations).

1.3 At the beginning of each ordinary meeting a period of up to 15 minutes shall be allowed for public questions, statements and responses. The Chair shall have discretion to extend this period.

1.4 Questions may be directed to the Chair, the Leader, a Cabinet member or the Chair of any committee.

1.5 Where the question or statement relates to an item of business included on the agenda for the meeting, the Chair shall have discretion to take the public speaking at that part of the agenda, rather than during the public speaking period at the beginning of the meeting.

2. Order of speaking

- 2.1. Questions and statements shall be asked in the order in which notice of them was received, except that the Chair may group together similar questions or statements

3. Notice of request to speak

- 3.1 Members of the public wishing to speak at a meeting shall give notice in writing, or by email, to the Council's Democratic Services team at least three clear days before the meeting and shall provide:

- (a) The name, address and contact details of the person wishing to speak.
- (b) The name of the organisation, if speaking on their behalf.
- (c) Details of the question to be asked or statement to be made.
- (d) The councillor to whom a question is to be put.

- 3.2 The Chair may permit a question or statement if shorter notice is given, at their discretion.

4. Number of questions and statements

- 4.1 At any one meeting, no person shall submit more than one question or statement, but one supplementary question or statement may be made at the meeting (see paragraph 7 below). More than one question or statement shall not be submitted on behalf of any organisation.

5. Scope of questions or statements

- 5.1 The Chair, having regard to the advice of the proper officer, may reject a question or statement if it:

- (a) is not about a matter for which the local authority has a responsibility or which affects the district;
- (b) is not a matter which falls within the remit of the Cabinet, committee or sub committee, as appropriate;

- (c) is vexatious, defamatory, frivolous, discriminatory, offensive or otherwise inappropriate;
- (d) is substantially the same as a question or statement which has been put at the meeting or a meeting of the Council (or Cabinet, committee or sub committee, as appropriate) in the past six months;
- (e) raises issues about the competence or performance of a councillor or officer;
- (f) requires the disclosure of confidential or exempt information;
- (g) relates to a planning or licensing application;
- (h) relates to any matter where there is already an existing right of appeal or a separate complaints process;
- (i) refers to a matter which is, or may be, the subject of legal proceedings.

5.2 The Chair shall have the discretion to limit the length of preamble or other background information supplied with a question or statement.

6. Speaking at the meeting

- 6.1 The Chair will invite the speaker to put the question, or to read out their statement. If a speaker is unable to be present, they may ask the Chair to put the question or read out the statement on their behalf or may appoint a representative to do so. In the case of a question, the Chair may ask the question on the questioner's behalf, indicate that a written reply will be given, normally within five working days, or decide, in the absence of the questioner, that the question will not be dealt with.
- 6.2 Each speaker shall have a maximum of three minutes in which to ask their question or to make a statement. The Chair may curtail any preamble given before the question is asked. The public speaker shall not participate in any discussion and shall not be entitled to vote.
- 6.3 Where there are a number of speakers wishing to speak for or against an issue, they shall have a total of three minutes to speak and therefore they will be encouraged to appoint a spokesperson.

- 6.4 The response to the question shall normally be given by the councillor to whom the question is put, save that the Leader of the Council or another cabinet member, may respond in the case of a question put to a cabinet member. Where a substantive answer cannot be provided at the meeting, a written answer may be given within the timescales specified in paragraph 8.

7. Supplementary question or comment

- 7.1 A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to their original question. A supplementary question shall arise directly out of the original question or the reply.
- 7.2 A speaker who has made a statement may make a supplementary comment without notice not exceeding 1 minute in length. A supplementary comment shall arise directly out of the original statement.
- 7.3 The Chair may reject a supplementary question or comment on any of the grounds in paragraph 5.1 above.

8. Written answers

- 8.1 Any question which cannot be dealt with during public speaking time shall be dealt with by a written answer. Written answers shall be circulated to the questioner, normally within five working days of the meeting, and shall be included as an appendix to the minutes.

9. Reference of question by Council to the Cabinet or a committee

- 9.1 If a substantive answer cannot be given at the meeting of the Council, the Chair may refer the question to the Cabinet or a committee.
- 9.2 Discussion shall take place on a question or statement only at the invitation of the Chair, but any member may move that a matter raised by a question or statement be referred to the Cabinet or the appropriate committee. Once seconded, such a motion shall be voted on without discussion.

10. Authority of the Chair

10.1 The Chair may vary or suspend the operation of this procedure in advance or during the meeting if they consider:

- (a) that it is necessary to do so for the purpose of maintaining order at the meeting; or
- (b) that it is convenient and conducive to the despatch of business to do so.

11. Public participation at Planning Committee

11.1 Members of the public shall be entitled to address the Planning Committee in accordance with a scheme agreed by the committee and as amended from time to time.

12. Public participation at Licensing Committee

12.1. Where a public hearing is being conducted by the Licensing Committee, or its sub committees or panels, public participation shall be conducted in accordance with the separate procedure agreed by the committee for such hearings and as amended from time to time.

South Cambridgeshire District Council Petitions Scheme

1. Introduction

The Council welcomes petitions and recognises that they are one way in which people may let us know about their concerns and participate in the democratic process. This scheme explains how members of the public may submit petitions to the Council.

2. What is a petition?

We treat as a petition any communication which is signed by, or sent to, the Council on behalf of a number of people which contains a formal request for the Council to consider a particular matter or take a specified course of action.

3. What can the petition be about?

A petition must relate to something that the Council does, or for which it has a responsibility, or something over which the Council has some influence.

4. What Information must be included within a Petition?

4.1 Petitions submitted to the Council must:

- (a) Include a clear and concise statement about the subject of the petition and what action you would like the Council to take.
- (b) Be addressed to South Cambridgeshire District Council.
- (c) Include the name and contact details (including address, post code telephone number or email address) of the petition organiser who should be a local person *. This will be the person we contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the Council's website.
- (d) In the case of paper petitions, contain the name, postal address, post code and signature of each local person who signed it. This must be in a legible format so that we can check the validity of the signatories.
- (e) In the case of electronic petitions, contain the name, postal address, post code and a valid email address for each local person who is party to it.

- 4.2 *A “local person” is anyone who lives, works or studies or who owns or occupies property in the District.
- 4.3 Exceptionally, we may, at the discretion of the relevant Chair, agree to accept a petition signed by persons who, are not “local persons” but where we are satisfied, having regard to the subject matter of the petition, that they are affected by, or have a legitimate interest in, the business of the Council (or Cabinet, relevant committee or sub committee, as appropriate).
- 4.4 A template petition signature sheet is attached to this scheme.

5. How many signatures do I need?

- 5.1 The type of petition will determine the number of signatures required for it to be valid and how it will be processed. Petitions received will fall into one of the following two categories:

(a) Ordinary Petitions:

These must contain **50** or more signatures before they will be reported to the next most convenient meeting with the power to take a decision on the matter in question.

(b) Petitions for Debate at Full Council Meetings

In order to trigger a debate at Full Council meetings, these petitions must contain at least **100** signatories or **50%** of the electorate of a particular parish to which the petition relates, whichever is the lowest. These petitions shall be taken to the next meeting of the Council (excluding the Annual Council meeting or an extraordinary Council meeting).

6. How do I submit a Petition?

- 6.1 **Paper petitions** should be submitted to the following address:

Democratic Services
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

- 6.2 Paper petitions may also be given to your local Ward councillor to hand in at a meeting of the Council on your behalf. Such petitions will be treated in accordance with the provisions of this scheme and will not be discussed at the same meeting at which it is handed in.

6.3 **Electronic Petitions** should be submitted via the Council's website (www.scambsgov.uk).

6.4 Once submitted, your request will be reviewed prior to its activation to ensure that it meets the requirements of the Petitions Scheme. If acceptable, confirmation of its activation period, which will be set at 90 days, will be sent to you via email. Once the 90 days has passed, the electronic petition will automatically be submitted to the Council.

6.5 We may accept e-petitions created on websites hosted by third parties. However, the Council does not monitor third party websites and therefore if you are setting up a petition on one of these sites, it will be the responsibility of the lead petitioner to ensure that the petition is submitted directly to the Council (most sites have a facility to enable the signatory data and comments to be downloaded and submitted in an electronic format).

6.6 Please be aware that it is also the responsibility of the lead petitioner to submit the petition in a format that enables the Council to verify the address of each signatory. This means that signatories who do not evidence that they live, work, study or occupy property in the District may not be included when we count the total number of signatories.

7. When should I send my Petition in?

7.1 You may send your petition in at any time. However if the petition relates to a particular issue on an agenda for a meeting or if it has sufficient signatories to trigger a debate at Full Council, then the petition must be received at least 10 clear working days before a meeting, if it is to be reported to that meeting. Dates of our Council, Cabinet and committee meetings are published on our website.

7.2 Where it is necessary to undertake a significant amount of work to collect information and advice in order to enable the matter to be properly considered, we may decide that it is necessary to consider the petition at the following meeting of the relevant body and we will notify the petition organiser accordingly.

8. Is my Petition guaranteed to be reported to a meeting?

8.1 Whilst we accept the majority of petitions we receive, we will not accept a petition under this scheme which:

- (a) relates to a matter for which the Council is not directly responsible for or has no influence over.

- (b) relates to a planning or licensing application or decision – these are dealt with using separate procedures.
- (c) is a statutory petition, such as calling for a referendum, as separate requirements apply.
- (d) relates to any matter where there is already an existing right of appeal or a separate complaints process (for example: complaints about councillor conduct).
- (e) refers to a consultation which the Council is carrying out. Any petition relating to a consultation shall automatically be referred to the consultation organiser.
- (f) duplicates another petition already received or is the same, or has a substantially similar effect, as a petition which has been made to the Council within the last year.
- (g) contains confidential information, for example, about a specific individual.
- (h) relates to an individual or body where a right of review of appeal is given by other legislation.
- (i) breaches data protection, libel or the Authority's statutory requirement to comply with equalities and anti-discrimination legislation.
- (j) refers to a matter which is, or may be, the subject of legal proceedings.
- (k) seeks to support or promote the personal interests of the petition organiser.
- (l) raises issues about the competence or performance of a councillor or officer. Any such issues should be dealt with under the Code of Conduct complaints procedure (for councillors) or the Council's complaints procedure (for officers).
- (m) contains matters associated with political parties or organisations.
- (n) is vexatious, abusive, offensive, discriminatory or otherwise inappropriate.

The Council's Chief Executive and/or Monitoring Officer, after consultation with the Chair of the Council or the relevant committee, will determine whether your petition should be rejected because it falls under one of the criteria above.

9. How will the Council deal with my Petition?

9.1 When a petition is received:

- (a) we will acknowledge receipt to the petition organiser within 3 working days.
- (b) in some cases, we may be able to resolve the petitioners' request directly by getting the relevant lead cabinet member or officer to take appropriate action. For example, where the petition relates to fly tipping and the Council can arrange for it to be cleared up directly. Where this happens, we will ask the petition organiser whether he or she is satisfied that the matter is resolved.
- (c) unless the matter has been resolved to the satisfaction of the petition organiser, we will write to the petition organiser within 10 working days of receipt, confirming whether the petition has been accepted and advising what steps the Council has taken, or proposes to take, in response to the petition. In some circumstances, more time will be needed to clarify some details about what action the Council proposes to take but we will inform you of this.
- (d) at the same time as writing to the petition organiser, we will notify political group leaders/convenors and the relevant local councillor(s) and officers of receipt of the petition.

10. How will my Petition be dealt with at a Full Council meeting?

10.1 Where your petition contains at least 100 valid signatures from local persons (or from 50% of the electorate of the parish), it will trigger the right to be debated at full Council. This means the issue raised in the petition will be discussed at a meeting at which all councillors may attend. If it relates to an item on the agenda, it will normally be dealt with immediately before the start of that item. Otherwise it will be taken at the beginning of the meeting.

The following process shall be followed:

- (a) petition organiser (or their representative) to present the petition for up to 3 minutes. If any clarification of what the petitioner has said is required, the Chair shall have the discretion to allow councillors to ask questions.
- (b) relevant lead cabinet member (and/or relevant committee chair, if appropriate) invited to respond to the petition for up to 3 minutes.
- (c) local councillors (if appropriate) invited to respond to the petition for up to 3 minutes.

- (d) Council to debate the petition and make a decision either to:
- (i) vote in support of the petition;
 - (ii) vote against the petition;
 - (iii) note the petition;
 - (iv) make recommendations to Cabinet, if the issue it is one that requires Cabinet to make the final decision;
 - (v) refer the petition to another body, lead cabinet member or officer for consideration;
 - (vi) agree such other action as it considers appropriate.

10.2 A maximum of 30 minutes (including the presentations referred to in (a) to (c) above) shall normally be allowed at the meeting to consider the petition. The Chair may use their discretion to extend the timescale if necessary.

10.3 The Chair shall have discretion to manage the number of petitions dealt with at each meeting.

11. How will my Petition be dealt with at a Cabinet, Committee or Sub-Committee meeting?

11.1 Where a petition contains 50 or more signatures, it shall be referred to the next convenient meeting of the Cabinet, Committee or Sub Committee which has the power to take a decision on the matter in question. If it relates to an item on the agenda, it will normally be dealt with at the start of that item. Otherwise it will be taken at the beginning of the meeting.

11.2 The following process shall be followed:

- (a) Petition organiser (or their representative) to present the petition for up to 3 minutes. If any clarification of what the petitioner has said is required, the Chair shall have the discretion to allow councillors to ask questions.
- (b) Relevant lead cabinet member (if appropriate) invited to speak.
- (c) Any local councillor present invited to speak for up to 3 minutes (if petition relates to their Ward).
- (d) Cabinet, Committee or Sub Committee to consider the petition and determine what course of action to take.

12. **Will I be informed of the outcome of consideration of my Petition?**

- 12.1 Yes, we will write to the petition organiser within ten working days of the meeting to confirm the outcome. Where appropriate, the decision will be published on the Council's website.

13. **What do I do if I am not happy with the way my Petition was dealt with?**

- 13.1 If you are unhappy with the way that your petition has been handled, you can submit a complaint to the Council via the Corporate Complaints Scheme [\[insert link\]](#)

14. **How else may I have my say?**

- 14.1 South Cambridgeshire District Council welcomes feedback as this helps us to review and develop the services we provide. There are a number of other ways that you can have your say including:

- (a) asking a question at a Council, Cabinet or Committee meeting [\[insert link\]](#)
- (b) writing to the relevant senior officer or lead cabinet member
- (c) contacting your local councillor
- (d) suggesting an item for consideration at our Scrutiny and Overview Committee
- (e) responding to our consultations

- 14.2 Visit the Council's website at www.scamb.gov.uk for more information.

15. **Personal Data**

- 15.1 Information on how the Council collects, uses and retains personal data is detailed in the South Cambridgeshire District Council Customer Privacy Notice [\[insert link\]](#)

Version 1

Petition to South Cambridgeshire District Council – signature sheet

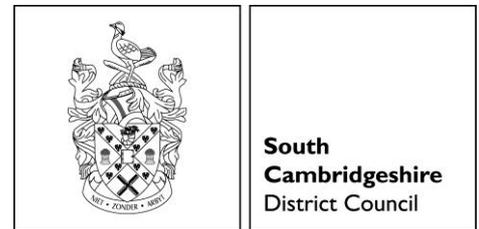
We the undersigned petition South Cambridgeshire District Council to:

Each person signing this petition should provide their name, signature and a home, work, study, property or business address that is within the boundaries of South Cambridgeshire District Council. Any signatures that do not include this information will not be counted.

Name (please print)	Address including postcode (this must be an address in South Cambridgeshire)	Signature	Live/work/study / own property or business (please indicate)

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Agenda Item 6



REPORT TO: Civic Affairs Committee

3 March 2020

LEAD CABINET MEMBER: Leader

LEAD OFFICER: Monitoring Officer

Update on Code of Conduct Complaints

Executive Summary

1. To update the Civic Affairs Committee on complaints cases regarding alleged breaches of the Code of Conduct.

Recommendations

2. That the Civic Affairs Committee **note** the progress of any outstanding complaints and the conclusion of cases resolved since the last meeting.

Details

3. Progress since the last meeting in relation to Code of Conduct complaints is set out in the below table:

Matter Number	District/Parish Council	Allegation/complaint	Outcome
017512	Thriplow Parish Council	Allegations from the complainant against two members of the Parish Council that their actions breached the following parts of the code; “You must 3.1 provide leadership to the authority and communities within its area, by personal example 3.2 respect others and not bully or threaten or attempt to bully or threaten any person	Complaint withdrawn.

		<p>3.4 not conduct yourself in a manner which is likely to bring the Authority into disrepute</p> <p>3.7 exercise your own independent judgement, taking decisions for good and substantial reasons by –</p> <p>3.7.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups</p> <p>3.7.2 paying due regard to the advice of Officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer</p>	
018021	Haslingfield Parish Council	<p>Allegations from the complainant against a member of the Parish Council that their actions breached the following parts of the code;</p> <p>“You must –</p> <p>3.2 respect others and not bully or threaten or attempt to bully or threaten any person</p> <p>3.7 exercise your own independent judgement, taking decisions for good and substantial reasons by –</p> <p>3.7.3 stating the reasons for your decisions where</p>	New Complaint – matter ongoing

		<p>those reasons are not otherwise apparent</p> <p>3.8 do nothing that causes the Authority to act unlawfully.”</p>	
018075	Coton Parish Council	<p>Allegations from the complainant against two members of the Parish Council. One member is alleged to have breached the following parts of the code;</p> <p>“You must</p> <p>3.1 provide leadership to the authority and the community within its area, by personal example</p> <p>3.2 respect others</p> <p>3.3 respect the confidentiality of information which you receive as a Member by–</p> <p>3.3.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so;</p> <p>3.4 not conduct yourself in a manner which is likely to bring the Authority into disrepute”</p> <p>The second member is alleged to have breached the following parts of the code;</p> <p>“You must</p> <p>3.1 provide leadership to the authority and the</p>	New Complaint – matter ongoing

		<p>community within its area, by personal example</p> <p>3.2 respect others and not bully or threaten or attempt to bully or threaten any person</p> <p>3.4 not conduct yourself in a manner which is likely to bring the Authority into disrepute”</p> <p>It is also alleged that both members breached the Nolan Principles relating to;</p> <ol style="list-style-type: none"> 1. Integrity 2. accountability 3. openness 4. honesty 5. leadership 	
018076	Linton Parish Council	<p>Allegations from the complainant against two members of the Parish Council that their actions breached the following parts of the code;</p> <p>“You must</p> <p>3.4 not conduct yourself in a manner which is likely to bring the Authority into disrepute</p> <p>&</p> <p>Appendix 2 Paragraph 2</p> <p>Holders of public office should act solely in terms of the public interest.</p> <p>&</p> <p>Appendix 2 Paragraph 2</p>	New Complaint – matter ongoing

		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.”	
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Implications

4. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, there are no significant implications.

Background Papers

CONSTITUTION – CODE OF CONDUCT/Code of Conduct Complaints Procedure

Report Author:

Rory McKenna – Monitoring Officer
Telephone: (01223) 457194

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