



**South  
Cambridgeshire  
District Council**



# Constitution of South Cambridgeshire District Council

Updated June 2022

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## Glossary of Common Terms Used in the Constitution

Term	Definition
<b>Access to Information Rules</b>	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.
<b>Articles</b>	The basic rules within the Constitution which govern the operation of the Council's business.
<b>Background papers</b>	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.
<b>Budget and Policy Framework</b>	The plans and strategies and budget which shall be adopted by the full Council and within which Cabinet shall operate.
<b>Budget</b>	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.
<b>Cabinet</b>	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.
<b>Call-in</b>	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.

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	<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"> <li>1. contrary to the policy framework or contrary to, or not wholly in accordance with, the budget (a “Departure Decision”); or</li> <li>2. not in accordance with the principles set out in Article 13 (Decision Making) (“Outside Article 13 Decision”).</li> </ol>
<b>Chair</b>	<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>
<b>Chief Executive</b>	<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>
<b>Chief Finance Officer</b>	<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>
<b>Chief Officers</b>	<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>

<b>Chief Operating Officer</b>	The officer appointed by the Council to carry out the responsibilities listed in Article 12.
<b>Clear Working Days</b>	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.
<b>Code of Conduct</b>	<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>
<b>Committee</b>	Committees are appointed to carry out functions delegated to them by the Council or Cabinet.
<b>Confidential information</b>	<p>Confidential information means:</p> <ol style="list-style-type: none"> <li>1. information provided to the Council by a Government department on terms which forbid the disclosure of the information to the public; and</li> <li>2. information which is prohibited from being disclosed by any enactment or by a court order.</li> </ol>
<b>Contracts Finder</b>	A national government portal for advertising public contracts.
<b>Co-optee/Co-opted</b>	Non-councillor appointed to serve on a committee or sub-committee in a participatory capacity, usually with no voting rights.
<b>Councillor</b>	An elected member of the Council

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<b>Council</b>	The South Cambridgeshire District Council which comprises 45 elected members.
<b>Decision</b>	When a matter is ultimately taken by the appropriate decision maker. A recommendation is not a decision.
<b>Delegation</b>	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.
<b>Departure Decision</b>	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.
<b>Deputy Leader (Statutory)</b>	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.
<b>Ethical Handbook</b>	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).
<b>Exempt information</b>	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.
<b>Executive</b>	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.

<b>Executive functions</b>	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.
<b>Forward Plan</b>	See “Notice of Forthcoming Key Decisions”.
<b>Full Council</b>	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.
<b>Group Leader</b>	The leader of a political group as defined in “The Local Government (Committees and Political Groups) Regulations 1990”.
<b>Head of Paid Service</b>	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.
<b>Head of Service</b>	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.
<b>Independent Persons</b>	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.
<b>Key Decision</b>	<p>A decision by the Cabinet, or an individual Cabinet Member or officer, which is likely either to incur significant* expenditure or make significant savings, 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"> <li>1. incur expenditure or savings in excess of £200,000; or</li> <li>2. acquire or dispose of land or property with a value in excess of £1,000,000</li> </ol>

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	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.
<b>Lead Cabinet Member</b>	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").
<b>Leader of the Council</b>	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.
<b>Level</b>	<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> <p>Level 1      £5,000  Level 2      £25,000  Level 3      £50,000  Level 4      £120,000</p>
<b>Local Choice Functions</b>	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.
<b>Member</b>	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.



<b>Monitoring Officer</b>	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.
<b>Motion</b>	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.
<b>Officers</b>	Council officers are paid, non-elected employees of the local authority. Officers implement policy decisions made by councillors.
<b>Notice of Key Decisions</b>	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".
<b>Operational Decision</b>	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.
<b>Outside Article 13 Decision</b>	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).
<b>Outside Body</b>	Statutory bodies, charities and voluntary organisations, partnership bodies, local government associations, companies and other external organisations to which the Council appoints representatives.
<b>Overview and Scrutiny Committees</b>	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.

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<b>Petitions Scheme</b>	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.
<b>Political Proportionality</b>	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.
<b>Policy Framework</b>	The plans and strategies set out in Article 4 which shall be adopted by the full Council and within which the Cabinet shall operate.
<b>Political groups</b>	Any two or more councillors notifying the Proper Officer in the appropriate form is considered a political group for the purpose of seat allocation.
<b>Proper Officer</b>	The Chief Executive or such other suitably experienced senior officer as the Chief Executive shall appoint to be responsible for specific responsibilities in law.
<b>Public Participation Scheme</b>	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.
<b>Quorum</b>	The minimum number of people who shall be present before a meeting may take place.
<b>Regulatory Committee</b>	A committee undertaking functions of the Council (such as licensing or planning).
<b>Scheme of Delegation</b>	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.
<b>Scrutiny Monitor</b>	Member of a scrutiny and overview committee appointed by the committee to scrutinise and review the work of a particular lead Cabinet member.
<b>Senior Leadership</b>	The senior officer team responsible for the operational management of the Authority and

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<b>Team (SLT)</b>	comprising the Chief Executive, Chief Operating Officer, Joint Director of Planning and Economic Development, Chief Finance Officer, Monitoring Officer and Heads of Service
<b>Substantive Motion</b>	An original motion that has been amended and is put forward for decision.
<b>Substitute</b>	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.
<b>Summons</b>	The term used to describe the agenda for the full Council meeting.
<b>Vice-Chair</b>	<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>
<b>Virement</b>	Moving budget funds from one area of expenditure to another within a financial year.
<b>Whip</b>	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.

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## 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.

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# Part 2: Articles

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# 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.

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- (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 (Leader's Scheme of Delegation), 5 (Planning Committee Delegated Powers) in Part 3 and minor adjustments made by the Chief Executive under Article 15.2;
- (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.

### 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 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

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requirement, the control of its capital expenditure and the setting of  
virement limits.

- (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) electing 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 and revoking such appointments unless the appointment relates to an executive function (appointments and revocation of appointments to executive outside bodies is delegated to the Leader of 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 appointing the 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;

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- (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 in respect of non-executive functions and the Cabinet in respect of executive functions.

### **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>

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<b>Post</b>	<b>Functions and areas of responsibility</b>
	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

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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. Decisions taken shall be recorded and published in accordance with the provisions of Rule 18 of the Access to Information Procedure Rules.

### **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 or Deputy 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 or Deputy Head of Legal Practice considers that such action is necessary to protect the Council's interests. This shall include authority to deal with claims and potential claims, authority to institute criminal proceedings as well as settlements and injunctions.

### **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 or Deputy 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 or Deputy 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 or Deputy Head of Legal Practice, should be sealed. The affixing of the Common Seal will be attested by the Chief Executive or the Head or Deputy 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.

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- (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.

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## Part 3: Responsibility for Functions

Part 3 – Table 1: Responsibility for Local Choice Functions

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## 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).

<b>Function</b>	<b>Responsibility</b>	<b>Delegation of Functions</b>
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

<b>Function</b>	<b>Responsibility</b>	<b>Delegation of Functions</b>
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
<p>Appointments to Outside Bodies and revocation of such appointments</p> <p>(i) where the appointment relates to a non-executive function.</p> <p>(ii) Where the appointment relates to an executive function</p>	<p>Council</p> <p>Leader</p>	Chief Executive/Monitoring Officer have authority to fill vacancies subject to confirmation at next Council meeting



## Responsibility for Council Functions (Table 2)

<b>Council Membership</b>	<b>Functions</b>	<b>Delegation of Functions</b>
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.

## Part 3 – Table 3: Responsibility for Council Functions (Committees)

## 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><b>Review of the Council's Constitution:</b></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><b>Electoral Arrangements:</b></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><b>Ethical Standards:</b></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><b>Statement of Purpose</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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</li> </ol>	-

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><b>Governance, Risk and Control</b></p> <ol style="list-style-type: none"> <li>3. To review the Council's corporate governance arrangements against the good governance framework, ethical frameworks, and to consider the Local Code of Governance.</li> <li>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.</li> <li>5. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.</li> <li>6. To consider the Council's framework of assurance and ensure that it adequately</li> </ol>	

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><b>Internal audit</b></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><b>External Audit</b></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><b>Financial Reporting</b></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><b>Accountability Arrangements</b></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;">11.1. 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;">11.2. the promotion of good employee relations in the Council; and</p> <p style="padding-left: 40px;">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>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>	-

Part 3 – Table 3: Responsibility for Council Functions (Committees)

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 &amp; 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"> <li>1. shortlist, interview and:               <ol style="list-style-type: none"> <li>1.1 recommend to Council appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer; and</li> <li>1.2. appoint the Chief Operating Officer and Joint</li> </ol> </li> </ol>	-

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"> <li>1. Head of Paid Service, Chief Finance Officer and Monitoring Officer: membership shall normally include the Leader and lead cabinet member for staffing.</li> <li>2. Chief Operating Officer/Joint Director of Planning and Economic Development: membership</li> </ol>	<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"> <li>1. To investigate whether there are sufficient grounds for taking disciplinary action.</li> <li>2. To hold a hearing to consider and make findings as to allegations against the employee.</li> <li>3. To report the outcome of any investigation and hearing to the Employment and Staffing Committee</li> </ol>	

### 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>	-

Part 3 – Table 3: Responsibility for Council Functions (Committees)

**Employee Appeals Panel**

<b>Membership</b>	<b>Functions</b>	<b>Delegation of functions</b>
<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"> <li>1. select members to sit on the Sub-Committee when it is required to meet.</li> <li>2. select the Chair of the Sub-Committee when it is required to meet.</li> </ol> <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)

<b>Membership</b>	<b>Functions</b>	<b>Delegation of functions</b>
	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)

<b>Membership</b>	<b>Functions</b>	<b>Delegation of functions</b>
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**

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
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**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
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"> <li>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.</li> <li>2. Functions in relation to Public Paths, Protection of Important Hedgerows and Tree Preservation and safety.</li> <li>3. Administration and enforcement of Building Regulations regimes for existing or proposed buildings.</li> </ol> <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>

## Part 3 – Table 3: Responsibility for Council Functions (Committees)

## 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 Cabinet on policies, actions and resources required to deliver on the Council's climate change and environmental ambitions, and to provide updates on progress</p>	<p>Acts as an Advisory Committee with no delegated decision making.</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

<b>Membership</b>	<b>Functions</b>	<b>Delegation of functions</b>
<p>political proportionality.</p>	<p>towards achieving agreed targets and outcomes.</p> <p>This will include, but not be limited to:</p> <p>1.1. Considering, taking account of available evidence and best practice, innovations, and best practice for zero carbon, climate resilience and environmental sustainability, and recommending appropriate actions.</p> <p>1.2. Investigating specific climate and environment-related issues and, where appropriate, organising informal Member workshops to review the evidence and recommendations.</p> <p>1.3. Reviewing the development of Council strategies and roadmaps/action plans for carbon reductions, climate resilience, biodiversity, and environmental sustainability; making recommendations for their adoption; updating Cabinet on progress with implementation and recommending any mitigating actions necessary.</p> <p>1.4. Reviewing relevant strategic policies, decisions, future plans, corporate budgets, and green investments to ensure that they are in line with a shift to zero carbon and environmental</p>	<p>Acts as an Advisory Committee with no delegated decision making.</p> <p>Decisions will be taken by Cabinet, after consultation with the Advisory Committee.</p>

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>sustainability, taking account also of fairness and cost implications.</p> <p>1.5. Reviewing development of the new Greater Cambridge Local Plan to ensure it fulfills its role in bringing forward net zero carbon development together with biodiversity and green spaces, particularly in new housing and infrastructure, as well as ensuring that new development can adapt to our changing climate.</p> <p>1.6. Providing leadership on climate change and sustainability, working with partners, as appropriate, to deliver the Council’s targets, including public sector, academia, communities, farming, and businesses.</p> <p>1.7. Promoting and facilitating the Zero Carbon Communities network, sharing information, guidance and best practice for Parish Councils and local community groups wanting to help shift towards a zero carbon lifestyle.</p> <p>1.8. Reviewing the internal operations of the Council with a view to promoting zero carbon and sustainability, adopting best practice and strengthening the Council’s environmental performance,</p>	

Part 3 – Table 3: Responsibility for Council Functions (Committees)

Membership	Functions	Delegation of functions
	<p>with a view to being an 'exemplar council'.</p> <p>1.9. Influencing and interpreting county, regional and national policy for the benefit of South Cambridgeshire.</p> <p>1.10. Making recommendations on bids for funding relating to climate change, tree planting and the protection and enhancement of nature.</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 £100,000\* per item, subject to this expenditure being within approved policy. (\* Council at its meeting held on 21 May 2020 agreed to increase the maximum limit for a supplementary estimate from £50,000 to £100,000 in view of the Covid-19 emergency until specified otherwise, on the understanding that where it subsequently becomes evident that such additional expenditure can be met from savings, it will be. Council agreed to delegate authority to the Leader, Chief Executive and Chief Finance Officer to approve such supplementary revenue and capital estimates).
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 as set out at Part 3, Table 7, of this Constitution.

## Part 3 – Table 4: Responsibility for Executive Functions

**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**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
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**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
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.	-



## Part 3 – Table 4: Responsibility for Executive Functions

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
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**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
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.	-

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
7.	To approve, after opportunities for virement have been exhausted, in-year supplementary revenue and capital estimates up to £100,000 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. (see note 1 on page 34)	-	-
8.	-	Relevant lead cabinet members to approve virement across 2 or more areas of Cabinet responsibility (with the Chief Finance Officer). <b>See Rule 5, Budget and Policy Framework Procedure Rules.</b>	To approve virement where the affected lead cabinet members 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.	-

## 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
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 the following which are delegated to officers:</p> <p>(a) charges for one-off publications and events; and</p> <p>(b) variation of charges or introduction of new charges during the course of a year where considered essential to do so in order to maintain income levels, improve the service offer to users and/or where opportunities arise to increase income (after consultation with relevant lead cabinet member))</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 departmental budget.</p> <p>[All Chief Officers/Heads of Service are authorised to accept tenders up to 10%</p>	-

## Part 3 – Table 4: Responsibility for Executive Functions

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
		above estimate (provided that the cost can be met 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**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
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).	-
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)

## Part 3 – Table 4: Responsibility for Executive Functions

**Policy and Performance**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet member</b>	<b>Matters reserved for the Leader</b>
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.	-
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.	To approve operational guidelines which relate only to the service within the lead cabinet members' responsibilities.  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.	-

## Part 3 – Table 4: Responsibility for Executive Functions

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet member</b>	<b>Matters reserved for the Leader</b>
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.

## Part 3 – Table 4: Responsibility for Executive Functions

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet member</b>	<b>Matters reserved for the Leader</b>
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**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet member</b>	<b>Matters reserved for the Leader</b>
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**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet member</b>	<b>Matters reserved for the Leader</b>
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.

## Part 3 – Table 4: Responsibility for Executive Functions

**Contracts**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
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. 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**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
30.	-	-	To appoint member representatives on outside bodies and revocation of such appointments where the appointment relates to an executive function.
31.	-	-	To approve submission of motions to the LGA or other conferences on behalf of the Council.
32.	-	-	To appoint Member Champions.

**Partnerships**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
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.	-

## Part 3 – Table 4: Responsibility for Executive Functions

**Economic Development**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
34.	-	-	To receive and consider reports and recommendations in respect of economic development initiatives.

**Land and Property**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
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>	-

## Part 3 – Table 4: Responsibility for Executive Functions

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
36.	-	Acquisition of leases or other ongoing commitment where the value exceeds Level 2 (to Council if budget provision not available).	-

### **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**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
37.	-	To approve street names, where there is an objection from the local member(s) or any statutory consultees.	-
38.	-	To review areas of special control of advertisements.	-

## Part 3 – Table 4: Responsibility for Executive Functions

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
39.	-	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**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
40.	-	-	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).
41.	-	To approve the Air Quality Strategy and declaration of Air Quality Management Areas.	-
42.	-	To approve the Council's Contaminated Land Strategy.	-
43.	-	To approve the Land Drainage Maintenance Plan.	-

Part 3 – Table 4: Responsibility for Executive Functions

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
44.	-	To approve operating practices and representation on the Swavesey Byways Advisory Committee.	-
45.	-	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.	-
46.	-	-	To approve the Council's emergency planning arrangements, subject to the Council's policy and budget framework.
47.	-	To approve the Council's flood defence statement.	-

## Part 3 – Table 4: Responsibility for Executive Functions

**Finance**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet member</b>	<b>Matters reserved for the Leader</b>
48.	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.	-
49.	-	Agreement and ownership of the strategic risks facing the Council.	-
50.	-	To approve policies and criteria for rate relief.	-
51.	-	To determine applications for discretionary rate relief outside the approved policy and criteria.	-
52.	-	To approve discretionary rate relief appeals.	-
53.	-	To write off debts above Level 2.	-
54.	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.
8. Where changes are required as a result of Government direction these can be approved by the Chief Finance Officer.

**Housing**

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
55.	To make recommendations to Council on the HRA, rents and charges.	-	-
56.	To approve changes to Housing Allocations policy.	-	-
57.	-	To approve changes to and variations of Conditions of Tenancy.	-
58.	-	To approve programmes of parking, lighting and estate roads improvement schemes, subject 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
		consultation with local members.	
59.	-	To approve decisions by the Head of Housing to approve change of use subject to any planning requirements.	-
60.	-	To approve decisions of the Head of Housing to make land / property available for redevelopment by the Council.	-
61.	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.	-
62.	To approve individual properties for sale on the open market where the annual limit of £2m is exceeded.	To approve decisions by the Head of Housing to agree individual properties for sale on the open market, subject to an annual limit of £2m.	-

Part 3 – Table 4: Responsibility for Executive Functions

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
63.	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	-
64.	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.	-
65.	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.	-
66.	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), subject to contract and up to a limit of £2m.	-
67.	To agree to enter into contract and progress to completion new build	To approve decisions of the Head of Housing to enter into contract and	-

## 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
	schemes to provide affordable council homes where the value of the scheme exceeds £2m.	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.	
68.	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).	-
69.	To approve any other 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	-	-

## 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 policy and budget framework).		
70.	-	To allocate the s106 money received by SCDC in lieu of an affordable housing contribution on site.	-
71.	To determine proposals for substantial changes in service provision relating to traveller sites provided to tenants by the Council (subject to any necessary planning consents from the Planning Committee).	-	-
72.	-	To approve or refuse requests to waiver the local land charge in respect of disabled facilities grants.	-

**Notes:**

9. The Head of Housing is authorised to approve allowances or expenses to Council tenants.
10. 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 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).

## Part 3 – Table 4: Responsibility for Executive Functions

## Planning

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
73.	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.	-
74.	-	To approve draft and final Supplementary Planning Guidance.	-
75.	-	To consider and approve the Local Development Framework Annual Monitoring Report for submission to central government.	-
76.	-	To approve dual use agreements.	-
77.	-	To respond as consultee to traffic-related issues from Cambridgeshire County Council.	-
78.	-	To approve the programme of Conservation Area Appraisals.	-

Part 3 – Table 4: Responsibility for Executive Functions

<b>Ref No.</b>	<b>For decision by the whole Cabinet</b>	<b>For decision by Lead Cabinet members</b>	<b>Matters reserved for the Leader</b>
79.	-	To designate Conservation Areas, agree amendments to their boundaries and agree supplementary planning guidance (e.g., Village Appraisal) where one parish only affected.	-
80.	-	To make decisions on neighbourhood area designations where substantive objections are received.	-
81.	-	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.

Part 3 – Table 5: Strategic Lead (3C Building Standards) – Delegated Powers

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.

## Part 3 – Table 5: Consultancy Team Leader: Delegated Powers

**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 or Deputy 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.

Part 3 – Table 5: Additional Delegated Powers: Head and Deputy Head of Legal Practice and Joint Director of Planning and Economic Development

### **Additional Delegated Powers**

1. The Head or Deputy 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 or Deputy 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)

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**Greater Cambridge Partnership Executive Board**

<b>Membership</b>	<b>Functions</b>	<b>Delegation of functions</b>
<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 make the necessary changes to their respective schemes of delegation. The Executive Board may further</p>	-



Membership	Functions	Delegation of functions
	<p>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 University of Cambridge</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 Board for consideration, as appropriate.</p>	<p>-</p>

**Joint Development Control Committee**

<b>Membership</b>	<b>Functions</b>	<b>Delegation of functions</b>
<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>The functions of the Joint Committee are set out at Appendix 1 to the terms of reference.</p>	<p>-</p>



## **Joint Development Control Committee**

**July 2020**

### **Terms of Reference**

Approved by Cambridge City Council at Full Council on 16 July 2020

South Cambridgeshire District Council Full Council on 14 July 2020

**These came into effect on 1 August 2020, when approved by both Councils**

#### **Document**

#### **Terms of Reference**

**Appendix 1: Functions Delegated to the Committee**

**Appendix 2: Standing Orders**

**Annex A: Public Speaking Rights**

**Annex B: Development Control Forums**

**Annex C: Costs Sharing Protocol**

**Annex D: Scheme of Delegation to Officers**

**Appendix 3: Plans**

## **1. Terms of Reference for Joint Development Control Committee**

### **1. Parties:**

Cambridge City 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

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<sup>1</sup> and related matters pursuant to such applications on land that is positively identified in the adopted Local Plans of the two Councils for any purpose and which falls wholly or substantially within the area as shown edged in [blue] on the plans forming Appendix 3.

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 sections 101(2), 101(5) and 102 Local Government Act 1972.

### **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 or providing facilities to enable remote meetings to take place. Decision notices shall be signed by the Joint Director of Planning.

6.3 Costs shall be shared in accordance with the Cost Sharing Protocol set out in Annex C to the Standing Orders.

### Notes:

<sup>1</sup> 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.

## Appendix 1

### 2. Functions of The Committee

1. The exercise of each of the Councils' powers and duties in relation to

Part III (Control Over Development) of the Town and Country Planning Act 1990 as amended and Chapter II and VI (as appropriate) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of "Major Development" and related applications for approval of details and S106 requests to that permission plus associated 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 S106 of the Town and Country Planning Act 1990.

2. The review, change, amendment or modification of the scheme of delegation to Officers.

3. The review, change, amendment or modification of the Standing Orders of the Committee.

4. Any matter related to an application previously determined by the Joint Development Control Committee for Cambridge Fringes and which would continue to form a part of this Committees functions.

5. Such other functions as may be delegated to the Committee by the Councils from time to time.

## Appendix 2

### 3. Joint Development Control Committee Standing Orders

Approved on 21 October 2020.

#### 1 Appointment of Chair and Vice-Chair

1.1 The Committee shall, at its first meeting, and as a minimum annually thereafter, elect a Chair and Vice-Chair. The Chair and Vice Chair shall be drawn alternately from each of the two Councils comprising the Committee.

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.

#### 2. Notice of and Summons to Meetings

2.1 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.

2.2 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.

2.3 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.

### **3. Membership**

3.1 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.

### **4. Alternate Members**

4.1 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.

4.2 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.

4.3 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.

### **5. Quorum**

5.1 The quorum of a meeting will be six with no less than: -

3 Member from South Cambridgeshire District Council and

3 Member from Cambridge City Council

### **6. Public speaking rights**

6.1 Members of the public have the public speaking rights set out in Annex A.

### **7. Voting**

7.1 Every question shall be decided by a show of hands or by way of a roll call when the meeting is taking place using arrangements for virtual committee meetings, and subject to Rule 7.2



7.2 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 they voted for or against or abstained.

7.3 Any member may, immediately after any vote is taken, require a record to be made in the minutes of whether they voted for or against or abstained.

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

## **8. Minutes**

8.1 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.

## **9. Exclusion of Public**

9.1 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).

## **10. Disorderly Conduct: Misconduct of A Member**

10.1 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.

10.2 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 must 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.

10.3 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.

#### **11 Disorderly Conduct: Disturbance by members of the public**

11.1 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.

11.2 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.

#### **12 Suspension of Standing Orders**

12.1 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.

#### **13. Attendance at the Committee by other members of the Councils and County Council**

13.1. A member of Cambridge City Council, South Cambridgeshire District Council or Cambridgeshire County Council 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.]

#### **14. Development Control Forums**

14.1 The Committee will operate a scheme for development control forums in accordance with Annex B.

#### **15. Statements of Community Involvement**

15.1 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.

#### **4. Annex A of JDCC Standing Orders: Public Speaking Rights**

##### **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:

- I. In the case of members of the public, already submitted a written representation on an application; and
- II. Notified the Administrator by 12.00 noon on the day before the meeting unless the meeting is a virtual Committee meeting when 48 hours notice is required.
- III. 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**

The Council has adopted arrangements for public speaking in respect of virtual Committee meetings which will apply where that meeting is held fully or partially online. In all other circumstances, the following arrangements will apply.

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 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.

The order for public speakers is as follows (application recommended approval):

- i. Members of the public in objection to the application.
- ii. Members of the public in favour of the application.
- iii. Agent / Applicant
- iv. Ward Councillors

Part 3 – Table 6: Joint Arrangements – JDCC Terms of Reference

The order will change if the application is recommended refusal:

- i. Agent / Applicant
- ii. Members of the public in favour of the application
- iii. Members of the public in objection to the application.
- iv. Ward Councillors

**5. Annex B of JDCC Standing Orders:**

**6. 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:

## Part 3 – Table 6: Joint Arrangements – JDCC Terms of Reference

(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 (including weekends) 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 both 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.

## Part 3 – Table 6: Joint Arrangements – JDCC Terms of Reference

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.

## 7. **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 service costs shall be borne by the administering authority and recharged in accordance with the shared service agreement between the two Councils.

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 are insufficient funds within the joint planning budget, then the costs shall be shared proportionally by the Councils.

## Joint Development Control Committee

### Scheme of Delegation as agreed on 21 October 2020

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#### 8. Scheme of Delegation to Officers

The following powers are delegated to the Joint Director of Planning and Economic Development in respect of planning and development control matters. The Joint Director of Planning and Economic Development may authorise any other officers within the Greater Cambridge Shared Planning Service to exercise these powers on his/her behalf. Any officer so authorised may in turn delegate further.

Such delegations shall 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;

## Part 3 – Table 6: Joint Arrangements – JDCC Terms of Reference

3. Development including the provision of primary roads, open space or other site-wide infrastructure that fulfils a strategic purpose;

4. 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 either 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 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.

5. 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 judgement to decide whether to refer any matter contained within this Scheme to the 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 of the Joint Committee.

### **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.

Part 3 – Table 6: Joint Arrangements – JDCC Terms of Reference

j) Listed Building Consent.

k) Conservation Area Consent.

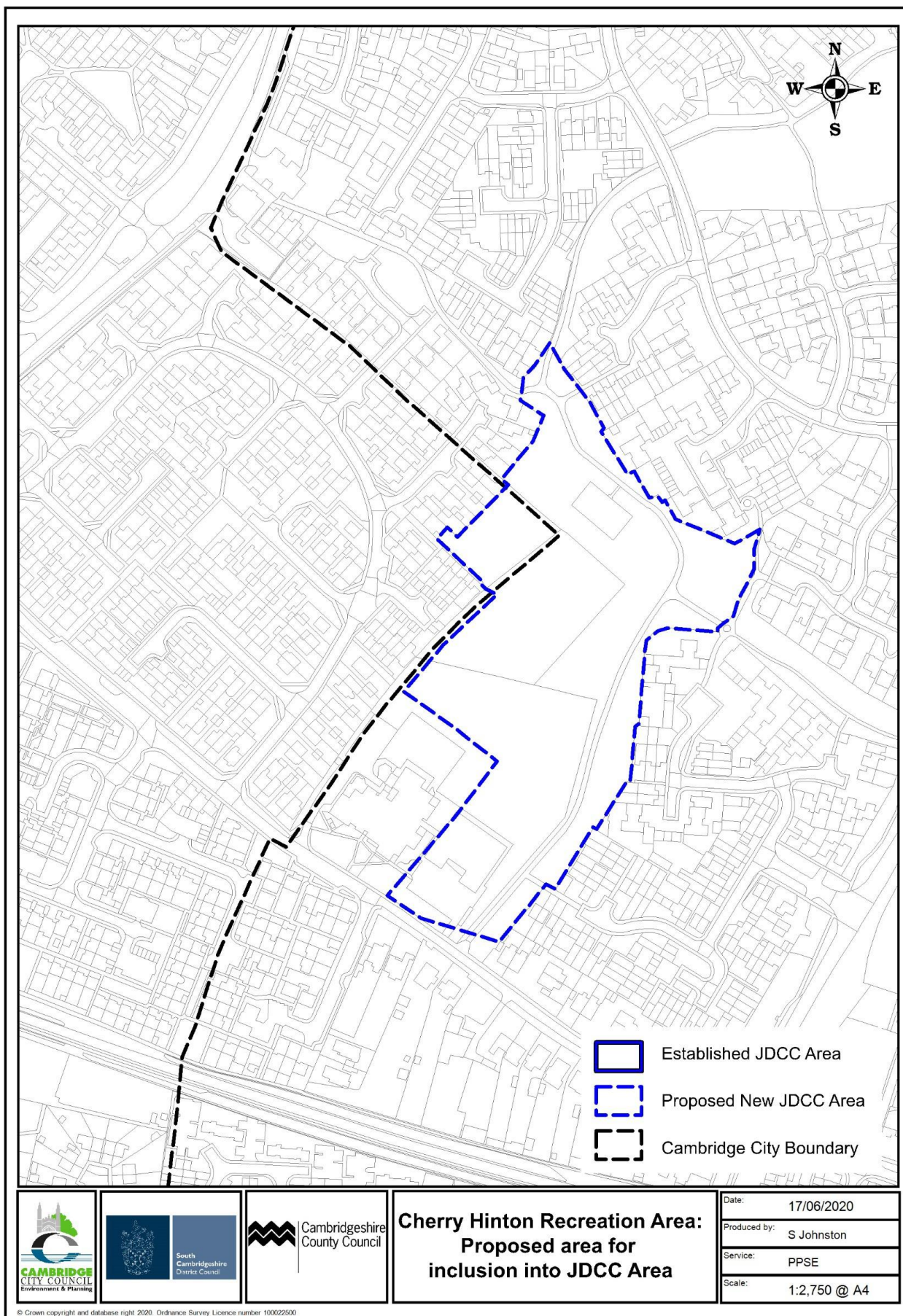
l) Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, or any subsequent amendment to those Regulations.

m) Entering into and Signing of Planning Performance Agreements.

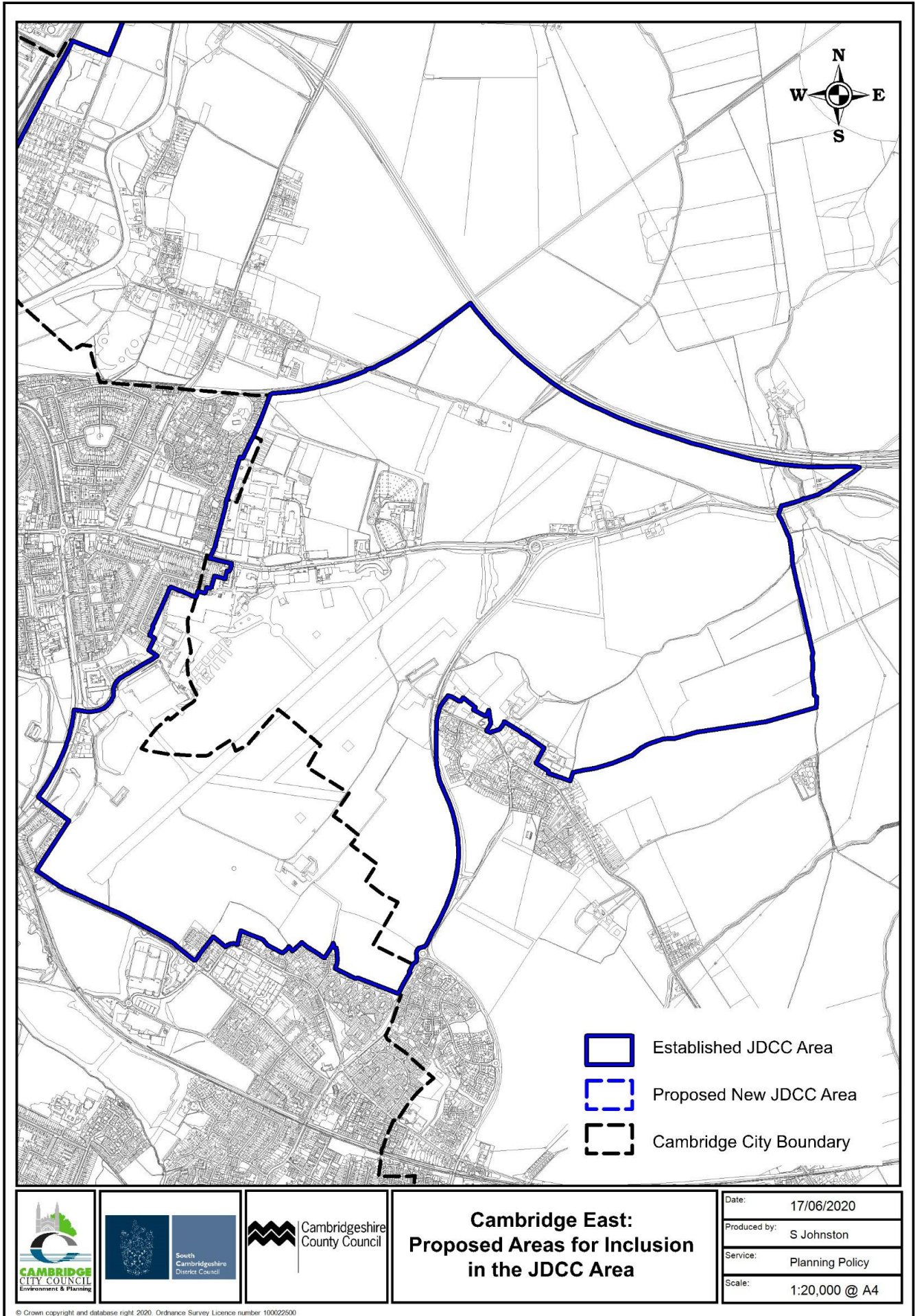


## **Appendix 3 Plans**

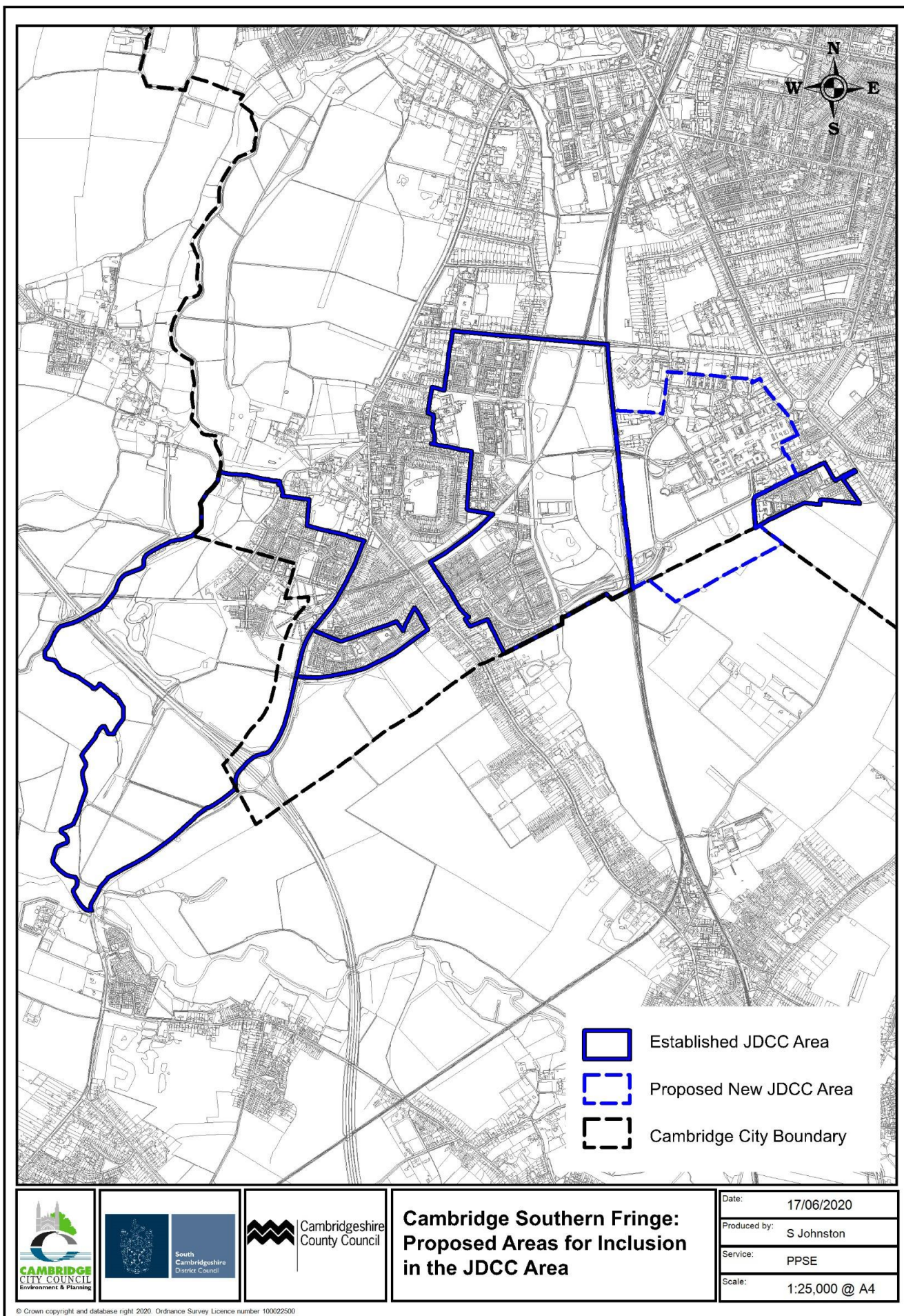
Part 3 – Table 6: Joint Arrangements – JDCC Terms of Reference

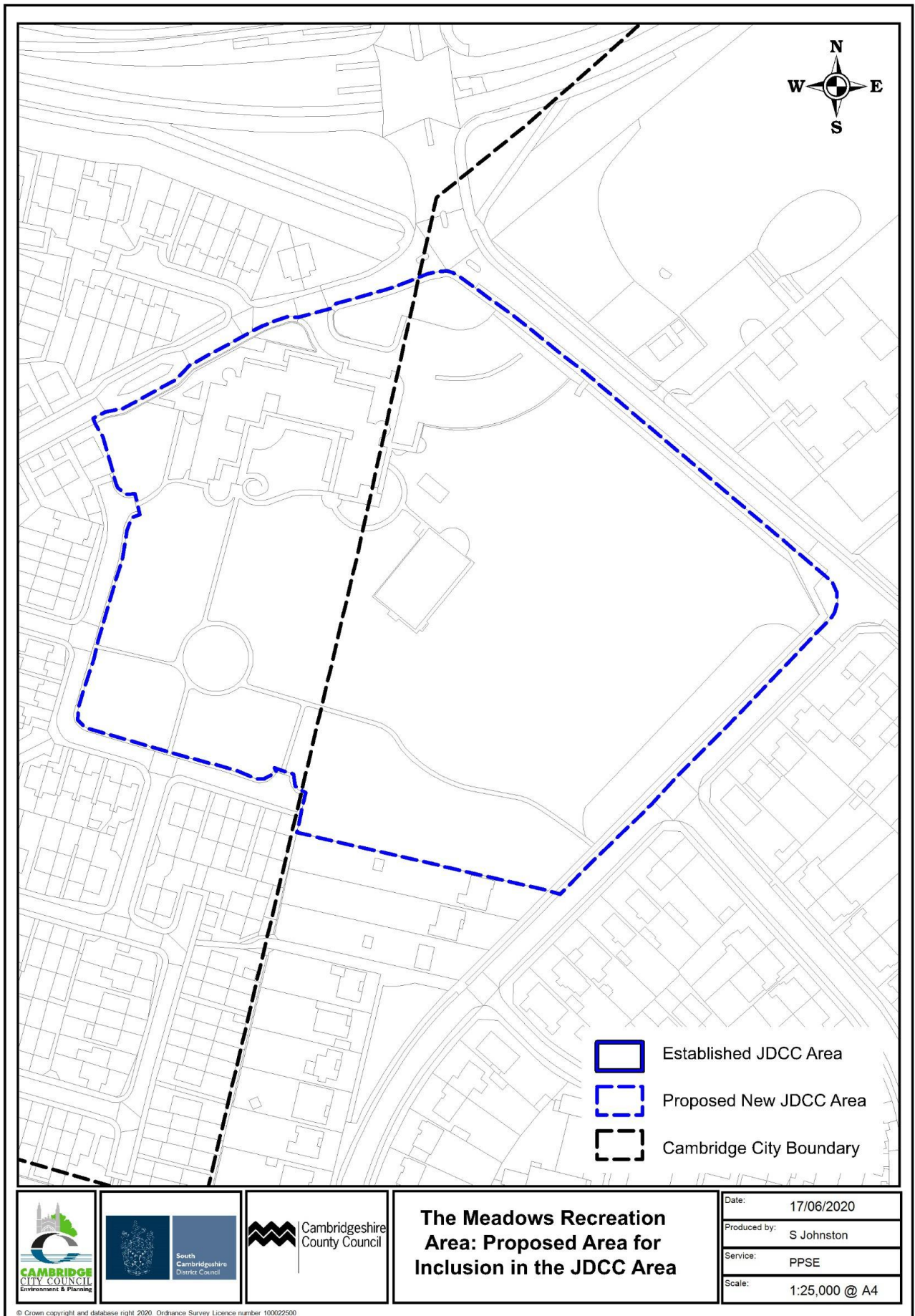


**Cherry Hinton Recreation Area:  
Proposed area for  
inclusion into JDCC Area**

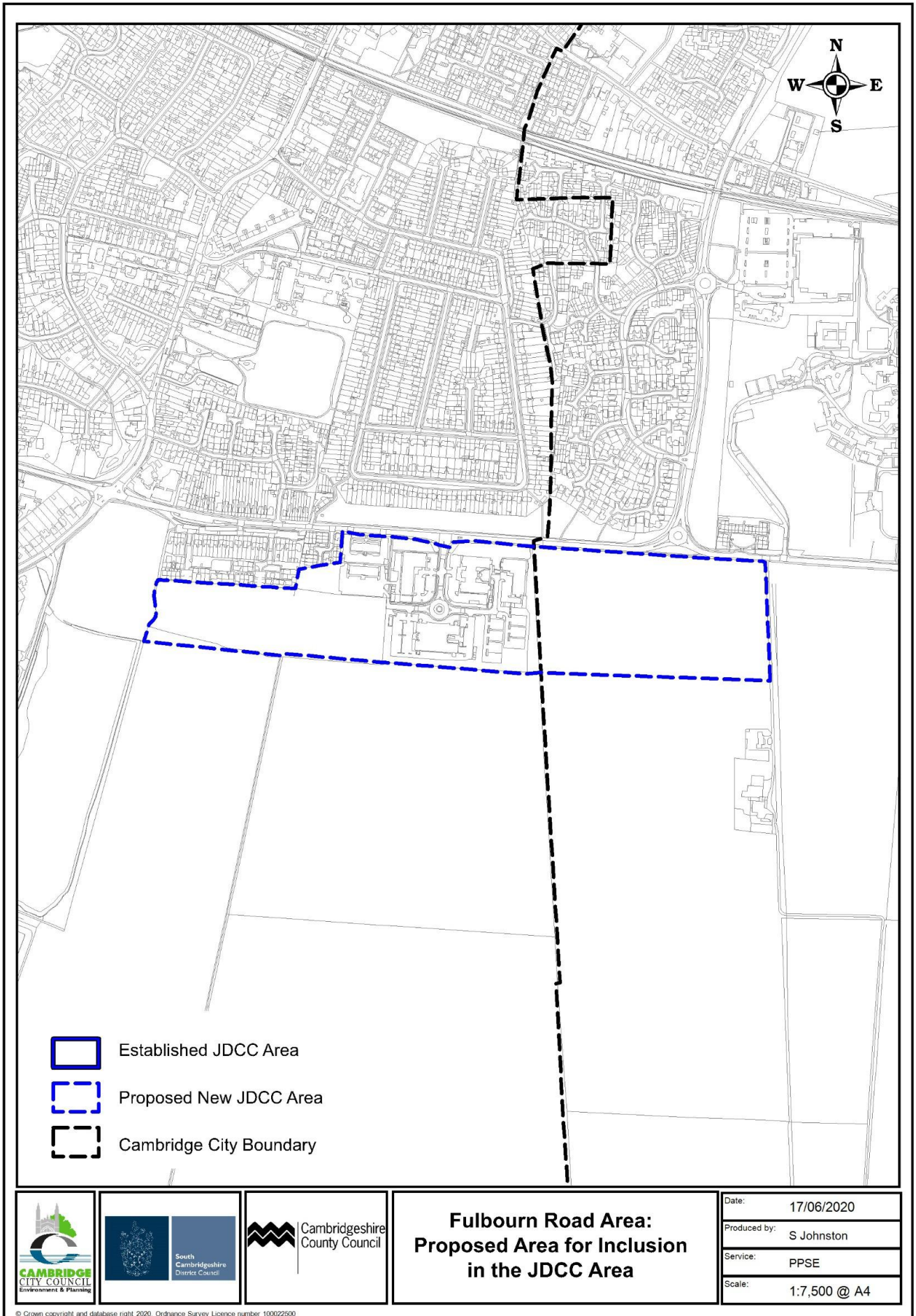


Part 3 – Table 6: Joint Arrangements – JDCC Terms of Reference

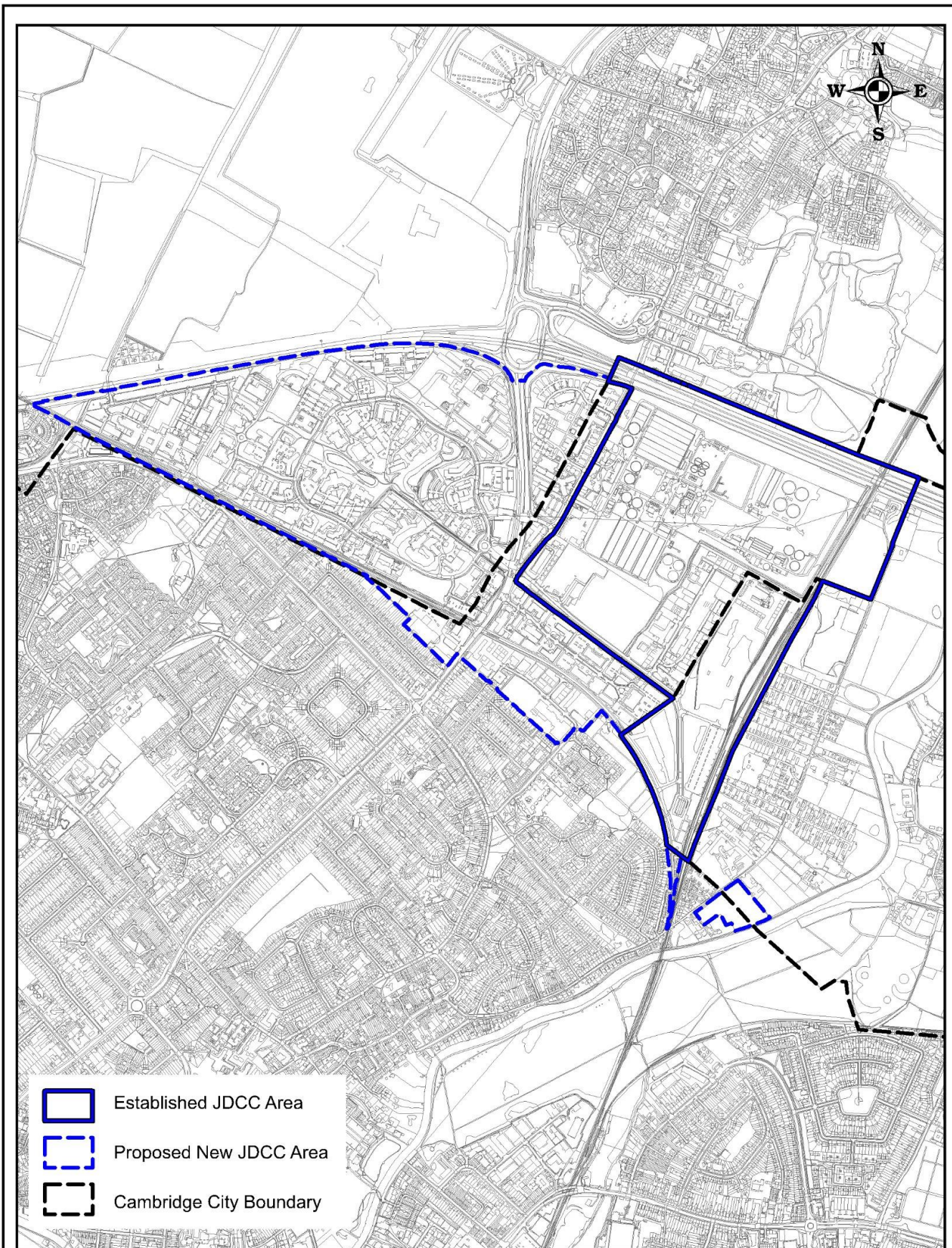







Part 3 – Table 6: Joint Arrangements – JDCC Terms of Reference



Part 3 – Table 6: Joint Arrangements – JDCC Terms of Reference



-  Established JDCC Area
-  Proposed New JDCC Area
-  Cambridge City Boundary

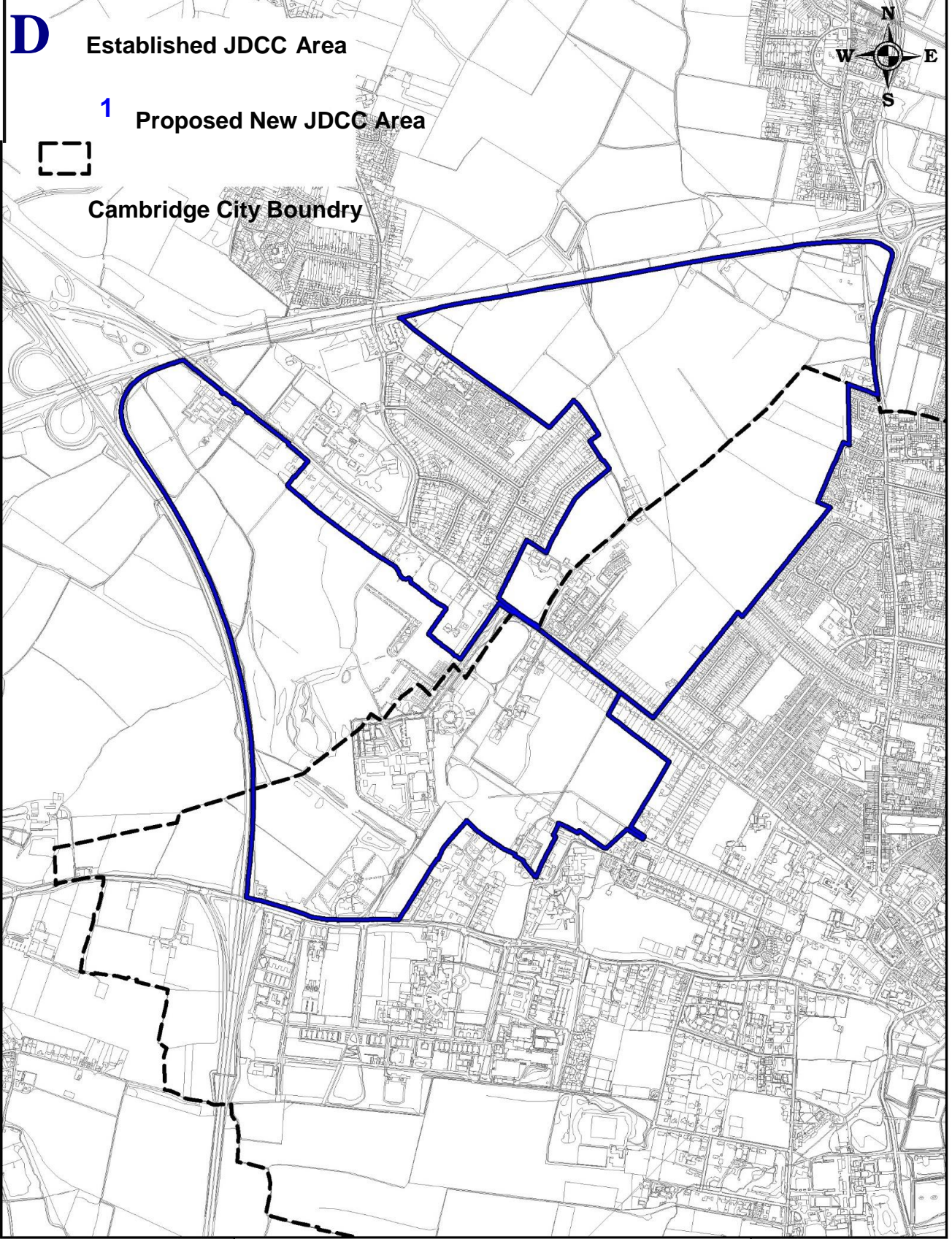


**North East Cambridge:  
Proposed Areas for Inclusion  
in the JDCC Area**

Date:	17/06/2020
Produced by:	S Johnston
Service:	PPSE
Scale:	1:16,000 @ A4



r



**North West Cambridge:  
Proposed Areas for Inclusion in the JDCC Area**

Date: 17/06/2020

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## Responsibility for Functions (Table 7)

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## Scheme of Delegation

### 1. Introduction

- 1.1 The authority for delegating functions to the Cabinet, Committees and Officers is contained in Section 101 and 102 of the Local Government Act 1972 and Sections 9E, 9EA and 9EB 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

## Part 3 – Table 7: Scheme of Delegation

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 (except as specifically delegated in section 16 of paragraph 4.6 below);
- (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 and to the Council’s decision-making requirements set out in paragraph 18 of the Access to Information Procedure Rules.

**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, or where necessary in order for the Council to continue to carry out its functions or to maintain service delivery. This power shall include authority to incur expenditure not provided for within the budget or borrowing where the Chief Executive considers this essential for the purposes of managing or responding to the emergency or maintaining essential service delivery. 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 Chief Executive shall update the Cabinet or Council, as appropriate, on the use of such powers.
- 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 provide 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:

<b>Power</b>	<b>Delegated to:</b>
1. To undertake day-to-day management of the premises and services for which they are responsible.	All Chief Officers/Heads of Service

## Part 3 – Table 7: Scheme of Delegation

<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>	All Chief Officers/Heads of Service
<p>3. To approve all new posts within approved budget</p>	Head of Paid Service
<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>	All Chief Officers/Heads of Service



<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/Heads of Service</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>

## Part 3 – Table 7: Scheme of Delegation

<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 for Executive Functions) as to matters reserved to Cabinet or lead cabinet member)</p>	<p>All Chief Officers/Heads of Service</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 vary charges or introduce new charges during the course of the year where it is considered essential to do so in order to maintain income levels, improve the</p>	<p>All Chief Officers/Heads of Service (after</p>

<p>service offer to users and/or where opportunities arise to increase income.</p>	<p>consultation with relevant Lead Cabinet Member)</p>
<p>17. (a) 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>(b) To fill vacancies on non-executive outside bodies.</p> <p>subject to report to the next available meeting of the Council</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. The Chief Executive shall also be authorised to appoint suitably qualified persons, not employed by the Council, as proper officers, as deemed necessary.

- 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.

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## Part 4: Rules of Procedure

## A. Council Standing Orders

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## A. Council 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.

## Part 4 - Rules of Procedure: Council Standing Orders

**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;
  - (iv) The Chief Finance Officer; and
  - (v) 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.

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(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;

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- (b) where the ordinary member will be absent for the whole of the meeting in their capacity as an ordinary member notwithstanding that the ordinary member can still attend to speak on an item as either a ward councillor or member of the public, 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, removals or replacements of members on executive outside bodies is the responsibility of the Leader of the Council. The Head of Paid Service and Monitoring Officer have delegated powers:

- (a) to make appointments, removals or replacement 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; and
- (b) to fill vacancies on non-executive outside bodies

as set out in the Scheme of Delegation at Table 7, Part 3 of the Constitution and subject to report to the next available meeting of the Council.

## **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. After each further four-hour period (excluding adjournments) members shall take a vote to continue the meeting which shall require three-quarters of members present to vote for the meeting to continue.

## 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](#).

## 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](#).

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.

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**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 meeting.

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.



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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 clear 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.

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- (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;

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- (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;

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- (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.

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- (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.

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- (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

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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 during the meeting 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

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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 of order, point of information or a personal explanation) unless and until invited by the Chair.

### **21.2 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.

### **21.3 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.

### **21.4 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.

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**21.5 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 or rescheduling of meetings**

- 24.1 The Chief Executive is authorised to cancel or reschedule a meeting before the agenda has been published, following consultation with the Chair and group leader(s).
- 24.2 Where, in exceptional circumstances, such as severe weather or other disruptive circumstances, it is necessary to cancel or reschedule a meeting after the agenda has been published, the Chief Executive shall be authorised to do so, following consultation with the Chair and group leader(s). The notice advising of the cancellation or rescheduling shall specify the exceptional circumstances in which the decision was taken. Outstanding business shall be held over to the next scheduled or rescheduled 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).

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- 26.3 Only Standing Orders 4-9 and 12 and 14-25 apply to meetings of all committees and sub-committees.
- 26.4 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.
- 26.5 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](http://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](http://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"> <li>3.1 the Companies Act 1985</li> <li>3.2 the Friendly Societies Act 1974</li> <li>3.3 the Friendly Societies Act</li> </ul>

		<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

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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 (Notices 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](http://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.scams.gov.uk](http://www.scams.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:

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- (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 22.3 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**

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## 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

## Part 4 - Rules of Procedure: Budget and Policy Framework

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, they 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.

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- 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;

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- (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.

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## D. Cabinet Procedure Rules

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## **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.

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## 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 Scrutiny and Overview 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 a scrutiny and overview 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 a scrutiny and overview 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 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 a scrutiny and overview 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 a scrutiny and overview 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, a scrutiny and overview 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

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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.

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- 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:

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- (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.

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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

## Part 4 - Rules of Procedure: Scrutiny and Overview

<b>Action notes</b>	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.
<b>External / public involvement</b>	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.
<b>Politically proportionate</b>	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.
<b>Composition</b>	<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>
<b>Size</b>	This shall vary according to the matter under discussion; however, groups should not normally comprise more than five members of the Council.
<b>Terms of Reference</b>	<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"> <li>(a) The specific issue to be considered;</li> <li>(b) A timescale and deadline;</li> <li>(c) Principal aims and objectives.</li> </ul>



## 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 or Deputy 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.

## Part 4 - Rules of Procedure: Financial Regulations

- (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.
  - 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.

## Part 4 - Rules of Procedure: Financial Regulations

- 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

## Part 4 - Rules of Procedure: Financial Regulations

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:

[South Cambridgeshire District Council Investment Strategy](#)

- 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.

## Part 4 - Rules of Procedure: Financial Regulations

- 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.

## Part 4 - Rules of Procedure: Financial Regulations

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

## Part 4 - Rules of Procedure: Financial Regulations

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 or Deputy 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.

## Part 4 - Rules of Procedure: Financial 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.

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## G. Contract Regulations

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**Further Advice may be obtained from:**

The Head or Deputy Head of Legal Practice/Legal Services or the Procurement Officer

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 shall 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.

## Part 4 - Rules of Procedure: Contract Regulations

- 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 or Deputy 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.

## 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.)

## Part 4 - Rules of Procedure: Contract Regulations

- (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:

<b>Value</b>	<b>Levels</b>	<b>Who can authorise?</b>
£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:

## Part 4 - Rules of Procedure: Contract Regulations

- (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 shall 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 shall be consulted before applying for any exemption for an existing Corporate Contract;
  - (ii) There shall 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.

## Part 4 - Rules of Procedure: Contract Regulations

- 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

## Part 4 - Rules of Procedure: Contract Regulations

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 requirement 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;

## Part 4 - Rules of Procedure: Contract Regulations

- (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 or Deputy 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

## Part 4 - Rules of Procedure: Contract Regulations

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

## Part 4 - Rules of Procedure: Contract Regulations

- (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 is expected 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.

## Part 4 - Rules of Procedure: Contract Regulations

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.

## Part 4 - Rules of Procedure: Contract Regulations

15.6 Contract Agreements shall be completed as follows:

<b>Total Value</b>	<b>Method of Completion</b>	<b>By</b>
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 or Deputy 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 or Deputy 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 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, this shall be 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 or Deputy 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.

## Part 4 - Rules of Procedure: Contract Regulations

Decarbonising/ Decarbonisation	Means reducing the carbon dioxide intensity of the emissions expressed in grams of (CO <sub>2</sub> ). 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.

## Part 4 - Rules of Procedure: Contract Regulations

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 <sub>2</sub> ) 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"> <li>(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”);</li> <li>(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;</li> <li>(c) any involvement of the business activities or interests of contractors with irrelevant fields of Government policy;</li> <li>(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”);</li> <li>(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;</li> <li>(f) any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees;</li> </ul>

## Part 4 - Rules of Procedure: Contract Regulations

- (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 and Deputy Head of Legal Practice	The Council’s Head and Deputy 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 shall 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"> <li>(a) to quote or bid or</li> <li>(b) to proceed to final evaluation.</li> </ul>
Supervising Officer	The Line Manager's immediate superior.
Sustainable Procurement	Approach for reducing the environmental impact of procurement. The Council shall 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).

## Part 4 - Rules of Procedure: Contract Regulations

- 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.

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## H. Officer Employment Procedure Rules

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## **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, Chief Finance Officer, Joint Director of Planning and Economic Development or Head of Service, 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

## Part 4 - Rules of Procedure: Officer Employment

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.

## Part 4 - Rules of Procedure: Officer Employment

- (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.

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**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.

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# I. Legal Proceedings Rules

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## 1. Introduction

- 1.1 Article 14 provides that the Head or Deputy Head of Legal Practice are 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 or Deputy Head of Legal Practice considers that such action is necessary to protect the Council's interests. This includes authority to deal with claims and potential claims, authority to institute criminal proceedings as well as settlements and injunctions. 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 or Deputy 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 Head of Service who shall have regard to the decision-making principles set out in Article 13.2.
- 2.2 The Chief Executive shall have the same powers as the Head or Deputy Head of Legal Practice to take, defend, withdraw, or compromise legal proceedings or instruct any other legally qualified and suitably experienced person to do so on behalf of the Council. The Head or Deputy Head of Legal Practice may delegate all, or any, of their powers 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 or Deputy 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 or Deputy Head of Legal Practice, it is in the interests of the Council to instigate or agree arbitration or mediation, they shall have the discretion to refer any legal proceedings accordingly.
- 2.4 The Head or Deputy 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 Head of Service and, if the claim and / or costs on any compromise, whether payable to or by the Council, is likely to exceed Level 1, they shall also consult the Chief Finance Officer.
- 2.5 The Head or Deputy 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 Head of



Service, brief Counsel to represent the Council in any proceedings whatsoever. The choice of Counsel shall normally be within the discretion of the Head or Deputy 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 Cabinet and the relevant Chief Officer where appropriate 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 Head of Service and relevant members of the Cabinet shall be kept closely informed by the Head or Deputy 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 or Deputy 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 Cabinet and the relevant Chief Officer or Head of Service 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.

## Part 4 - Rules of Procedure: Legal Proceedings

- 5.2 What is in the public interest will be judged from the circumstances. The Head or Deputy Head of Legal Practice, consulting with relevant Chief Officer(s) or Head of Service, 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 13.2 on decision-making have been considered.
- 5.3 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.

## Part 5: Codes and Protocols

## Introduction

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

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

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

## Definitions

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

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

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

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

## Purpose of the Code of Conduct

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

### **General principles of councillor conduct**

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

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

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

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

In undertaking my role:

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

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

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

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

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

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

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

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

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

encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

## **Standards of councillor conduct**

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

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

### **General Conduct**

#### **1. Respect**

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

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

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

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

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

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

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

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

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

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

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

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

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and



contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

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

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

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

**As a councillor:**

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

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

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

**As a councillor:**

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

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

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

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

**law.**

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

## **5. Disrepute**

**As a councillor:**

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

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

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

## **6. Use of position**

**As a councillor:**

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

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

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

**As a councillor:**

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

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

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

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

Examples include:

- office support
- stationery

- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

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

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

### **As a Councillor:**

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

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

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

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

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

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

## **9. Interests**

### **As a councillor:**

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

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

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

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

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

## **10. Gifts and hospitality**

### **As a councillor:**

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

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

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

The principles are:

**Selflessness**

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

**Integrity**

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

**Objectivity**

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

**Accountability**

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

**Openness**

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

**Honesty**

Holders of public office should be truthful.

**Leadership**

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

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

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

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

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

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it ]

### Disclosure of Other Registerable Interests

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



## Disclosure of Non-Registerable Interests

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

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

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

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

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

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

**Table 1: Disclosable Pecuniary Interests**

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

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

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

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

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

**Table 2: Other Registrable Interests**

You must register as an Other Registerable Interest :

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority of which you are a member or in a position of general control or management

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

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

The recommendations cover:

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

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

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

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

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

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

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

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

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

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

## Codes and Protocols: A. Members' Code of Conduct

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

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

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

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

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

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

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

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

## B. Officers' Code of Conduct

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## Part 5 - Codes and Protocols: B. Officers' Code of Conduct

## 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.

## Part 5 - Codes and Protocols: B. Officers' Code of Conduct

**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

## Part 5 - Codes and Protocols: B. Officers' Code of Conduct

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.

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## 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 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 are 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.

## Part 5 – Codes and Protocols: C. Protocol on Member/Officer Relations

**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;

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- (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

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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 shall 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) shall 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

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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

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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 shall 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 shall be made to the appropriate Chief Officer or Head of Service and shall be subject to the exigencies of the service. Briefings shall 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 shall be required 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 shall 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

## Part 5 – Codes and Protocols: C. Protocol on Member/Officer Relations

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

## Part 5 – Codes and Protocols: C. Protocol on Member/Officer Relations

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.

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## Part 6: Members' Allowances Scheme

# Members’ Allowances Scheme

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## Members' Allowances Scheme 2020/21

### 1. Introduction

- 1.1 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. 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 2020.

### 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 2021.

### 3. Basic Allowance

- 3.1 Subject to paragraph 6, for each year a basic allowance of £5,148 shall be paid to each councillor, which includes £711 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

## Part 6 – Members' Allowance Scheme

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 2021 is £15.59.

## 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	£1,089
Deputy Independent Member	£545

## 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.

## Part 6 – Members' Allowance Scheme

- 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 2021:

### 1. Basic Allowance

£4,437 plus expenses of £711 (£5,148 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:

<b>Position with Special Responsibility Allowance</b>	<b>£</b>	<b>£</b>
Leader of the Council	11,530	-
Deputy Leader (Statutory)	8,519	-
Cabinet Member	7,862	-
Major Opposition Group Leader	3,905	-

## Part 6 – Members' Allowance Scheme

-	<b>Chair</b>	<b>Vice-Chair</b>
<b>Council</b> Allowances for Chair of Council	4,357	2,178
<b>Committees</b> Scrutiny & Overview Committee	4,624	2,287
Planning Committee	6,536	3,268
Audit and Corporate Governance Committee	2,178	-
Licensing Committee	1,089	-
Civic Affairs Committee	1,089	-
Employment and Staffing Committee	1,089	-
Grants Advisory Committee	1,089	-
Climate Change & Environment Advisory Committee	1,089	-
<b>Committee Members</b> Planning	514	-
Scrutiny & Overview	257	-
Licensing*	257	-
Grants Advisory	129	-
<b>Cambridgeshire and Peterborough Combined Authority</b> Executive Board	5,148	-
Overview & Scrutiny	1,288	-
Audit and Governance	515	-
<b>Greater Cambridge Partnership</b> Executive Board Chair	2,574	-
Executive Board Member	2,574	-
Assembly Member	772	-
<b>Joint Development Control Committee</b> (when SCDC holds Chair)	2,574	-
<b>Independent Members' Allowances</b>	-	-
Independent Member	1,089	-
Deputy Independent Member	545	-

\*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 £15.59. This allowance may be claimed for attendance as a district councillor at a parish council meeting.



## 4. Travel Allowances

### 4.1 Private transport rates

<b>Motor Vehicles</b>	<b>cc of vehicle</b>	<b>rate per mile</b>	<b>without VAT receipt</b>
-	All vehicles	45.0p	43.49p
<b>Motorcycles</b>	All vehicles	24.0p	22.64p
<b>Bicycles</b>	-	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

## Part 6 – Members' Allowance Scheme

(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.

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## Part 7: Management Structure

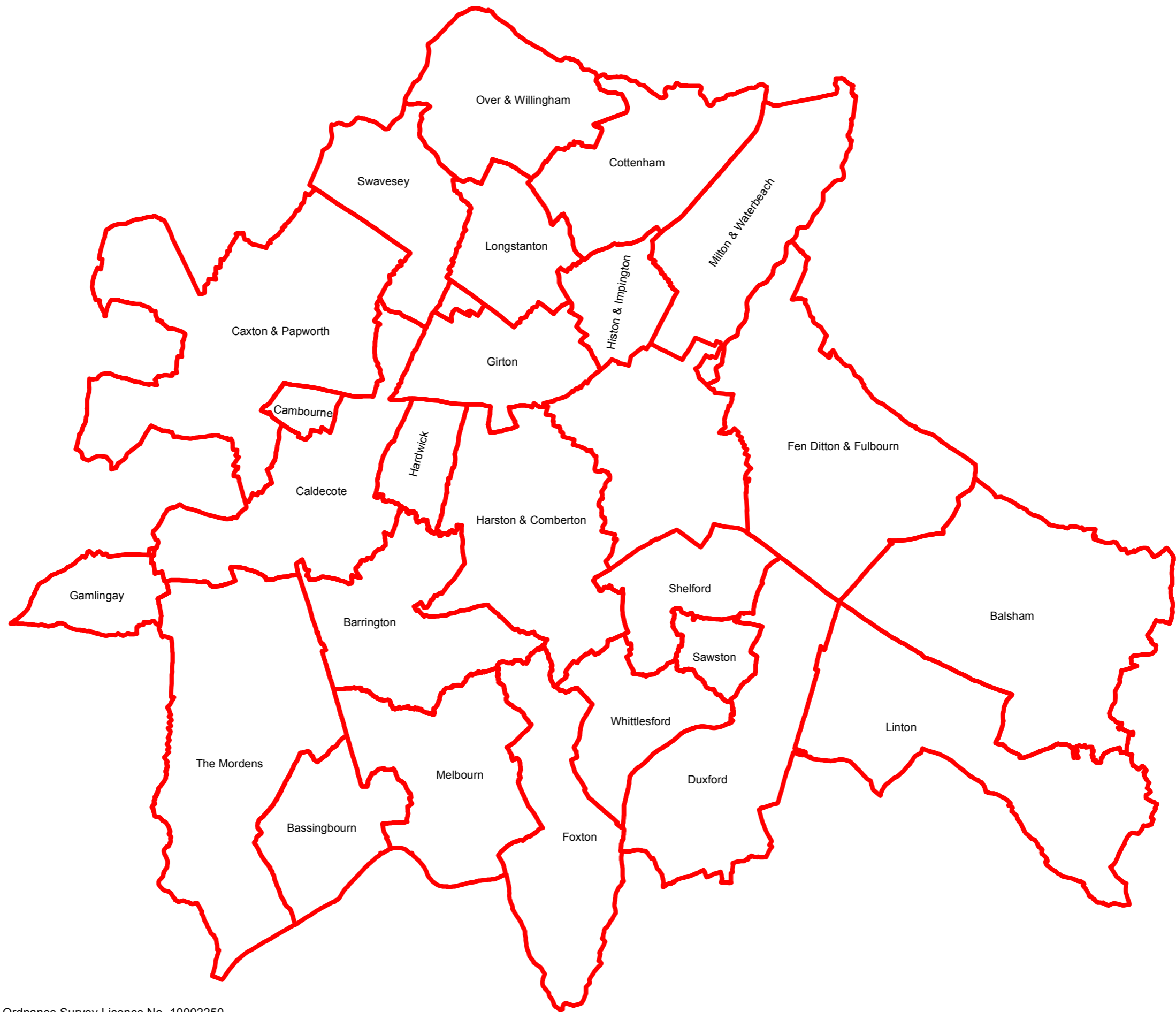
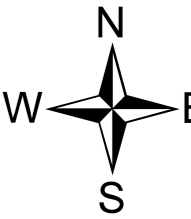
The Council's management structure is published on our website and may be inspected via the following link:

[South Cambridgeshire District Council Management Structure](#)

## Part 8: Map of South Cambridgeshire District







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South Cambridgeshire District Council

# South Cambridgeshire Wards 2019

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