



Preston
City Council

Council

Constitution

Part 1

ARTICLES OF THE CONSTITUTION

CONTENTS

		Page
Article 1	The Constitution	1
Article 2	Members of the Council	2
Article 3	Citizens And The Council	4
Article 4	The Full Council	6
Article 5	Chairing The Council	8
Article 6	Overview and Scrutiny Functions	10
Article 7	The Cabinet	13
Article 8	Regulatory And Other Committees And Consultative Bodies	16
Article 9	(no Article 9 at present)	17
Article 10	Other Council Bodies	18
Article 11	Joint Arrangements	19
Article 12	Officers	21
Article 13	Decision Making	25
Article 14	Finance, Contracts And Legal Matters	28
Article 15	Review And Revision Of The Constitution	29
Article 16	Suspension, Interpretation And Publication Of The Constitution	30

Article 1 – The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution and all its appendices, is the Constitution of Preston City Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to :

- ◇ assist the Council to provide clear leadership to the community and in working in partnership with citizens, businesses and other organisations;
- ◇ support the active involvement of citizens in the process of local authority decision-making;
- ◇ help Councillors represent their constituents more effectively;
- ◇ enable decisions to be taken efficiently and effectively;
- ◇ create a powerful and effective means of holding decision-makers to public account;
- ◇ ensure that no one will review or scrutinise a decision in which they were directly involved;
- ◇ ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- ◇ assist the delivery of quality services to all sections of the community; and
- ◇ provide a framework which promotes the Council's Priorities.

1.04 Interpretation and Review of the Constitution

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

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

Article 2 – Members of the Council

2.01 Composition and eligibility

- (i) **Composition.** The Council will comprise of 48 members, otherwise called Councillors. Three Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission for England and approved by Parliament
- (ii) **Eligibility.** Only registered voters of the area or those who during the twelve months immediately prior to their nomination and their election have occupied land as an owner or tenant, or who have had their principal or only place of work, or have resided in the area will be eligible to hold the office of Councillor.

This is subject to statutory disqualifications.

2.02 Election and terms of office of Councillors

Due to an Electoral boundary change in 2018/2019 there was an all out election on 2 May 2019.

Thereafter, the ordinary election of a third (or as near as may be) of all Councillors will be held on the first Thursday in May in each year beginning in 2020 except that in 2021 and every fourth year after there will be no regular election.¹ The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

Save of the Councillors elected for a ward in 2019—

- (a) the Councillor elected by the smallest number of votes will retire on the fourth day after the ordinary day of election of Councillors in 2020²;
- (b) the Councillor elected by the next smallest number of votes will retire on the fourth day after the ordinary day of election of Councillors in 2022;
- (c) the Councillor elected by the most number of votes will retire on the fourth day after the ordinary day of election of Councillors in 2023.

1. Due to the COVID-19 pandemic the regular election in May 2020 was postponed until May 2021.

2. Due to the COVID-19 pandemic the Councillor elected by the smallest number of votes retired on the fourth day after the election of Councillors in 2021.

2.03 Roles and functions of all Councillors

- (a) **Key roles.** All Councillors will :
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;

- (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within the ward and represent the ward as a whole;
- (v) be involved in decision-making;
- (vi) be available to represent the Council on other bodies;
- (vii) maintain the highest standards of conduct and ethics.

(b) **Rights and duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it. To do so, could be found to be a breach of the Code of Conduct for Members.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 3 of this Constitution.

2.05 Conduct

Councillors will at all times observe the Code of Conduct for Members and the Member/Officer Protocol, as set out in Part 4 of this Constitution.

2.06 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 5 of this Constitution.

Article 3 – Citizens and the Council

3.01 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 3 of this Constitution:

- (i) **Voting and petitions.** Citizens have the right to :
 - vote if on the electoral roll for the area;
 - sign a petition to request a referendum for an elected mayor form of constitution; and
 - sign a petition if they live, work or study in the area in accordance with the Council's Petition Scheme.

- (ii) **Information.** Citizens have the right to :
 - attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - attend meetings of the Cabinet and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - find out from the Decision Making Plan what key decisions will be taken by the Cabinet, individual Cabinet Members or officers and when;
 - see reports and background papers, and any records of decisions made by the Council the Cabinet and their Committees (excluding any report or document or part thereof that contain confidential or exempt information); and
 - inspect the Council's accounts and make their views known to the external auditor.

- (iii) **Complaints.** Citizens have the right to complain to :
 - the Council itself under its complaints scheme;
 - the Ombudsman after using the Council's own complaints scheme;
 - the Standards Committee about a breach of the Code of Conduct for Members.

- (iv) **Participation.** Citizens play an important role in informing the Council's decision making, providing feedback on the quality of Council services, and will be consulted at regular intervals on all aspects of the Council's business. In particular, the Council will include a public consultation exercise in the development of all its policy framework items and in developing its priorities.

3.02 **Citizens' Responsibilities**

Citizens must not be violent, abusing or threatening to Councillors or officers and must not willfully harm things owned by the Council, Councillors or officers. Whilst citizens have the right to seek to influence decisions made by the Council under any of the decision making procedures, they must not attempt to do so in a way that is improper or illegal.

Article 4 – The Full Council

4.01 Meanings

- (i) **Policy Framework.** The policy framework means the following plans and strategies
 - ◇ Community Strategy;
 - ◇ Documents Comprising the Council's Budget and Priorities;
 - ◇ All Development Plan documents pursuant to S15 of the Planning and Compulsory Purchase Order Act 2004;
 - ◇ Community Safety Plan;
 - ◇ Licensing Policy Statement; and
 - ◇ Gambling Policy Statement.
- (ii) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
- (iii) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the full Council

Only the **Council** will exercise the following functions :

- (i) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (ii) making changes to the budget or policy framework (except occasionally where those changes are required urgently and the Cabinet have followed the required procedure);
- (iii) electing the Leader;
- (iv) agreeing and/or amending the terms of reference for committees, deciding on their composition and making

appointments to them, including Chair/Vice Chair appointments, with the exception of Committees exercising executive functions only;

- (v) appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (vi) adopting a Members' Allowance Scheme;
- (vii) changing the name of the area, conferring the title of Honorary Alderman, Recorder or Freedom of the City;
- (viii) confirming the appointment of the Head of Paid Service;
- (ix) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (x) all local choice functions set out in Part 2 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;
- (xi) all other matters which, by law, must be reserved to Council;
- (xii) considering petitions in accordance with the Petition Scheme; and
- (xiii) the power to appoint proper officers as required under various statutory enactments.

4.03 Council meetings

There are three types of Council meeting :

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

and they will be conducted in accordance with the Council Procedure Rules in Part 3 of this Constitution. Council meetings maybe webcast.

4.04 Responsibility for functions

Part 2, Section 1 of this Constitution, shows the allocation of functions by the Council which are not the responsibility of the Cabinet.

Article 5 – Chairing the Council

5.01 Role and function of the Mayor

The Mayor of the City of Preston is elected by the Council at its Annual Meeting. This will usually be the Deputy Mayor from the previous year. The Leader, Deputy Leader and other members of the Cabinet are not eligible for the nomination of Mayor. The Mayor is the first citizen of the City and shall represent the Council in civic and ceremonial occasions as determined by the Council. The Mayor shall promote the Council as a whole and act as a focal point for the community. The Mayor shall, in accordance with the Council Procedure Rules in Part 3 of this Constitution, chair Council meetings.

5.02 The Mayor shall have the following responsibilities:

- uphold and promote the purposes of the Constitution, and interpret the Constitution when necessary;
- preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of all Councillors and the interests of the community;
- ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors are able to hold the Cabinet and Council Committees to account;
- be the conscience of the Council;
- promote public involvement in the Council's business; and
- agree items of Special Urgency in the event that the Chair of Overview and Scrutiny Management Committee is not available.

5.03 Deputy Mayor

The Council shall also appoint a Deputy Mayor at each Annual Meeting, who shall not be the Leader, Deputy Leader or a Member of the Cabinet.

In the absence of the Mayor the Deputy Mayor will

- (i) Chair the Council meeting;
- (ii) give consent or otherwise under Paragraph 17.1 of the Overview and Scrutiny Procedure Rules (Call in and Urgency); and
- (iii) agree items of Special Urgency in the event that the Chair of Overview and Scrutiny Management Committee or the Mayor are not available.

The Deputy Mayor will also form part of the Civic Party at the outgoing Mayor's Service, Remembrance Sunday and the Judges' Service.

The Deputy Mayor may attend other social and civic commitments in the Mayor's absence at the Mayor's request and should ensure, by liaison with the Mayor, that a civic presence is always available within the City.

5.04 Appointing a Chair in the Absence of the Mayor or Deputy Mayor

(i) The Deputy Mayor should not attend any events or functions which are held at the same time as Council meetings when the Mayor is due to be absent.

(ii) In the unforeseen circumstance when both the Mayor and Deputy Mayor are absent;

(a) the nomination(s) for a Chair to preside the Council meeting should come from the political group who has the allocated year for the Mayoralty, as under the current Mayoral selection procedure;

(b) the nominations should be from a Councillor of the nominating party who has held the office of Mayor during the previous 8 years;

(c) Members of the Cabinet must be excluded from the nominations;

(d) then to seek nominations at Council then vote.

(iii) If nominations are not forthcoming from the particular group whose allocated year it is or if the Councillor concerned does not want to take the position to Chair the meeting then the fall back position will be simply to accord with the legislation by seeking nominations from the other Councillors of the Council present at the meeting. This excludes Members of the Cabinet.

Article 6 – Overview and Scrutiny Functions

6.01 Areas of Responsibility

The Council will have an Overview and Scrutiny Management Committee and a Crime and Disorder Committee as set out in the left hand column of the table below to discharge the functions conferred by Section 9F of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table. Each Committee will be proportionate to the political composition of the Council as a whole.

Committee	Scope
Overview and Scrutiny Management Committee	The operation of the power to call-in decisions made but not yet implemented by the Cabinet, undertake performance monitoring and co-ordinate the scrutiny process. The Council's budget and capital programme, corporate plan and community strategy and major corporate policies and strategies. Consider active petitions referred to it. Review the adequacy of steps in relation to an active petition.
Crime and Disorder Committee	Review and scrutinize decisions made by responsible authorities in respect of their Crime and Disorder functions. Make reports or recommendations to Cabinet in respect of any matter which is a local Crime and Disorder matter in relation to the Council's area.
Task and Finish Group	To carry out topic specific work as directed by the Overview and Scrutiny Management Committee.

6.02 Overview and Scrutiny Management Committee

- (i) Exercise the right to call in, for reconsideration, decisions made, but not yet implemented by the Cabinet or Council as appropriate;
- (ii) To set up Task and Finish Groups and set their Terms of Reference in order to fulfil the Overview and Scrutiny requirements of the authority;
- (iii) Co-ordination of the scrutiny role and cross cutting issues and allocation of work studies to Task and Finish Groups;
- (iv) Assist the Cabinet in the development of the following policy framework plans and strategies:-
 - The Council's revenue budget and capital programme;
 - The Corporate Plan – Achieving Preston's Priorities;
- (v) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's Executive functions or non-Executive functions;

- (vi) Make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any Executive functions or non-Executive functions;
- (vii) Question Members of the Cabinet and appropriate officers about their decisions and performance, whether generally in comparison with service plans or targets over a period of time or in relation to particular decisions, initiatives or projects;
- (viii) Review, scrutinise and monitor the performance of the Council in relation to its policy objectives, performance targets and/or particular service;
- (ix) Interview partners and consider reports in connection with the Councillor Call for Action powers;
- (x) To consider active petitions referred to it;
- (xi) To review the adequacy of steps taken or proposed to be taken in relation to active petitions;
- (xii) To approve an annual Overview and Scrutiny Work Programme for the Task and Finish Groups it appoints so as to ensure that time is effectively and efficiently utilised and that the potential for duplication is minimised; and
- (xiii) To produce an annual report incorporating details of each of the Task and Finish Groups and/or a particular service.

6.03 Task and Finish Groups

Terms of Reference

- (i) To carry out the work set by the Overview and Scrutiny Management Committee as part of the annual Overview and Scrutiny Plan;
- (ii) To carry out an in depth review of the topic specific work plan study allocated to it by the Overview and Scrutiny Management Committee; and
- (iii) On completion of the work plan study review, prepare a report and/or recommendations on its finding.

6.04 Crime and Disorder Committee

Terms of Reference

- (i) Review and/or scrutinise decisions made, or other actions taken, in connection with the discharge, by the responsible authorities¹, of their crime and disorder functions;
- (ii) Make reports and/or recommendations to Council and/or Cabinet with respect to the discharge of the crime and disorder functions of the responsible authorities; and
- (iii) Make reports and/or recommendations to Council and/or Cabinet with respect to any matter which is a local crime and disorder matter² in relation to a member of the Authority.

6.05 Annual Report

The Overview and Scrutiny Management Committee must report annually to full Council on the work undertaken by the Scrutiny Function making suggestions on amended working methods if appropriate.

¹ As set out in Section 5 of the Crime and Disorder Act 1998.

² 'Local crime and disorder matter', in relation to a Member of a local authority means a matter concerning (a) 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 (b) the misuse of drugs, alcohol and other substances, which affect all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

Article 7 – The Cabinet

7.01 Role

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

7.02 Form and composition

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

7.03 Leader

The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until:

- i. the next Annual Council meeting; or
- ii. he/she resigns from the office; or
- iii. he/she is no longer a Councillor; or
- iv. he/she is removed from office by a resolution of Council on a Notice of Motion submitted under the Council Procedure Rules.

The Leader will be eligible for re-election.

If the Council passes a resolution to remove the Leader, the Council shall elect another Councillor as Leader at the meeting at which the Leader is removed from office or at a subsequent meeting of the Council.

If there is a vacancy in office of the Leader for any other reason, the Council shall elect another Councillor as Leader at the first Council meeting after the vacancy occurs, provided that if the vacancy occurs after the issue of the summons and agenda for the meeting the election shall take place at the next subsequent meeting of the Council.

The Leader shall provide leadership to the community and the Council in designing and developing solutions to the needs and aspirations of the whole community.

7.04 Deputy Leader

The Leader will appoint a Member of the Cabinet to act as Deputy Leader.

The Deputy Leader will hold office until the end of the Leader's term of office unless:

- (i) he/she resigns from the office; or
- (ii) he/she is no longer a Councillor; or
- (ii) he/she is removed from office by the Leader.

Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another Deputy Leader.

If for any reason the Leader is unable to act or the office of Leader is vacant the Deputy Leader must act in his/her place. The Deputy Leader is also responsible for one of the portfolio areas set out at Part 2, Section 4, as decided by the Leader.

7.05 Other Cabinet members

Each Member of the Cabinet will individually hold office until:

- the next Annual Meeting; or
- they resign from office; or
- they are no longer a Councillor; or
- they are removed from office by the Leader, who must give written notice of any change to the Chief Executive. Such removal to take effect two working days after receipt of the notice by the Chief Executive, and to be notified to Council at the next meeting.

If for any reason the Leader and the Deputy Leader are both unable to act or both offices are vacant then the Cabinet must act in the Leader's place or must arrange for a Member of the Cabinet to act in his/her place.

7.06 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 3 of this Constitution. Cabinet meetings may be webcast.

7.07 Member Champions

Other Councillors may from time to time be designated by the Leader (and notified as such to the Chief Executive) as a member champion for a particular activity. Such a member will not be a Cabinet Member and cannot take any decisions.

7.08 Responsibility for Functions

The Leader will maintain a list in Part 2 of this Constitution setting out how the Cabinet as a whole, individual Cabinet Members, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions.

In addition to the specific functions referred to in Part 2 of this Constitution, appropriate Cabinet Members will:

- Attend meetings of the Task and Finish Groups/Crime and Disorder Committee, as requested and by arrangement;
- Attend Overview and Scrutiny Management Committee when so required;
- Where appropriate, notify the relevant Overview and Scrutiny body of their recommendations to Cabinet to enable Members to comment if they so wish; and
- Meet all reasonable requests for information that are made by a member of an Overview and Scrutiny body.

Article 8 – Regulatory and other Committees and Consultative Bodies

8.01 Regulatory and other Committees

The Council will appoint the following Committees in accordance with the political balance rules:

Planning
Licensing
Taxi and Miscellaneous
Standards
Audit
Employment
Chief Officer Employment

- (i) The full Terms of Reference for each Committee and responsibility for the discharge of Council functions is set out in Part 2 of this Constitution. Unless the Terms of Reference indicate to the contrary, the Council has fully delegated powers to the Committee so that its decision on a particular issue is binding.

8.02 Joint Committees

The Council will appoint Members to the following Joint Committees:

Central Lancashire Strategic Planning Joint Advisory Committee

Lancashire Police and Crime Panel

8.03 Other Committees

The Council will from time to time appoint Ad hoc Task and Finish Groups. The Terms of Reference for such Groups will be set out in Part 2 of this Constitution.

No Article 9 at present

Article 10 – Other Council Bodies

10.01 The Council will appoint the following Groups:

Member Development Steering Group

Terms of Reference are:

- (i) To ensure the Council retains the Member Development Charter accredited by the North West Employers Organisation.
- ii) To agree the programme of member development and training activities including those areas where Council has decided training will be a requirement for membership of a Committee i.e. Planning, Licensing, Audit and Standards.

10.02 The following Group will be established on an ad hoc basis:

Honours Task Group

Terms of Reference are:

- (i) To be convened on an ad hoc basis upon the request of a Group Leader to the Chief Executive, or upon the Chief Executive having received a nomination form for Freeman/Freewoman, the Honours Task Group be assembled as soon as practicable.
- (ii) The Honours Task Group shall consist of the Leader of each group, the current Mayor and Deputy Mayor and one past Mayor from each group. In the event of a conflict of interest or no nominee being available, the Group from which that nominee was to come from shall be entitled to send a representative. The Chair of the Honours Task Group will be agreed by nomination at the meeting.
- (iii) The Honours Task Group shall also consider any nominations received from the Group Leaders (on behalf of their Group) for an individual to be made an Honorary Alderman and again the Task Group would be convened as soon as practicable.
- (iv) All decisions of the Honours Task Group shall be made in consultation with the Council's Monitoring Officer. Upon determination of any nomination for Freeman / Freewoman or nomination for Alderman, the Honours Task Group shall advise Council at its next meeting of its recommendations.

Article 11 – Joint Arrangements

11.01 Arrangements to promote well being

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

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

11.02 Joint arrangements

- (i) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions (which are not executive functions) in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (ii) The executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (iii) Except as set out below, the executive may only appoint Cabinet Members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (iv) The executive may appoint members to a joint committee from outside the executive in the following circumstance:
 - the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases the executive may appoint to the joint committee any Councillor who is a member for a ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- (v) Details of any joint arrangements including any delegations to joint committees will be found in Part 2 of this Constitution.

11.03 Access to information

- (i) The Access to Information Rules in Part 3 of this Constitution apply.
- (ii) If all the members of a joint committee are Members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- (iii) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from other local authorities

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

11.05 Contracting out

The Council (non executive functions) and the Cabinet (executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 12 – Officers

12.01 Management Structure

- (i) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (ii) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officers). Provision of professional advice to all parties in the decision making process. Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions. Representing the Council on partnership and external bodies (as required by statute or the Council). Policy, Communications, City Marketing, Social Justice and Civics.
Deputy Chief Executive & Director of Community and Wellbeing	ICT, Contact Centre, Revenues and Benefits, Leisure, Culture and Events, Advice and Community Services.
Director of Environment and Property	Waste Management, Neighbourhood Services, Parks, Streetscene, Engineering Operations, Operational Estate, Estate Management, Markets, Environmental Health, Licensing and Community Safety.
Director of Development & Housing	Planning, Building Control, Private Sector Housing, Homelessness and Housing Advice.
Director of Resources & S151 Officer	Finance, Law and Administration, Member Services, Electoral Services, Insurance, Risk and Audit and Workforce.

(iii) Head of Paid Service, Monitoring Officer and Section 151 Officer. The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Assistant Director (City Solicitor & Monitoring Officer)	Monitoring Officer
Director of Resources	Section 151 Officer

Such posts will have the functions described in Article 12.02 – 12.04 below.

(iv) Structure. The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 6 of this Constitution.

12.02 Functions of the Head of Paid Service

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

Restrictions on functions. The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

Maintaining the Constitution. The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Councillors, staff and the public. The Monitoring Officer is authorised to reflect approved changes to the Council's structure and, where necessary, to amend the Constitution to reflect changes to the Scheme of Delegation.

Ensuring lawfulness and fairness of decision making. After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council or to the Chief Executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report

will have the effect of stopping the proposal or decision being implemented until the report has been considered.

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

Conducting investigations. The Monitoring Officer will make arrangements for the conduct of investigations (where considered appropriate) into an alleged breach of the Code of Conduct for Members and make reports or recommendations in respect thereof to the Standards Committee.

Proper officer for access to information. The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

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

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

Restrictions on posts. The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

Monitoring Officer Protocol. The Monitoring Officer will comply with the Monitoring Officer Protocol as set out in Part 4 of this Constitution.

12.04 Functions of the Section 151 Officer

Ensuring lawfulness and financial prudence of decision making. After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council or to the executive in relation to an executive function – and the Council’s external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

Administration of financial affairs. The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.

Contributing to corporate management. The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

Providing advice. The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and the elected mayor and will support and advise Councillors and officers in their respective roles.

Give financial information. The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.05 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer

The Council will provide the Monitoring Officer and Section 151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.06 Conduct

Officers will comply with the Employees' Code of Conduct and the Officer/Member Protocol set out in Part 4 of this Constitution.

12.07 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 3 of this Constitution.

Article 13 – Decision Making

13.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 2 of this Constitution.

13.02 Principles of decision making

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

- (i) proportionality (ie, the action must be proportionate to the desired outcome);
- (ii) due consultation and the taking of professional advice from officers;
- (iii) respect for human rights (see below for further details);
- (iv) equality of opportunity;
- (v) a presumption in favour of openness;
- (vi) clarity of aims and desired outcomes;
- (vii) to take into account all relevant considerations and to ignore irrelevant considerations;
- (viii) a realistic evaluation of alternatives and consultation through access by the public to decision making and decision makers;
- (ix) an explanation of the options that were considered and the reasons for the decision.

13.03 Types of decision

Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

Key decisions

- (i) Any capital or revenue budget decision (contract or scheme approval) in excess of £100,000 and/or
- (ii) Any decision which is likely to have a significant positive or negative impact (e.g. in environmental, physical, social or economic terms including the discontinuance of any service) on the people living or working in communities in two or more wards except that matters will not be key decisions simply because that work would be carried out in two or more wards e.g following the approval of a Council wide programme of work.

A decision taker may only make a key decision in accordance with the requirements of the Access to Information Procedure Rules set out in Part 3 of this Constitution.

13.04 Decision making by the full Council

Subject to Article 13.08, the Council meeting will follow the Council Procedure Rules set out in Part 3 of this Constitution when considering any matter. Council meetings may be webcast.

13.05 Decision making by the Cabinet

Subject to Article 13.08, the Cabinet will follow the Cabinet Procedure Rules set out in Part 3 of this Constitution when considering any matter. Cabinet meetings may be webcast.

13.06 Decision making by an Overview and Scrutiny Management Committee, Task and Finish Group and Crime and Disorder Committee

The Overview and Scrutiny Management Committee, Task and Finish Groups and Crime and Disorder Committee will follow the Overview and Scrutiny Procedure Rules set out in Part 3 of this Constitution when considering any matter. These meetings maybe webcast subject to agreement with the relevant Chair if it is considered that there is likely to be significant public interest in an item(s) to be considered by the Committee.

13.07 Decision making by other Committees and Sub-Committees established by the Council.

Subject to Article 13.08, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 3 of this Constitution as apply to them.

These meetings maybe webcast subject to agreement with the relevant Chair if it is considered that there is likely to be significant public interest in an item(s) to be considered by the Committee.

13.08 Decision making by Council bodies acting as tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights. In doing so, they will have regard to the guidance of the Council's Assistant Director (City Solicitor & Monitoring Officer) or his/her nominee.

Article 14 – Finance, Contracts and Legal Matters

14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set in Part 3 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 3 of this Constitution.

14.03 Legal Proceedings

The Director of Resources is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Resources considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Resources or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £30,000 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Director of Resources. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to that decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Resources should be sealed. The affixing of the Common Seal will be attested by the Director of Resources or some other person authorised by him/her.

14.06 Where there is no Director of Resources in post, the responsibilities will be exercised by the Chief Executive or other person authorised by him/her.

Article 15 – Review and Revision of the Constitution

15.01 Duty to monitor and review the Constitution

The Monitoring Officer, will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. In doing so, he/she will have regard to the recommendations from Cabinet, Overview and Scrutiny, Chief Executive or Section 151 Officer.

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

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

The Audit Committee will monitor the operation of the Constitution. Fundamental reviews will be undertaken when necessary; for example, by member requests to Council, external feedback or on the recommendation of the statutory officers. Any proposal will be discussed by the Audit Committee, who may recommend that a Working Party is established, together with its Terms of Reference.

15.02 Changes to the Constitution

Approval. Subject to the paragraph below, changes to the Constitution will only be approved by the full Council after consideration of a report from the Monitoring Officer or from the Audit Committee (as referred to at Article 15.01 above) recommending such changes.

The Monitoring Officer may make minor amendments (e.g. factual amendments, consequential amendments following a Council decision¹ or legislative change, administrative amendments (not an exhaustive list) to the Constitution subject to notice of any such amendments being given to all Councillors after each alteration is made.

Change from a Leader and Cabinet form of Executive to another form of Executive. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for such a change.

¹ Includes non executive and executive decisions
Part 1 - Article 15

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

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.

Procedure to suspend. A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

Rules capable of suspension. The following Rules may be suspended in accordance with Article 16.01:

Council Procedure Rules (except rules 16.5 and 17.2 which are mandatory)
Budget and Policy Framework Rules
Cabinet Procedure Rules
Overview and Scrutiny Procedure Rules
Financial Procedure Rules
Contracts Procedure Rules
Officer Employment Procedure Rules

In all cases the views of the Chief Executive shall be sought and considered prior to a decision being taken. Council shall have due regard to the advice of the Monitoring Officer and the Section 151 Officer.

16.02 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1 and will only be made after advice provided by the Chief Executive.

16.03 Publication

The Monitoring Officer will give a printed copy of this Constitution upon request from a Councillor. Each Councillor of the authority will receive a summary of the Constitution upon declaration of acceptance of office on first being elected to the Council.

The Monitoring Officer will ensure that copies are available for inspection at council offices and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

Part 2

RESPONSIBILITY FOR FUNCTIONS

C O N T E N T S

Section

- 1 Responsibility for local choice functions

- 2 Terms of Reference for Committees and Sub-Committees

- 3 Responsibility of the Leader, Cabinet Members and Other
 Members

- 4 Delegation to Specified Officers

Section 1

Responsibility for Local Choice Functions

The Council has the discretion to choose which part of the structure should be responsible for certain functions (known as Local Choice Functions). These functions are set out in Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000. The Council has determined that these functions will be the responsibility of the following bodies:

Function	Decision Making Body	Member/Committee Responsible	Officer Delegation
The discharge of any function related to the control of pollution or the management of air quality	Council	Taxi and Miscellaneous Committee	
The service of an abatement notice in respect of a statutory nuisance	Council	Taxi and Miscellaneous Committee	Director of Environment and Property
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply	Council	Taxi and Miscellaneous Committee	
Inspections for statutory nuisance	Council	Taxi and Miscellaneous Committee	Director of Environment and Property

Function	Decision Making Body	Member/Committee Responsible	Officer Delegation
Investigation of any complaint as to the existence of a statutory nuisance	Council	Taxi and Miscellaneous Committee	Director of Environment and Property
Functions under local Acts (other than a function specified or referred to in regulation 2 or Schedule 1 of the 2000 Regulations as amended)	Council	Ad hoc Task and Finish Group	The relevant Director for the function concerned
Determination of an Appeal against any decision of the Authority (where there is no external or specific appeal process)	Council	Ad hoc Task and Finish Group	
The appointment of Review Boards under section 34(4) of the Social Security Act 1998	Council (appointment at Annual Council)		
Any function related to contaminated land	Council	Taxi and Miscellaneous Committee	Director of Environment and Property
Obtaining information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Council	Planning Committee	All Directors

Function	Decision Making Body	Member/Committee Responsible	Officer Delegation
Obtaining of particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976	Council	Taxi and Miscellaneous Committee	All Directors
The appointment or revocation of appointment of any individual to any office/body other than the Council	Cabinet (to those appointments reserved to it and in year appointments see constitution) Council (save for those appointments reserved to Cabinet)	Members of the Cabinet Members of the Authority	
The making of agreements with other local authorities for the placing of staff at their disposal	Cabinet	Members of the Cabinet	All Directors

Section 2

Terms of Reference for Committees and Sub-Committees

Standards Committees

- (i) to promote and maintain high standards of conduct by Members and Co-opted Members;
- (ii) to help Members and Co-opted Members to follow the Members' Code of Conduct;
- (iii) to give the Council advice on adopting or revising of the Code of Conduct for Members;
- (iv) to monitor the effectiveness of the Code of Conduct for Members;
- (v) to train Members or arrange to train Members and Co-opted Members on the Code of Conduct for Members;
- (vi) to grant dispensations to Members and Co-opted Members;
- (vii) to assess complaints of misconduct allegations against the Leader/Deputy Leader or if made by the Chief Executive
- (viii) to deal with any hearing to determine whether a Member or Co-opted Member has breached the Code, and where appropriate impose or recommend a sanction as set out in the arrangements approved by Council.
- (ix) the exercise of (i) to (viii) above in relation to the Parish Councils wholly or mainly in its area and the Members and Co-opted Members of those Parish Councils;
- (x) to provide periodic reports to the Council on performance.
- (xi) to make recommendations to Council on the appointment of Independent Persons and Parish Councillors.
- (xii) to formulate all relevant criteria, processes and procedures in order to discharge its statutory duties

Audit Committee

Statement of Purpose

To provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to Full Council that those arrangements are effective. The committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

The Terms of Reference are:-

- (i) To support the establishment and maintenance of good governance, risk management and control arrangements and fulfilling the principles of good governance.
- (ii) To monitor the effectiveness of the system of internal control, including arrangements for financial management, ensuring value for money, supporting standards and ethics and managing the authority's exposure to the risks of fraud and corruption.
- (iii) To support the maintenance of effective arrangements for financial reporting and receive, approve and sign off the statutory statements of account, the annual governance statement, and any reports that accompany them.
- (iv) To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- (v) To oversee Internal Audit's independence, objectivity, performance and conformance to professional standards. Support effective arrangements for internal audit and promote the effective use of internal audit within the assurance framework.
- (vi) To consider the opinion, reports and recommendations of external audit and inspection agencies and their implications and monitor management action in response to the issues raised by external audit.
- (vii) To contribute to the operation of efficient and effective external audit arrangements.
- (viii) To monitor and review the Council's Constitution.
- (ix) To review any issue referred to it by the Chief Executive or a Director or any council body.
- (x) To receive reports and to make payment or provide other benefits in the case of maladministration (S92 of the Local Government Act 2000).

Licensing Committee

The Terms of Reference are:-

- (a) To exercise the Council's licensing functions and responsibilities in relation to:-
 - (i) sale and/or supply of alcohol
 - (ii) provision of regulated entertainment
 - (iii) provision of late night refreshment
 - (iv) provision for gambling and gaming (including small lotteries)

Licensing Sub Committee

- (a) Determination of applications and notices for
 - (i) sale and/or supply of alcohol
 - (ii) provision of regulated entertainment
 - (iii) provision of late night refreshment where representations have been received, more particularly in respect of
 - (iv) premises licence
 - (v) provisional statement
 - (vi) variation of premises licence
 - (vii) variation of premises licence to specify individual as in designated premises supervisor
 - (viii) transfer of premises licence
 - (ix) interim authority notice
 - (x) review of premises licence
 - (xi) club premises certificate
 - (xii) variation of club premises certificate
 - (xiii) review of club premises certificate
 - (xiv) temporary event notice

- (xv) personal licence
- (xvi) renewal of personal licence
- (xvii) review of premises licence following a closure order
- (xviii) review of a premises licence following a review notice
- (b) Decision to respond as consultee or make representations when the Licensing Authority is not the relevant authority considering the application.
- (c) Consideration and determination of any interim steps pending review of a premises licence following receipt of an application under Section 53A of the Licensing Act 2003.

Gambling Sub-Committee

- (i) The determination of applications for the provision of gambling and gaming where representations have been received, and not withdrawn, (including where the authority proposes to attach/exclude conditions) and more particularly in respect of
 - a. premises licence
 - b. variation of premises licence
 - c. transfer of premises licence
 - d. provisional statement
 - e. reinstatement of a premises licence
- (ii) A review of a premises licence under section 201 of the Gambling Act 2005.
- (iii) A decision to give a counter notice under section 224 of the Gambling Act 2005
- (iv) The determination of applications for Family Entertainment Centre Gaming Machine Permits (including renewal) where the applicant has been notified of the licensing authority's intention to refuse the application.
- (v) The determination of applications for Club Gaming Permits (including variation and renewal) where:-
 - a. objections have been received (and not withdrawn);
 - b. the Director of Corporate Services is recommending refusing an application.
- (vi) The determination of applications for Club Machine Permits (including variation and renewal) where:-
 - a. objections have been received (and not withdrawn);
 - b. the Director of Corporate Services is recommending refusing an application.

- (vii) Determination where notice of intention has been given of the licensing authority's intention to consider cancelling the Club Gaming Permit or Club Machine Permit.
- (viii) The determination of applications for Licensed Premises Gaming Machine Permits (including variation and transfer) where notice of intention has been given of the licensing authority's intention to refuse the application or grant the application in respect of a different category or smaller number of gaming machines than requested in the application.
- (ix) Determination where notice of intention has been given of the licensing authority's intention to consider cancelling or varying the Licensed Premises Gaming Machine Permit.
- (x) The determination of applications for Prize Gaming Permits (including renewal) where notice of intention has been given of the licensing authority's intention to refuse the application.
- (xi) Determination where notice of intention has been given of the licensing authority's intention of making an order disapplying sections 279 or 282(1) of the Gambling Act 2005, where representations are received.
- (xii) Determination where notice has been given of an intention to disapply paragraphs 80 and 84(1) of The Gambling Act 2005 (Commencement No.6 and Transitional Provisions) Order 2006 in relation to a member's club or miners' welfare institute.
- (xiii) Determination where notice has been given of an intention to disapply paragraphs 88 and 92(1) of The Gambling Act 2005 (Commencement No.6 and Transitional Provisions) Order 2006 in relation to a member's club, commercial club or miners' welfare institute.
- (xiv) Determination of small society lottery application where the local authority is considering refusing the application.
- (xv) Determination of small society lottery registration where the local authority is considering revoking the registration.

Taxi and Miscellaneous Committee

The Terms of Reference are:-

- (a) To exercise the licensing registration and other regulatory powers, responsibilities and duties of the Council in relation to:
- (i) food safety and hygiene
 - (ii) statutory nuisances
 - (iii) control of noise
 - (iv) control of dogs
 - (v) Sunday trading
 - (vi) clean air and atmospheric pollution
 - (vii) slaughterhouses
 - (viii) infectious diseases
 - (ix) charities and charitable collections
 - (x) house to house and street collections
 - (xi) hackney carriage and private hire licences
 - (xii) sex shops and cinemas and sexual entertainment venues
 - (xiii) closure and diversion of footpaths and bridleways
 - (xiv) scrap metal and motor salvage operators
 - (xv) second-hand goods dealers

Planning Committee

The Terms of Reference are:

To exercise the development control and regulatory powers and duties of the Council under the Town and Country Planning Acts (and any Regulations or Orders thereunder) and Schedule 1 to the Functions Regulations, including:-

- (i) the determination of all applications under the Planning Acts, including:
 - Planning Applications
 - Determinations
 - Certificates
 - Prior notification procedures (in respect of telecommunications, agricultural and forestry development and demolition of dwellings);
- (ii) Responding to consultations in respect of developments carried out under the New Towns Act (Section 7(2)).
- (iii) Responding to consultations on planning applications in neighbouring authorities.
- (iv) Responding to consultations in respect of operators licences under the Transport Act.
- (v) Enforcement action.
- (vi) Advertisement control.
- (vii) Tree Preservation Orders (TPO's).
- (viii) Notices under the Hedgerow Regulations 1997.
- (ix) Listed Buildings Applications.
- (x) Conservation Area Consents.
- (xi) Awarding Grants for building works in Conservation Areas under Conservation Area Partnership (CAP) or similar schemes.

Employment Committee

The Terms of Reference are:-

- (i) The approval of major departmental restructuring or re-organisations which affect the terms and conditions of employment or more than twenty five members of staff
- (ii) To agree procedures relating to major employment areas:
 - (a) Recruitment and Selection
 - (b) Disciplinary and Grievance
 - (c) Pensions
 - (d) Redundancy

Employment Appeals Sub-Committee

The Terms of Reference are:-

- (i) To hear and determine any appeals against dismissal in accordance with the Council's approved procedures.

Chief Officer Employment Committee

The Terms of Reference are:-

- i) to recommend to Full Council the appointment (on a temporary, permanent or acting basis) of the Chief Executive;
- ii) subject to the Officer Employment Rules to appoint (on a temporary, permanent or acting basis) the Chief Financial Officer, the Monitoring Officer, all Directors and Chief Officers reporting to a Director or Chief Executive;
- iii) to make recommendations to the Independent Panel and Full Council as to the dismissal of the Head of Paid Service, the Chief Financial Officer or the Monitoring Officer.
- iv) to take disciplinary action short of dismissal against the Head of Paid Service, the Chief Financial Officer or the Monitoring Officer.
- v) subject to the Officer Employment Rules to hear and determine disciplinary allegations in respect of Directors and Chief Officers reporting to a Director or Chief Executive.
- vi) to hear and determine appeals against disciplinary action short of dismissal against the Head of Paid Service, the Chief Financial Officer and the Monitoring Officer.

- vii) to hear and determine appeals against disciplinary action including dismissal in respect of Directors and Chief Officers reporting to a Director or the Chief Executive.
- viii) to agree any changes to terms and conditions of employment.

(Any appeals shall be heard by a differently constituted panel of the Chief Officer Employment Committee from that which heard the original proceedings)

Independent Panel

The Terms of Reference are:-

To advise Full Council on matters relating to the dismissal of the Head of Paid Service, the Chief Financial Officer or the Monitoring Officer.

Ad hoc Task and Finish Groups

Terms of Reference

To be established on an ad hoc basis by Council to deal with the following specific issues

- (i) To determine any appeal, where the right exists against any decision of the authority.
- (ii) To exercise the Council's powers and duties under schedule 1 of the Functions Regulations in respect of
 - Elections
 - Bylaws
 - Opposition/Provision of Local/Personal Bills
 - Local Government Pensions (Members)
- (iii) Arrangements for the appointment of Honorary Recorder
- (iv) To act as reference group for civic and ceremonial events

Overview and Scrutiny Management Committee

Terms of Reference

- (i) Exercise the right to call in, for reconsideration, decisions made, but not yet implemented by the Cabinet or Council as appropriate;
- (ii) To set up Task and Finish Groups and set their Terms of Reference in order to fulfil the Overview and Scrutiny requirements of the authority;
- (iii) Co-ordination of the scrutiny role and cross cutting issues and allocation of work studies to Task and Finish Groups;
- (iv) Assist the Cabinet in the development of the following policy framework plans and strategies:-
 - The Council's revenue budget and capital programme;
 - The Corporate Plan – Achieving Preston's Priorities;
- (v) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's Executive functions or non-Executive functions;
- (vi) Make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any Executive functions or non-Executive functions;
- (vii) Question Members of the Cabinet and appropriate officers about their decisions and performance, whether generally in comparison with service plans or targets over a period of time or in relation to particular decisions, initiatives or projects;
- (viii) Review, scrutinise and monitor the performance of the Council in relation to its policy objectives, performance targets and/or particular service;
- (ix) Interview partners and consider reports in connection with the Councillor Call for Action powers;
- (x) To consider active petitions referred to it;
- (xi) To review the adequacy of steps taken or proposed to be taken in relation to active petitions;
- (xii) To approve an annual Overview and Scrutiny Work Programme for the Task and Finish Groups it appoints so as to ensure that time is effectively and efficiently utilised and that the potential for duplication is minimised; and
- (xiii) To produce an annual report incorporating details of each of the Task and Finish Groups and/or a particular service.

Task and Finish Groups

Terms of Reference

- (i) To carry out the work set by the Overview and Scrutiny Management Committee as part of the annual Overview and Scrutiny Plan;
- (ii) To carry out an in depth review of the topic specific work plan study allocated to it by the Overview and Scrutiny Management Committee; and
- (iii) On completion of the work plan study review, prepare a report and/or recommendations on its finding.

Crime and Disorder Committee

Terms of Reference

- (i) Review and/or scrutinise decisions made, or other actions taken, in connection with the discharge, by the responsible authorities¹, of their crime and disorder functions;
- (ii) Make reports and/or recommendations to Council and/or Cabinet with respect to the discharge of the crime and disorder functions of the responsible authorities; and
- (iii) Make reports and/or recommendations to Council and/or Cabinet with respect to any matter which is a local crime and disorder matter² in relation to a member of the Authority.

Guild Committee

The Committee is asked to note its terms of reference as follows:
To act as Guild Committee for the 2032 Guild.

Guild Funding:

1. To be responsible for the administration and spend of the Guild Fund up to £500K annually subject to the level of the Guild Fund at the time being sufficient to cover the proposed expenditure or other funding being identified. This will be reviewed as the Guild year approaches.
2. To be responsible for the Guild Fund ensuring that at any time it is sufficient to cover any proposed expenditure
3. To make key decisions (as defined in Article 13 Part 1 of the Constitution) but only to the extent of their terms of reference (ie in relation to the Guild)

¹ As set out in Section 5 of the Crime and Disorder Act 1998.

² 'Local crime and disorder matter', in relation to a Member of a local authority means a matter concerning (a) 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 (b) the misuse of drugs, alcohol and other substances, which affect all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

4. To approve funded budget increases up to and exceeding £500k but only to the extent of their terms of reference (ie in relation to the Guild)

Guild Programme & Events

To be responsible for the management and to make decisions about all work streams in preparation for the 2032 Guild.

Guild Charity

To be responsible for liaison, support and coordination with the Preston Guild Charity in relation to fundraising, funding and general assistance with the delivery of the Guild programme and work streams.

Guild 2032 Work Streams:

- Civic & Ceremonial
- Major Events
- Community Events
- Guild Legacy

Executive Committees

Shared Revenue and Benefits Service Joint Committee

Terms of Reference

- (i) The delivery of those delegated functions relating to Revenues and Benefits that Preston City Council and Lancaster City Council have agreed to be delivered through the Joint Committee within the budget and to the agreed standards;
- (ii) Ensuring that Preston City Council and Lancaster City Council remain fully informed and engaged.

Section 3

Responsibilities of the Leader, Cabinet and Other Members

Members of the Cabinet shall exercise the following functions on behalf of the whole Cabinet except where:-

- (a) the Decision Making Plan indicates the decision will be taken by the Leader, Deputy Leader, the Cabinet collectively, Cabinet Member, Committee of the Cabinet or officer with responsibility delegated by the Executive on that matter; or
 - (b) involve cross cutting matters affecting more than one Member of the Cabinet, in which case the decision may be taken by those Members collectively or a Committee of the Cabinet.
1. Cabinet Members may, in consultation with the Leader, delegate to officers functions within their area of responsibility.
 2. Cabinet Members may fill vacancies in outside organisations and make in year appointments to new organisations whose functions relate to their areas of responsibility, pending annual appointments to all such outside organisations by the Cabinet.
 3. Cabinet Members may approve, amend and monitor policies, plans and strategies relating to their particular functions, subject to Paragraphs (a) and (b) above, save for those reserved to Council in the Budget and Policy Framework listed in Part 1, Article 4 of this Constitution.
 4. Cabinet Members may determine responses to consultation papers relating to their specific functions or delegate them to officers or refer to an appropriate Committee.
 5. Cabinet Members may agree the scope, resourcing progress, response and implementation of inspections and reviews in their specific area of function.
 6. Cabinet Members will engage with partners relevant to their area of responsibility.
 7. Cabinet Members will agree fees and charges in relevant service areas in consultation with Directors (excepting those that are non-Executive decisions).
 8. Cabinet Members will monitor the spend against budget allocation within their area of responsibility to ensure delivery within the overall budget set by the Council.
 9. Cabinet Members will be politically accountable for the performance of services within their portfolio.
 10. To act as the Council's appointee to bodies relevant to Executive functions.
 11. The full Cabinet will exercise any functions relating to twinning liaison.

In carrying out their Executive responsibilities and delegated functions, the Leader, Deputy Leader and Cabinet Members should seek out legal, financial and technical advice where necessary, and should consult appropriately with Overview and Scrutiny Management Committee or Crime and Disorder Committee, outside bodies and the community at large.

Role of the Leader and Cabinet Members

Council Leader

To recommend to the Council the following budget and policy framework items:-

1. The Community Strategy.
2. Corporate Priorities

Areas of Responsibility

1. To provide leadership to the Council and be its prime spokesperson.
2. To appoint the Cabinet and allocate other Member roles and responsibilities.
3. To represent the Council in the community and in strategic partnerships.
4. To take the political lead on the establishment and overall achievement of the Corporate Priorities.
5. To discuss and negotiate with sub-regional, regional, national and international organisations and others in relation to the pursuit of interest to the Authority and its community.
6. To take a political lead on Council wide inspections and review.
7. To chair the Cabinet and provide a political lead in proposing new policies and strategies or changing existing ones.
8. To take overall political responsibility for developing the executive actions needed to achieve the objectives set out in the approved budget and policy framework.
9. To take a lead, when the Council is hung, in liaising and negotiating with other political group leaders.
10. To appoint a Cabinet and Deputy Leader and notify the Council and, subsequently, any necessary changes to those appointments.
11. To designate areas of responsibility for Cabinet Members and notify the Council and, subsequently, any necessary changes to those designations.
12. To report to Council on the work of the Cabinet.
13. To take a lead role on any issue notwithstanding the Scheme of Delegation to the Cabinet Member.
14. To monitor the performance of the political Executive.
15. To act as political lead to provide Policy Overview.

Specific Delegations and Powers

1. In conjunction with the Cabinet Member Community and Environment, the Chief Executive and the Monitoring Officer, in consultation with one relevant ward member (on behalf of the ward), all powers and consultation functions of the Council under Part 4 of the Policing and Crime Act 2009.

Appointment to Executive Committees

Joint Committee Shared Revenues and Benefits Service.

Representation on Outside Bodies (By Virtue of Office)

- Local Government Association
- Local Government Association General Assembly
- Local Government Association Key Cities Group
- City Deal Executive
- Business Improvement District

Leader of the Council – Role Profile

Purpose of the Role

1. To provide political leadership to the Council, be its prime spokesperson and represent the Council at national, regional and local level.
2. To lead the Cabinet in developing the draft Budget and Policy Framework. To ensure that the Council's services are managed in accordance with the Council's agreed policies and to be accountable to the Council for the delivery of its Budget and Policy Framework.

Key Tasks

1. To be the prime external spokesperson for the Council on all major matters affecting the Council.
2. With the relevant Cabinet Member, to lead on policy and strategy initiatives, whether local, regional or national.
3. To be an ambassador for and represent the City on relevant external organisations with a view to improving the position of and / or enhancing the reputation and standing of Preston and pursuing matters of interest of the Council and the community.
4. To chair the Cabinet and provide political and corporate leadership to the Cabinet and the Chief Executive and Corporate Directors.
5. To lead the Cabinet in developing new policies and monitoring and reviewing existing policies and performance, including appropriate use of the Overview and Scrutiny Management Committee, to ensure that the Council's strategic objectives are being met as set out in the approved Budget and Policy Framework.
6. To recommend to the Council the Executive Membership and to ensure that the Cabinet is operating in the most effective manner in terms of service delivery and in its guidance to Council of policy performance and review.
7. Where the Council has no group in overall control, to take a lead in liaison and negotiation with other group leaders.
8. To lead the Cabinet on the Council's approach to physical and economic regeneration in the City including the development of alternative business models for the Council and within the City.

Cabinet Member Role Profile

Purpose of the Role

1. To contribute to the collective formulation by the Cabinet of the draft Budget and Policy Framework for the approval of the Council and to oversee the management of all services within the adopted policies of the Council.
2. In conjunction with the Leader of the Council, to be the Council's lead spokesperson for, and take responsibility for, overseeing a portfolio of services and functions of the Council.

Key Tasks

1. To have the strategic responsibility for, and provide a lead on, a named portfolio of services.
2. To have the responsibility for, and provide a lead on, the initiation of policy in respect of the relevant portfolio.
3. To decide the executive action to be taken in implementing those matters of council policy allocated to them within their portfolio, seeking advice from the Corporate Management Team where appropriate.
4. To be a member of, and attend, Cabinet meetings and to share the collective responsibility for decisions taken by Cabinet.
5. To have responsibility, and to be held accountable, for any decisions taken, and for the performance of services within their portfolio.
6. To respond to or deal with any issues arising at Council meetings relating to their portfolio, to include reporting on progress made against portfolio priorities.
7. To act as spokesman or advocate within and outside the authority on those services and functions within their portfolio.
8. To provide regular reports on progress to the Leader and to undertake consultation on decisions as required.
9. To attend Overview and Scrutiny Management Committee, Crime and Disorder Committee or Task and Finish Groups, where applicable, to share priorities, discuss decisions taken and/or support the policy formulation process.
10. To develop partnership working with other agencies and contribute as a key player to delivering a partnership agenda.
11. To represent the Council on outside bodies and contribute the Preston perspective on national, regional and sub-regional bodies and feedback as appropriate.

12. To consult all Ward Councillors and other stakeholders as part of the development and review of policy.

13. As part of the Cabinet team, to be involved in:

- Leading the community planning and regeneration process for the Council.
- The consultation on, and drawing up of, the revenue and capital budgets, and monitoring budget spend throughout the year.
- Leading the search for continuous improvement and value for money.
- Taking decisions on resources and priorities to deliver the strategies and budget approved by Council.

14. To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

15. To make decisions in accordance with the Scheme of Delegation having received appropriate advice and guidance from officers.

16. To give advice and guidance to authorised officers in their executive of delegated authority.

Cabinet Member for Resources (Deputy Leader)

To recommend to the Council and, where appropriate, subsequently monitor the performance of the following budget and policy framework items:-

1. All those items which comprise the Medium Term Financial strategy including revenue budget and capital strategies to ensure delivery within the budget set by the Council.

To recommend to Cabinet and subsequently monitor the performance of the following plans or strategies:-

1. Human Resources Strategy.
2. Corporate Equalities Plan.
3. Emergency Plan.
4. Civil Contingencies Plan.

To act as political lead on finance and governance and agree and monitor the performance of strategies, service plans and projects in the following areas:-

1. Treasury Management.
2. Revenues Collection.
3. Benefits Administration.
4. Member Support.
5. Human Resources.
6. Law, Governance and Procurement.
7. Health and Safety of Employees.
8. Business Continuity, Risk and Emergency Planning.
9. Elections and Electoral Registration.
10. Investment Property.

Specific Delegations and Powers

1. To determine the use of powers in exceptional circumstances under Section 77 Criminal Justice & Public Order Act 1994 in relation to private land.
2. To approve virements of between £50,000 and £100,000 within either capital (subject to FPR 8.10) or revenue budgets.
3. To approve funded budget increases in accordance with the Financial Procedure Rules.
4. To deputise for the Leader of the Council as directed by him or in his absence in accordance with the scheme of delegation.

Representation on outside bodies (By Virtue of Office)

- Local Government Association
- Local Government Association General Assembly (Substitute)

Appointment to Executive Committees

Joint Committee Shared Revenues and Benefits Service

Appointment to Other Bodies

Lancashire Community Finance Ltd – Until cessation of membership of Council

Cabinet Member for the Environment and Community Safety

To recommend to Council and where appropriate subsequently monitor the performance of the following budget and policy framework items :-

1. Community Safety Plan

To recommend to Cabinet and subsequently monitor the performance of the following plans or strategies :-

1. The Waste Management Strategy

To act as political lead and agree and monitor the performance of strategies, service plans and projects for the following service areas :-

1. Operation of Car Parks
2. Traffic and Road Safety
3. Local Highways Functions
4. Waste and Recycling
5. Parks, Open Space and Play Areas
6. Allotments
7. Community Safety
8. Cleansing and Neighbourhood Services
9. Transportation and Parking Policy

Specific Delegations and Powers

1. The determination of Traffic Regulation Orders where objections are received.
2. The naming or renaming of streets.

Representation on Outside Bodies (By Virtue of Office)

- National Society of Allotment and Leisure Gardeners
- Lancashire Waste Management and Strategy Steering Group
- Lancashire Environment Forum
- Groundwork Lancashire West and Wigan Ltd
- Preston Community Safety Partnership Executive
- Traffic Regulations Outside London Adjudication Joint Committee

Appointment to Executive Committees

Joint Committee Substitute Member Shared Revenues and Benefits Service

Cabinet Member for Planning and Regulation

To recommend to the Council and, where appropriate, subsequently monitor the performance of the following budget and policy framework items:-

1. The Local Development Framework (i.e. RPG, Structure Plan and Local Plan).

To act as political lead and agree and monitor the performance of strategies, service plans and projects in the following areas:-

1. Joint Housing Commissioning.
2. Environmental Health.
3. Planning.
4. Building Control.
5. Urban Design and Heritage Environment.
6. Cemetery and Crematorium.
7. Licensing.
8. Strategic Housing Provision.
9. Strategic Transport.

Specific Delegations and Powers

1. Determination of Funeral Benefit applications.
2. To determine an application for the designation of a neighbourhood forum (which has not been declined) where objections have been received and not withdrawn.
3. The withdrawal of the designation of a neighbourhood forum under section 61F(9) of the Town and Country Planning Act 1990.
4. To determine an area application where objections have been received and not withdrawn.
5. To agree the Planning Authority's representations (if any), on a proposed Neighbourhood Development Plan or proposed modification to a Neighbourhood Development Plan, at the pre-submission stage and submission stage.
6. To consider and determine what action to take in response to the recommendations made by an examiner following an Independent Examination of a proposed Neighbourhood Development Plan or proposed modification to a Neighbourhood Development Plan, including whether an issue be referred to independent examination.
7. To consider and determine applications to fix the rates, fares, for time as distance and all other charges in connection with the hire of hackney carriages.

Representation on Outside Bodies (By Virtue of Office)

- Central Lancashire Development Framework Group

Appointment to Executive Committees

Joint Committee Substitute Member Shared Revenues and Benefits Service

Cabinet Member for Culture and Arts

To recommend to Cabinet and subsequently monitor the performance of the following plans or strategies:-

1. Arts and Culture Framework.

To act as political lead and agree and monitor the performance of strategies, service plans and projects in the following areas:-

1. Arts and Culture.
2. Harris Museum.
3. Events.
4. Visitor and Night Time Economy.

Specific Delegations and Powers

None.

Representation on Outside Bodies (By Virtue of Office)

- Cultural Framework Board
- Arts Council England – North West
- Preston Arts Association
- Trustee of the Guild Charity

Appointment to Executive Committees

Joint Committee Substitute Member Shared Revenues and Benefits Service

Cabinet Member for Communities and Social Justice

To recommend to Cabinet and subsequently monitor the performance of the following plans and strategies:-

1. Single Equalities Policy.

To act as political lead and agree and monitor the performance of strategies, service plans and projects in the following areas:-

1. Community Engagement
2. Promotion of Financial and Social Inclusion
3. Equalities
4. Homelessness
5. Advice Services
6. Social Justice Initiatives
7. Faith Covenant

Specific Delegations and Powers

1. To determine grant applications from the voluntary and community sector up to £10,000.

Representation on outside bodies (By Virtue of Office)

- Inclusion Reference Group
- Social Forum
- Preston and Western Lancashire Racial Equality and Diversity Council
- Preston Faith Forum
- Preston Faith Covenant

Appointment to Executive Committees

Joint Committee Substitute Member Shared Revenues and Benefits Service

Cabinet Member for Community Wealth Building

To recommend to Cabinet and subsequently monitor the performance of the following plans and strategies:-

1. Procurement Strategy

To act as political lead and agree and monitor the performance of strategies, service plans and projects in the following areas:-

1. Community Wealth Building
2. Co-operative Development
3. Sustainable Procurement
4. Special Projects
5. Community Bank
6. Social Value
7. Development, Regeneration and City Centre Development

Specific Delegations and Powers

None

Representation on Outside Bodies (By Virtue of Office)

- Preston Co-operative Development Network
- Substitute Member – City Deal Executive
- Towns Fund Board
- Regeneration Board

Appointment to Executive Committees

Joint Committee Substitute Member Shared Revenues and Benefits Service

Other

To provide support for the Leader on Policy Innovation

Cabinet Member for Climate Change

To recommend to Cabinet and subsequently monitor the performance of the following plans and strategies:-

1. Carbon Neutral Strategy.
2. Asset and Building Condition Plan.

To act as political lead and agree and monitor the performance of strategies, service plans and projects in the following areas:-

1. Sustainability and Climate Change.
2. Operational Property including the use of public buildings.

Specific Delegations and Powers

1. To make all decisions in relation to flying the flag on the Town Hall subject to the Flag Flying Policy.

Representation on Outside Bodies (By Virtue of Office)

None

Appointment to Executive Committees

Joint Committee Substitute Member Shared Revenues and Benefits Service.

Other

Fairtrade Liaison.

Cabinet Member for Health and Wellbeing

To recommend to Cabinet and subsequently monitor the performance of the following plans and strategies:-

1. Private Sector Housing Renewal Strategy.
2. Children and Young People's Plan.

To act as political lead and agree and monitor the performance of strategies, service plans and projects in the following areas:-

1. Health and Wellbeing.
2. Sports and Leisure.
3. Children and Young People.
4. Older People.
5. Private Sector Housing and Grants.
6. Empty Homes.

Specific Delegations and Powers

None.

Representation on Outside Bodies (By Virtue of Office)

- Lancashire County Council Health and Adult Services Scrutiny Committee
- North West Sports Assembly

Appointment to Executive Committees

Joint Committee Substitute Member Shared Revenues and Benefits Service.

Cabinet Member for Service Transformation

To recommend to Cabinet and subsequently monitor the performance of the following plans and strategies:-

1. ICT Strategy.
2. Corporate Planning and Performance Framework.
3. Customer Access Strategy.

To act as political lead and agree and monitor the performance of strategies, service plans and projects in the following areas:-

1. Information and Communications Technology.
2. Performance and Improvement across all directorates.
3. Contact Centre.
4. Staff and Member Development.
5. Print Unit.

Specific Delegations and Powers

None.

Representation on Outside Bodies (By Virtue of Office)

None.

Appointment to Executive Committees

Joint Committee Substitute Member Shared Revenues and Benefits Service.

Other Member Roles and Responsibilities

Member Champion for Women

1. To directly support the Cabinet Member for Communities and Social Justice and work with the Cabinet to champion women's equality both inside and outside the Council bringing issues to the attention of Cabinet and Council where appropriate.
2. Gather and disseminate relevant information on women's issues.
3. Liaise with the relevant Council committees, (i.e. scrutiny committees, Member Development Steering Group) and relevant Council officers to address barriers for women becoming and remaining as Councillors.
4. In conjunction with Cabinet gender proof policy making and assist in creating a 'family friendly' Council.
5. To provide reports to Cabinet as required.

Safeguarding Champion

1. To directly support the Cabinet Member for Health and Wellbeing and to take the political lead in relation to safeguarding issues for the Council including Child Sexual Exploitation.
2. To receive the Council's Section 11 audit of services prior to submission to the Lancashire Children's Safeguarding Board.
3. Report to the Executive Member for Communities and Social Justice and the Executive Member for the Environment on safeguarding issues.

Member Champion for Mental Health and Suicide Prevention

1. To directly support the Cabinet Member for Health and Wellbeing and to take the political lead and advocate for mental health and suicide prevention on behalf of the Council.
2. To liaise with other Council's Member Champions for mental health and suicide prevention as part of the Lancashire suicide prevention and self-harm reduction strategy group.
3. To work with officers who have a role in promoting mental health and suicide prevention.
4. To attend relevant training including that provided through the Lancashire strategy group.

Member Champion for Armed Forces

1. In conjunction with the Cabinet, to champion the needs of service families and veterans within the City of Preston, in accordance with the Community Covenant.
2. To represent the Council on external bodies, including the North-West Service Families and Veterans Conference.
3. To provide regular reports to Cabinet at least every three months, or when required.

Section 4

Preston City Council

**Delegations to
Specified Officers**

The Delegation Scheme

The purpose of this Scheme is to clearly identify which decisions may be made by officers and to evidence to other parties that they are authorised to do so. It is intended to promote effective and efficient decision making.

Other than where the Scheme specifies that the function is delegated to the Director (or other named officer) to exercise personally, the intended effect of the delegation is that it represents a general form of authority for the functions to be exercised by officers authorised by the Director in the relevant Directorate (unless the Director decides that the function shall be exercised personally by him/her).

A register of authorisations approved by individual Directors shall be maintained in each Directorate.

Each Directorate shall maintain records of decisions taken under the Scheme. Any key decisions (as defined in Part 1, Article 13.03) arising out of action taken must be notified to Members Services.

The powers delegated within this Scheme to officers from the Council, Cabinet, a Council or Cabinet Committee, the Leader or a Cabinet Member shall be exercised in accordance with or subject to:-

- Statutory requirements.
- The Contract Procedure Rules, Financial Procedure Rules and approved policies and procedures of Cabinet, Cabinet Members, full Council or Committees of the Council or Cabinet, and any Codes of Practice or procedures relating to specific functions which may from time to time be adopted by the Council.
- The necessary financial provision having been made in the detailed estimates prepared by Directorates as contained within the Council's Budget and Policy Framework.

In certain cases which are either unusual or politically sensitive, the officer may wish to consult informally with the relevant Cabinet Member and other Political Leaders or a Committee/Working Party. In special circumstances, an officer may also make a judgement to refer the delegated decision back to the appropriate authorised body for decision, e.g. Cabinet or Cabinet Member. At all times, Directors will keep the relevant Cabinet Member(s) informed through briefings of the implementation of Council policy and performance against the budget.

In addition to these delegated powers, certain officers have statutory powers, eg, the Monitoring Officer, Section 151 Officer.

This Scheme shall be maintained by the Monitoring Officer and will specify the powers of the Council which have been delegated to officers in accordance with the provisions of Section 100G(2)(a) and (b) of the Local Government Act 1972 and Paragraph 4.23 of the Guidance issued under the Local Government Act 2000.

Additions or amendments to this Scheme can only be made following the approval by Cabinet Members (following consultation with the Leader of the Council) in respect of Executive functions and the full Council in respect of functions of the full Council in accordance with the provisions of the Constitution in Article 4. Any amendments or additions approved by the Leader, full Council or any Committee of the Council must be notified to the Monitoring Officer, who will ensure the inclusion of any amendments/additions within the Scheme.

Delegations to all Directors

1. The expenditure of budgeted items within the Revenue Budget and Capital Programme.
2. Virements of budgets within Directorate for amounts up to £25,000 on any budget head during a financial year.
3. All other delegations express or implied contained within the financial and contract procedure rules.
4. Appointment within the establishment of the Directorate (other than the appointment of Chief Officer posts, reserved as Member appointments).
5. The instigation of disciplinary action in accordance with the Council's procedures and conditions of service, including suspension and dismissal (subject to appeal to Members).
6. The production and submission of tenders for services within the Director's remit in response to invitation from a Committee of the Council, another local authority or public body.
7. The conduct of negotiations in relation to 6 above to agree terms and conditions.
8. To enter into contracts for the supply of services, provided that these can be delivered within the directorate budget allocation and no significant impact on service delivery.
9. The service of statutory requisitions for information, without prejudice to the powers delegated to specific Directors.
10. The exercise of statutory powers of entry, without prejudice, to the powers delegated to specific Directors.
11. To fix a starting salary at any point within the grade or grades of a post, having regard to qualifications and experience, in consultation with the Director of Communities and Environment.
12. To approve progression beyond a competency bar, where such a scheme exists.
13. To engage temporary or casual staff for the replacement of staff on long term sickness absence, maternity leave, etc, in consultation with the Director of Communities and Environment.
14. To engage temporary casual or agency staff to cover vacancies within the establishment on a short-term exceptional basis.

15. To approve the creation and extension of fixed term posts that are fully funded, including all costs, support costs and severance costs, following consultation with the Director of Communities and Environment and subject to the Terms of Reference of Employment Committee.
16. To grant leave, special leave with pay, special and parental leave in accordance with the guidance set out in the Council's Human Resources Procedures.
17. To authorise officers to carry forward annual leave exceeding three days from one year to the next in consideration of exceptional circumstances.
18. To assist in the retention of able staff to award up to two increments within the scale in any one year to a member of staff.
19. To authorise the attendance of employees on courses of study in the UK, release from work and the payment of fees in conjunction with the Director of Communities and Environment.
20. To authorise the attendance at conferences within the UK, provided that the cost of fees and expenses can be provided within budget.
21. To authorise journeys by officers outside the UK where those journeys are connected with the business of the European Union and are considered in the interests of the Council, and where the costs are contained within the relevant approved revenue estimate of the Directorate or fully met by external funding.
22. To allow officers above spinal column point 28 or equivalent, to undertake additional employment, provided that any such employment does not conflict with, nor could be seen to be detrimental to, the Council's interest, or in any way weaken public confidence in the conduct of the Council's business, subject to the approval of the Director of Communities and Environment.
23. To approve the working of planned overtime in exceptional circumstances, in respect of officers who do not qualify for overtime payments within their Conditions of Service, and contained within the revenue estimates for the Directorate in consultation with Director of Communities and Environment.
24. To approve additional protective clothing issues for employees.
25. In consultation with the relevant cabinet member agree the level of fees and charges for services.

The Chief Executive

1. Discharge any function that has been delegated to a Director/Chief Officer where that Director/Chief Officer so requests, where the Director/Chief Officer is unable to act through absence or otherwise or where the Director/Chief Officer post with delegated function is vacant or been disestablished.
2. The power to veto the exercise of a Director's delegated power in any case where the proposed exercise appears to him to be contrary to the interests of the Council.
3. The right to require that a decision which may be taken by a Chief Officer in consultation with the Cabinet Members under this scheme is to be referred to the Cabinet for determination.
4. To authorise expenditure in the event of a Civil Emergency where emergency action is necessary.
5. To take urgent action necessary in the event of a Civil Emergency and deal with matters relating to civil protection/emergency planning arising from the Council's powers and duties under relevant legislation.
6. In consultation with the Leader of the Council, to take urgent action to prevent immediate loss or damage to the Council and its assets.

(Decisions taken pursuant to 4, 5 and 6 above to be reported as appropriate at the next available opportunity).
7. To respond to consultations under section 82 of the Anti-social Behaviour, Crime and Policing Act 2014 in relation to Closure Orders.
8. To assist and respond to Criminal Behaviour Order reviews, pursuant to the Anti-social Behaviour Order reviews, pursuant to the Anti-social Behaviour, Crime and Policing Act 2014.

Economic Development

1. The determination of charges for the sale of products (e.g. Business Directory).

City Marketing

1. To arrange for the promotion of the City in accordance with the Council's Tourism strategy.

Deputy Chief Executive and Director of Community and Wellbeing

Harris Museum and Art Gallery

1. The determination of applications for art gallery space.
2. The lending of paintings stored in the Harris Museum to reputable bodies upon request, subject to the borrowers fully indemnifying the Council against any loss theft or damage to the paintings by means of an insurance policy in terms satisfactory to the Chief Finance Officer.
3. The lending of museum items to other museums and galleries, subject to the borrower fully indemnifying the Council against their loss, theft or damage including insurance cover as appropriate.
4. The lending of material from the Harris Museum to outside bodies and members of the public, subject to satisfactory evidence of adequate insurance cover being provided by the prospective borrower, and being satisfied as to the conditions and suitability of the premises to be used for the display of the exhibits.
5. The purchase, using the Art Fund, of works of art and other items in accordance with the Council's acquisition policy.
6. The disposal or reduction in price of shop stock which is the end of a line which is to be discontinued.
7. The negotiation and conclusion of agreements:-
 - (i) for the carrying out of research work on preparation for exhibitions to be held at the Harris Museum & Art Gallery;
 - (ii) for the commissioning of artworks, with artists or artist groups for exhibition to be held at the Harris Museum & Art Gallery or partner venues and other organisations;
 - (iii) for commissioning of exhibitions, with curators to be held at the Harris Museum & Art Gallery or partner venues and other organisations;
 - (iv) for the hiring of exhibitions, with artists, art groups, museum, gallery or other agencies and other organisations;
 - (v) for the carrying out of research work in preparation for exhibitions to be held at the Harris Museum & Art Gallery or partner venues and other organisations; and
 - (vi) with government bodies, sponsors, charitable bodies and grant giving organisations to enable projects which further the aims and objectives of the Harris Museum & Art Gallery.
8. The determination of prices for items sold in the Museum shop.

Director of Resources and Section 151 Officer

Finance

1. The proper management and administration of all the Council's financial affairs in accordance with all statutory requirements and any adopted Codes of Practice (including any necessary technical adjustments to the Council's approved budgets or accounts to ensure compliance to safeguard the Council's financial position).
2. The grant and discharge of housing loans.
3. The agreement of rating assessments of property whether or not owned or occupied by the Council.
4. The arrangement of banking, treasury and other financial services, including indemnities, guarantees, bonds, securities, leasing arrangements and advances.
5. The virement of between £25,000 and £50,000 within either capital or revenue budgets.
6. The approval of a funded budget increase of up to £50,000 as part of a "pay back scheme", provided that the scheme is in accordance with the Council's overall policy framework and has a pay back period of 5 years or less.
7. The authority to act as "Accountable Officer" on behalf of the Council under the terms of any European or Government Grant scheme, subject to being satisfied that appropriate financial controls are in place.
8. The write-off of debts.
9. The approval of funded budget increase from additional external resources and does not place any residual liability on the Council, in consultation with the Cabinet Member for Resources.
10. The approval of the Council Tax base each year for the purpose of setting the Council Tax.
11. To undertake all carbon reduction account functions as required under the Climate Change Act 2008.
12. The arrangement and management of insurance policies including the handling of claims.

Law and Administration

1. The payment of compensation in exercise of the Council's compulsory purchase powers in accordance with the valuation advice of the Director of Development.
2. The determination of applications for the use of the Borough's coat-of-arms.
3. The decision to take and defend legal proceedings in consultation with directors as appropriate.
4. The conduct of litigation (including arbitration) as agent for the Council, including the institution of proceedings, the taking of all procedural steps, obtaining Counsel's Opinion, briefing Counsel, advocacy and agreeing settlements.
5. Application of the Council's seal.
6. The authorisation of trainee solicitors and other Council employees to act as advocates
 - (i) in the Magistrates' Court under Section 223 of the Local Government Act 1972;
 - (ii) in the County Court in council house rent arrears and repossession cases under Section 60 of the County Courts Act 1984; and
 - (iii) in any other proceedings with the consent of the Court.
7. To establish an Independent Remuneration Panel to conduct an annual review of the Member Allowance Scheme and report the findings to Council.
8. To determine whether a petition is vexatious, abusive or otherwise inappropriate to be dealt with under the Council's petition scheme.
9. To keep the local land charges register and sign all certificates and documents in connection therewith on behalf of the Council.
10. To carry out all powers contained in Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014.
11. To sign Closure Notices (upto twenty four hours) (including any notification/consultation requirements), Cancellation Notices, pursuant to the Anti-social Behaviour, Crime and Policing Act 2014.
12. To make applications, on behalf the Council, for Closure Orders, including any application to extend, discharge or for reimbursement of costs, pursuant to the Anti-social Behaviour, Crime and Policing Act 2014.

13. To authorise officers to carry out enforcement powers in connection with a Closure Order obtained by the Council, pursuant to the Anti-social Behaviour, Crime and Policing Act 2014.
14. To determine whether to publicise the granting of an injunction, where the Council is the lead authority.

Human Resources

1. The operation of the Council's ex-gratia payments scheme.
2. To approve the recruitment and appointment of temporary or casual members of staff for the replacement of staff on long term sickness/absence, maternity leave, etc, in consultation with the relevant Director.
3. To extend the term of any Fixed Term Contracts for up to an additional 12 month period, provided there is budgetary provision in consultation with the relevant Director.
4. To change the designation of posts, provided there is no additional cost to the Council.
5. To determine salary grading's in accordance with the Council's conditions of service and Job Evaluation Scheme, and the commencing incremental point in consultation with the relevant Director.
6. To approve the payment of emoluments other than pay within budget.
7. To determine, in accordance with the Council's conditions of service and approved policies and procedures, requests for:-
 - (i) job share;
 - (ii) variation in working hours;
 - (iii) permission to undertake outside employment;
 - (iv) unpaid leave; and
 - (v) career breaks.
8. To make arrangements for the investigation and determination of Grievances.
9. To determine applications for car loans, including variations to the Scheme in exceptional circumstances.
10. To approve the payment of honoraria and acceleration through a grade within budget.
11. To determine applications for early retirement made in the interests of the efficiency of the service, on the grounds of redundancy or if supported by a medical opinion.

12. To authorise the release of preserved pension benefits in accordance with the appropriate Pension Legislation and Regulations.
13. To approve the assimilation of members of staff currently on fixed term contracts into the Council's permanent establishment.
14. Establish new posts where there is budget provision to cover the full costs of such posts
15. Approve staff re-organisations (up to a maximum of 25) where there is budget provision.

Emergency Planning

1. To prepare an Emergency Plan and make provision for the discharge of duties under the Civil Contingencies Act.

Information Communication Technology

1. The naming of streets and numbering of houses.

Director of Environment and Property

Parks and Streetscene

1. The granting of the use of parks and recreation grounds for events and sporting activities.
2. To determine the free use of parks and recreation grounds for events by community groups.
3. The grant and termination of tenancies of allotments.
4. The determination of concessions for events on parks.
5. The negotiation and conclusion of agreements:-
 - (a) for the carrying out of research work on preparation of regeneration plans and funding bids for parks and open spaces;
 - (b) for the commissioning of improvement works to parks and open spaces;
 - (c) for the hiring of parks buildings, by community groups or other agencies and other organisations;
 - (d) with government bodies, sponsors, charitable bodies and grant giving organisations to enable projects which further the aims and objectives of the parks and open spaces strategy;
 - (e) the fixing of the fees charged for the hire of the parks and park buildings and the sale of merchandise within the Avenham Park pavilion; and
 - (f) for the provision of entertainment (excluding performing animals) on parks.
6. The development of parks byelaws and their enforcement.
7. The exercise of powers under Part 8 of the Anti-Social Behaviour Act 2003.
8. Enforcement powers under sections 43 to 47 of the Anti-Social Behaviour Act 2003 in relation to graffiti and fly-posting.
9. Powers under Sections 5 to 7 of the Control of Pollution (Amendment) Act 1989 (as amended).
10. Powers under Section 108 of the Environment Act 1995 (as amended).
11. Powers under Section 78 of the Public Health Act 1936 to cause any unadopted courtyard or passage to be swept or cleansed and to recover expenses reasonably incurred in doing so.

12. Powers under Part IV of the Environmental Protection Act 1990, (excluding Section 90) relating to litter and related offences, including the issue of fixed penalty notices.
13. To exercise the powers under Section 132 of the Highways act 1980 in relation to illegal signs (fly posting).
14. Powers under Sections 3 to 8 of the Refuse Disposal (Amenity) Act 1978 in relation to the removal and disposal of abandoned vehicles.
15. Powers under The Littering from Vehicles Outside London (Keepers; Civil Penalties) Regulations 2018 relating to litter and related offences.
16. The acquisition of all vehicles on behalf of all departments of the Council.

Waste Management

1. Powers under Part II of the Environmental Protection Act 1990, Sections 29 to 78, relating to the collection and disposal of waste from households, commercial and industrial properties (including the power to authorise officers to issue fixed penalty notices).
2. The negotiation and setting of trade waste prices.

Engineering Services

1. The erection and/or siting of seats, signs and highway and street names on the public highway.
2. To authorise individual officers to erect site bollards, planters, cycle stands and miscellaneous items of street furniture on the public highway.
3. The advertising and making of temporary traffic regulation order under the Town Police Clauses Act.
4. The formulation of responses to Lancashire County Council on consultations on Traffic Regulation Orders and Public Rights of Way in relation to the Wildlife and Countryside Act 1981.
5. The authority for the serving of a Notice under Section 25 of the Land Drainage Act 1991 and the power to serve such Notice and exercise of default powers if appropriate and the recovery of expenses.
6. To advertise and consult upon traffic calming/traffic management schemes and if objections are received to refer them to the Cabinet Member for the Environment.

7. Responses to consultations by the Highways Authority concerning applications to the Magistrates Court for the proposed stopping up of highways.
8. Responses to consultations by the Highways Authority concerning proposals to make an application under the Highways Act 1980 for the diversion and extinguishment of public rights of way.
9. The erection of bus shelters at designated bus stops.
10. The authority to make decisions in respect of applications for Pavement Café Licences submitted under Section 115E of the Highways Act 1980 or Sections 1-7 of the Business and Planning Act 2020.

Operational Estate

1. The making of any application on behalf of Operational Estate to be included in a list of persons from whom tenders may be invited for the carrying out of any functional work of the Council or the carrying out of any work for another local authority or public body under a supply or works contract.
2. The preparation and submission of tenders on behalf of Operational Estate in response to any invitation from a Committee of the Council or another local authority or public body.
3. The conduct of negotiations with other Departments of the Council and other local authorities and public bodies to agree the terms and conditions under which work is to be carried out by the Operational Estate Section.
4. To enter into contracts for the supply of services, provided that these can be delivered within the current Business Plan for the Operational Estate Section and staffing establishment.
5. The engagement of sub-contractors.

Property

1. The estate management of all Council owned land and buildings:-
 - (i) the granting or renewal of leases;
 - (ii) the granting of licences to occupy land;
 - (iii) reviewing rents;
 - (iv) waiving covenants;

- (v) forfeiting and terminating leases;
 - (vi) consenting to assignments;
 - (vii) consenting to underleases;
 - (viii) accepting surrenders;
 - (ix) the disposal of any property to sitting tenants up to a maximum of £100,000;
 - (x) To accept the surrender of existing leases to enable the grant of a new lease up to a term of 150 years and with an annual rent limit of £100,000.
2. The disposal of land and property to the maximum value of £20,000.
 3. The acceptance of the highest valid offer where a reserve sale price has previously been agreed by the appropriate Cabinet Member or Cabinet.
 4. The granting of and entering into any necessary easements and similar rights over or for the benefit of Council-owned property.
 5. The determination of contributions towards the cost of repairing and making water-tight gable walls exposed by the demolition of adjoining buildings in the ownership of the Council.
 6. The determination of applications by long lessees to purchase the freehold reversions of houses owned by the Council.
 7. The making of all disturbance payments.
 8. To enter into licences and leases in respect of land and buildings not owned by the Council where the annual fee/rent does not exceed £50,000.
 9. The approval of requests to adopt amenity open space within residential developments (on the basis of the report approved by the Leisure and Amenities Committee on 12th June 1986) where there are no additional revenue or capital costs.
 10. In accordance with section 15 of the Local Government (Miscellaneous Provisions) Act 1976 the authorisation of any person to enter on and survey any land in connection with a proposal by the Council to acquire compulsorily an interest in land or a right over it.
 11. The power to give a direction, and to serve notice of such, pursuant to Section 77 of the Criminal Justice and Public Order Act 1994 – removal of unauthorised campers from land.

Markets

1. To approve in accordance with Council policy, applications for permission to hold events which do not threaten the viability of the existing markets.
2. The determination of applications for licences of market stalls and assignments thereof; deciding the length of notices for breach of licence conditions; giving such notices; considering representations about such notices and repossessing premises following breach of such notices.
3. The determination of applications for reduced charges or free use of the stalls provided for events on the Flag Market.

Environmental Protection and Licensing

- (i) Licensing and registration functions in connection with:-

- (1) food safety;
- (2) hawkers of food;
- (3) street trading;
- (4) hypnotism;
- (5) hairdressers
- (7) acupuncture, ear piercing, electrolysis and tattooing;
- (8) frozen liquids;
- (9) cooling towers;
- (10) Hackney carriages, drivers and proprietors;
- (11) Private hire vehicles, drivers and operators;
- (12) Second-hand goods dealers;
- (13) Scrap metal dealers;
- (14) House to house collections and street collections;
- (15) Cinemas;
- (16) Lotteries and amusements with prizes;
- (17) Game dealers;
- (18) Theatrical employers;
- (19) Pool promoters;
- (20) Dog tracks;
- (21) Pawnbrokers;
- (22) Moneylenders;
- (23) Sale and/or supply of alcohol;
- (24) Provision of regulated entertainment,
- (25) Provision of late night refreshment, and
- (26) Provision of gambling and gaming.

- (ii) furnaces and chimney heights;

- (iii) burial or cremation of the dead where suitable arrangements have not been made;

- (iv) exhumation and reinternment of remains;
- (v) examination and testing of drains;
- (vi) payment of compensation for loss of earnings owing to infectious disease;
- (vii) reduction in the number of pigeons;
- (viii) determination of applications in connection with:-
 - (a) noise on construction sites/prior approval for noisy works;
 - (b) disconnection of drains;
- (ix) the imposition of additional charges for the seizure of noise equipment where the Council's reasonable costs are in excess of the minimum charges prescribed by the Council;
- (x) all powers contained in Part 1, Chapter 1 of the Health Act 2006 and any regulations made thereunder in connection with enforcement functions in respect of places, premises and vehicles.
- (xi) the determination of applications for the grant, renewal or transfer of a licence for a sex establishment where no objections are received in respect thereof.
- (xii) all powers contained in The Animal Welfare Act 2006, and any regulations made thereunder.
- (xiii) carry out all powers contained in the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulation 2018.
- (xiv) the determination of reviews or re-rating requests for star ratings in respect of licences granted under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- (xv) the power to appoint appropriately trained officers to act as inspectors for the purposes of the Animal Welfare Act 2006.
- (xvi) powers under Part 4, Chapter 1 of the Anti-social Behaviour, Crime and Policing Act 2014 relating to issuing Community Protection Notices (including any notification/consultation requirements) and Fixed Penalty Notices.
- (xvii) to authorise officers and agents of the Council to carry out remedial work, pursuant to section 47 of the Anti-social Behaviour, Crime and Policing Act 2014.

- (xviii) to issue notices pursuant to section 47 and section 49 of the Anti-social Behaviour, Crime and Policing Act 2014.
- (xix) to make arrangements for the destruction or disposal of forfeited items, pursuant to section 50 of the Anti-social Behaviour, Crime and Policing Act 2014.
- (xx) powers under Part 4, chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 relating to the issue of Fixed Penalty Notices (including the power to authorise officers to issue).
- (xxi) the power to suspend or revoke, with or without immediate effect, Hackey Carriage Driver's licences and Private Hire driver's licences to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended);
- (xxii) all powers in connection with the following matters, including the decision to serve notices, the exercise of default powers and the recovery of expenses:-

Statute	Relating To
Section 50, Public Health Act 1936	Overflowing and leaking cesspools
Section 83 (as amended by Section 36 of the Public Health Act 1961)	Cleaning of filthy and verminous premises
Section 84, Public Health Act 1936	Cleansing or destruction of filthy or verminous articles
Section 140, Public Health Act 1936	Polluted water supplies
Section 287, Public Health Act 1936	24 hours' notice of power of entry
Section 4, Prevention of Damage by Pests Act 1949	Destruction of rats and mice by owners of land
Section 6, Prevention of Damage by Pests Act 1949	Destruction of rats and mice by the Council
Section 17, Public Health Act 1961 (as amended by Section 27 of the Local Government (Miscellaneous Provisions) Act 1982)	Repair of defective drains and power to remedy stopped drains
The Control of Dogs Order 1992	Control of Dogs
Section 10 and Schedules, Noise Act 1996	Power of entry and seizure, etc.

Sections 60-61, Control of Pollution Act 1974	Noise on construction sites
Section 8, Schedule 2, Noise and Statutory Nuisance Act 1993	Consent to the operation of loudspeakers
Section 19, Health & Safety at Work, Etc, Act 1974	Appointment of Inspectors
Section 15, Local Government (Miscellaneous Provisions) Act 1976	Power to survey land for compulsory purchase
Section 16, Local Government (Miscellaneous Provisions) Act 1976	Requisition for information
Section 20, Local Government (Miscellaneous Provisions) Act 1976	Provision of sanitary accommodation in places of public entertainment
Section 35, Local Government (Miscellaneous Provisions) Act 1976	Blocked private sewers
Section 17, Local Government (Miscellaneous Provisions) Act 1982	Appointment of authorised officers to enter skin piercing premises
Section 59, Building Act 1984	Drainage etc. of existing buildings
Section 60, Building Act 1984	Soil pipes and ventilating shafts
Section 64, Building Act 1984	Insufficient sanitary conveniences
Section 66, Building Act 1984	Conversion of earth closets
Section 76, Building Act 1984	Repair of defective premises
Section 84, Building Act 1984	Paving and drainage of yards and passages
Section 31, Public Health (Control of Diseases) Act 1984	Disinfection of premises and articles
Section 16, County of Lancashire Act 1984	Dust from building operators
Section 17, County of Lancashire Act 1984	Alterations to chimneys
Section 19, County of Lancashire Act 1984	Powers of entry re Prevention of Damage by Pest Act 1949.
Section 19(1)(c), Food and Environmental Protection Act 1985	Control of pesticides

Health & Safety (Enforcing Authority) Regulations 1998	Enforcement
Section 6, Environmental Protection Act 1990	Authorisation of processes
Section 8, Environmental Protection Act 1990	Non-payment
Section 11, Environmental Protection Act 1990	Variation of authorisation
Section 12, Environmental Protection Act 1990	Revocation of authorisation
Section 13, Environmental Protection Act 1990	Service of Enforcement Notice
Section 14, Environmental Protection Act 1990	Service of Prohibition Notice
Section 19, Environmental Protection Act 1990	Notice requiring information
Sections 78A-YC, Environmental Protection Act 1990	Contaminated land
Sections 80 and 80A, Environmental Protection Act 1990	Abatement of statutory nuisance
Section 149, Environmental Protection Act 1990	Appointment of officer for stray dogs
Schedule 3, Environmental Protection Act 1990	Powers of entry etc.
Food Safety Act 1990	Enforcement
Section 77, Water Industry Act 1991	Monitoring of private water supplies
Section 80, Water Industry Act 1991	Improvement of supply
Section 85, Water Industry Act 1991	Information for private supplies
Notification of cooling Towers and Evaporative condensers Regulations 1992	Maintain register
Section 10, Noise & Statutory Nuisance Act 1993	Recovery of expenses

Section 24, Clean Air Act 1993	Adaptation of fireplaces
Section 36, Clean Air Act 1993	Requiring information about air pollution
Schedules 2 and 3, Sunday Trading Act 1994	Control of Sunday trading
Section 5(1), Dangerous Dogs Act 1991	Seizure of dangerous dogs
Section 108, Environment Act 1995	Appointment of authorised officers and enforcement of Act

Food Safety Matters

All powers contained within European Communities Act 1972 including but not exclusively the following:-

1. The Meat (Enhanced Enforcement Powers) (England) Regulations 2000 (partly enacted under Food Safety Act 1990).
2. The Trade in Animals and Related Products Regulations 2011, as amended.
3. The Transmissible Spongiform Encephalopathies (England) Regulations 2010, as amended.
4. The Food Hygiene (England) (No 2) Regulations 2005.
5. All subsequent Food Emergency Control Regulations.

Pollution Matters

All powers under the Pollution Prevention and Control Act 1999 and regulations enacted thereunder including but not limited to the Pollution Prevention and Control (England and Wales) Regulations 2000 (amended) in respect of the designation of Air Quality Management Areas.

Communities and Engagement, Homelessness and Housing

1. The undertaking of a strategic assessment and preparation of a Community Safety Plan.
2. The determination of cases of homelessness (including the review of decisions).

Director of Development and Housing

Planning

1. The decision as to whether and what type of consultations, notifications or public advertisements should be undertaken in respect of any planning and other related applications that are received.
2. The making and, in the absence of any objections, the confirmation of Tree Preservation Orders.
3. The determination of applications for the cutting down, topping and lopping of trees within a Conservation Area or subject of a Tree Preservation Order.
4. The approval of details submitted in accordance with conditions imposed on planning permission or as a minor or non-material amendment thereto.
5. Dealing with amendments to development approved under Section 7(2) of the New Towns Act 1981.
6. The determination of whether proposed development, which is permitted development, requires prior approval and the decision to grant or refuse such approval.
7. The functions of the Council in connection with the service of notices, the exercise of default powers, and recovery of expenses under and in relation to the following statutory provisions:-

Building Act 1984, S.79	Ruinous and dilapidated buildings
Town and Country Planning Act 1990, S.171C	Planning Contravention Notice
Town and Country Planning Act 1990, S.172	Enforcement Notice
Town and Country Planning Act 1990, S. 172ZA	Enforcement Warning Notice
Town and Country Planning Act 1990, S.183	Stop Notice (including temporary stop notices)
Town and Country Planning Act 1990, S.187A	Breach of Conditions Notice
Town and Country Planning Act 1990, S.215	Maintenance of Waste Land
Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, S.38	Listed Building Enforcement Notices

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, S.44AA	Listed Building Temporary Stop Notice
Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, S.48	Listed Building Repairs Notices
Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, S.54	Urgent Work to Unoccupied Listed Buildings
Town & Country Planning Act 1990, Section 225	Removal of placards and posters
Town & Country Planning (Control of Advertisements) (England) Regulations 2007, Regulation 8	Discontinuance Notices regarding advertisements

8. Responding to consultations on applications for waste disposal site licences under the Control of Pollution Act 1974.
9. Making representations in respect of applications for heavy goods vehicle operators' licences under the Transport Act 1968.
10. The authorisation of any person to enter and survey land in pursuance of section 324 of the Town and Country Planning Act 1990 and section 88(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. The authorisation of any person to enter land in pursuance of sections 196A and 196B of the Town and Country Planning Act 1990.
12. The authorisation of any person to enter land in pursuance of sections 214B, 214C and 214D of the Town and Country Planning Act 1990.
13. The determination of applications for Conservation Area Partnership grants of up to £2,000 (or less in accordance with the procedure established for the Avenham Town Scheme and Fishergate Hill Conservation Area).
14. Responding to consultations under the Ecclesiastical Exemption Code of Conduct in respect of:-
 - (i) listed ecclesiastical buildings; and
 - (ii) unlisted ecclesiastical buildings in a Conservation Area.
15. Under the Hedgerow Regulations 1997, consideration of Hedgerow Removal Notices received by the Council and issue of Hedgerow Retention Notices.

16. Consideration of consultations received under the Pastoral Measure.
17. The issue of screening and scoping opinions under the terms of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 to determine whether a proposed development is Environmental Impact Assessment development and to provide an opinion as to the information to be provided within an environmental statement.
18. The determination of planning applications in accordance with the Scheme of Delegation for Planning Decisions by Officers.
19. To carry out the functions and responsibilities in relation to –
 - (i) an application for the designation of a neighbourhood forum;
 - (ii) an application for the designation of a neighbourhood area;
 - (iii) matters connected with the submission of a proposed Neighbourhood Development Plan or proposed modification of a Neighbourhood Development Plan

save for those functions and responsibilities delegated to the Cabinet Member for Planning and Regulation or the making of a Neighbourhood Development Plan or modification of a Neighbourhood Development Plan.

Building Control

1. The determination of applications for approval under or relaxation of the Building Regulations.
2. The functions of the Council in connection with decisions to serve notices and exercise default powers under the following statutory provisions:-

S.16, Building Act 1984	Passing or rejection of plans
S.32, Building Act 1984	Lapse of deposit of plans
S.35B, Building Act 1984	Compliance Notices
S.35C Building Act 1984	Stop Notices
S.36, Building Act 1984	Removal or alterations of offending building work
Ss.47, 50, 51, 51A ,52, 52A, 53, 53C, 53D and 54 Building Act 1984	Acceptance, amendment, rejection of Initial Notices, Plans Certificates, Final Certificates, cancellation of Initial Notices, request for information, accept or reject transfer certificates and transfer reports
Ss.77 and 78, Building Act 1984	Dangerous buildings
S.81, Building Act 1984	Demolition of buildings

Ss. 91ZB and 91 ZC, Building Act 1984	Accept or reject a Regulator's Notice
---------------------------------------	---------------------------------------

3. The duties of Appointing Officer as described in Section 10 of the Party Wall etc. Act 1996.
4. The variation of charges/fees within any of the Schedules to the Council's Scheme for the Recovery of Building Regulation Charges and Associated Matters, and amendments thereto.

Housing, Buildings and Renewal

Housing Act 1985 (including all relevant amendments made by the Housing Act 1988, Local Government and Housing Act 1989, the Housing Act 1996, the Housing Grant Construction and Regeneration Act 1996 and associated Regulations	Part Vi Part IX Part X Part XI	Repair notice Slum clearance Overcrowding Housing in multiple occupation (including registration schemes)
Local Government and Housing Act 1989	Part VII Part VIII S103	Renewal Areas Improvement and repair grants disabled facilities including the decision to demand and secure repayment of grants. Power to carry out work which would attract grant
Housing Grants Construction and Regeneration Act 1996	Chapt 1 Chapt 2 Chapt 3	Renovation Common Parts HMO and Disabled Facilities Grants Group Repair Schemes Home repair grants
Environmental Protection Act 1990	S80 S81	Summary proceedings for statutory nuisances Supplementary provisions
Local Government Provisions Act 1982	S29	Protection of buildings
Building Act 1984 (Part IV)	S95 S99 S107	Power to enter premises. Content and enforcement of notice requiring works. Recover of Expenses.

Public Health Act 1936	S291 S293	Recovery of Expenses. Recovery of Expenses.
Local Government (Miscellaneous Provisions) Act 1976	S16	Powers to obtain particulars of interest in land
Aqueduct Street Economic Renewal Area		Deciding amount and recipient of anti-crime grants.
Housing Act 2004 (and statutory instruments)		Enforcement of Housing Standards
		Licensing and Registration of private related accommodation
		Management orders and power to control overcrowding in houses in multiple occupation
		Empty dwelling management orders
		Power to enter premises
	S249A and Schedule 13A (and any regulations made thereunder)	All powers relating to financial penalties
Housing and Planning Act 2016	Part 2 and Schedule 1 (and any regulations made thereunder)	All powers relating to banning orders, database of rogue landlords and rent repayment orders
The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014		All powers relating to enforcement.

Anti-social Behaviour, Crime and Policing Act 2004	Part 4, Chapter 1	Issue Community Protection Notices (including any notification/consultation requirements) and Fixed Penalty Notices.
	S47	Authorise Council Officers or Agents to carry out remedial work.
	S47 and S49	Issue notices to a defaulter.
	S50	Make arrangements for the destruction or disposal of forfeited items.
The Home Energy Conservation Act 1995	S2	Prepare and submit a report to the Secretary of State, and publish the report.

Licensing and Registration functions

Caravan sites.

Monitoring Officer

1. That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct for Members and to assess such complaints (excepting complaints made about the Leader/Deputy Leader of the Council or made by the Chief Executive) including the power to reject or take no action on complaints.
2. That the Monitoring Officer, after consultation with the Independent Person, (excepting complaints made about Leader/Deputy Leader or made by the Chief Executive) to determine whether a complaint merits formal investigation and to arrange such investigation.
3. That the Monitoring Officer be authorised to seek informal resolution of complaints without formal investigation wherever possible.
4. That the Monitoring Officer be required to report to Standards Committee quarterly on the discharge of her functions.
5. That where the Monitoring Officer finds no evidence of failure to comply with the Code of Conduct for Members, she be instructed to close the matter, provide copies of the report to those concerned and report to Standards Committee.
6. That where the investigation finds evidence of a failure to comply with the Code of Conduct for Members, the Monitoring Officer in consultation with the Independent Person, be authorised to seek local resolution where appropriate. If not appropriate or possible she is to report the investigation findings to the Standards Committee for a Local Hearing.
7. That the Monitoring Officer be authorised to grant dispensations in the following circumstances:
 - a) That so many members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would “impede the transaction of the business”.
 - b) That, without a dispensation, no member of the Cabinet would be able to participate on this matter.

Part 3

RULES OF PROCEDURE

Contents

Section

- 1 Council Procedure Rules
- 2 Access to Information Procedure Rules
- 3 Budget and Policy Framework
- 4 Cabinet Procedure Rules
- 5 Overview and Scrutiny Procedure Rules
- 6 (no section 6 at present)
- 7 Financial Procedure Rules
- 8 Contract Procedure Rules
- 9 Officer Employment Procedure Rules
- 10 Rules for the Disposal of Land

Council Procedure Rules

Contents

Rule		Page
1	Annual Meeting of the Council	3
2	Ordinary Meetings	4
3	Extraordinary Meetings	5
4	Appointment of Substitute Members of Committees and Sub-Committees	5
5	Time and Place of Meetings	6
6	Notice of and Summons to Meetings	6
7	Chair of Meeting	6
8	Quorum	6
9	Questions by the Public	7
9A	Petitions	8
10	Questions and Debate by Members	9
11	Motions on Notice	10
12	Emergency Notice of Motion	11
13	Motions Without Notice	11
14	Rules of Debate	12
15	Previous Decisions and Motions	16
16	Voting	16
17	Minutes	17

Rule	Page
17A Interests	18
18 Record of Attendance	18
19 Exclusion of Public	18
20 Members' Conduct	18
21 Disturbance by Public	19
22 Suspension and Amendment of Council Procedure Rules	19
23 Application to Committees and Sub-Committees	20
24 Council Procedure Rules addendum	21

1 Annual Meeting of the Council

1.1 Timing and Business

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

The annual meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) appoint the Deputy Mayor;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor;
- (vi) receive the return of Councillors elected;
- (vii) elect the Leader;
- (viii) establish Panels, Committees and Other Bodies as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 2, Table 1 of this Constitution;
- (ix) determine the size of Panels, Committees and Other Bodies.
- (x) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (xi) decide those appointments, except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.
- (xii) decide the Terms of Reference for those bodies;
- (xiii) receive nominations of Councillors including the office of Chair and Vice Chair
- (xiv) agree the Scheme of delegation or such part of it as the Constitution determined it is for the Council to agree (as set out in Part 2 of this Constitution);

- (xv) consider any business set out in the notice convening the meeting.
- (xvi) receive the documents presented by the Leader in accordance with Cabinet Procedure Rule Number 2 – Appointments and Delegations by the Leader.

2 Ordinary Meetings

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

- (i) elect a person to preside if the Mayor or Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Mayor, Leader, Deputy Leader, Members of the Cabinet or the Head of Paid Service;
- (v) deal with questions from the public in accordance with Paragraph 9 of these rules.
- (vi) deal with any business from the last Council meeting;
- (vii) receive reports from the Cabinet and the Council's Committee and receive questions and answers on any of those reports;
- (viii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (ix) deal with question from Councillors to members of Cabinet and the Chair of any Committee or Sub-Committee or Working Group and Council representatives on outside bodies.
- (x) consider motions; and
- (xi) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny.

3 Extraordinary Meetings

3.1 Calling Extraordinary Meetings

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) the monitoring officer; and
- (iv) any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4 Appointment of Substitute Members of Committees and Sub-Committees

4.1 Allocation

Substitute Members are only to be appointed to the following Committees:-

- Audit Committee
- Licensing Committee
- Employment Committee
- Taxi and Miscellaneous Committee
- Central Lancashire Strategic Planning Joint Advisory Committee
- Overview and Scrutiny Management Committee
- Planning Committee
- Standards Committee

4.2 Number

The Council will determine the number of substitutes for each of these Committees. The approved numbers are set out in the published 'Membership of Committees and Other Bodies' document.

4.3 Powers And Duties

Substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.3.1 Before sitting as a Substitute Member on a Committee, the appropriate training (if applicable) must have been undertaken by the Substitute Member sitting in place of the ordinary Member.

4.4 **Substitution**

Substitute Members may attend meetings in that capacity only:

- (i) to take the place of the ordinary Member for whom they are designated substitute;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) after notifying the Director of Resources in writing 24 hours before the time arranged for the start of the meeting.

5 **Time and Place of Meetings**

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

6 **Notice of and Summons to Meetings**

The Proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information rules. At least five clear days before a meeting, the Proper officer will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7 **Chair of Meeting**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chair of Committees and Sub-Committees.

8 **Quorum**

The quorum of a meeting will be one quarter of the whole number of Members¹. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be

¹ See Rule 23 in relation to Planning Committee

considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9 Questions by the Public

9.1 General

Members of the public may ask questions of Members of the Cabinet and Chairs of Committees at ordinary meetings of the Council. The time allocated will be 30 minutes.

9.2 Order Of Questions

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

9.3 Notice Of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Member Services no later than midday 3 days before the day of the meeting. If the meeting of the Council follows a Bank Holiday Monday then the notice must be delivered in writing or by electronic mail to the Head of Member Services no later than 7 days before the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

9.4 Number Of Questions

At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of a single organisation.

9.5 Scope Of Questions

The Chief Executive may reject a question if it:

- ◇ is not about a matter for which the local authority has a responsibility or which affects the Borough;
- ◇ is defamatory, frivolous or offensive;
- ◇ is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- ◇ requires the disclosure of confidential or exempt information.

9.6 Record Of Questions

The Head of Member Services will enter each question in a book open to public inspection and will immediately send a copy of the question to

the Member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

9.7 Asking The Question At The Meeting

The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

9.8 Supplemental Question

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 9.5 above.

9.9 Written Answers

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

9.10 Reference Of Question To The Executive Or A Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the executive or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

9A Petitions

9A.1 Petition Triggering Debate

Where an active petition is received, by the Council, which triggers a debate at full council the details of which shall be recorded in the summons. If more than one such petition is received they shall be placed on the summons in the order that they are so received.

9A.2 Duration

The petition organiser or someone nominated on his or her behalf shall be invited to present the petition to the meeting of the Council. The time allocated for the presentation of a petition to Council will be 5 minutes. Following the presentation of the petition members will debate the issue(s) raised in the petition. The total time allocated to members to debate such petition(s) will be 30 minutes this time period may be extended at the discretion of the Mayor.

10 Questions and Debate by Members

10.1 Scope of Questions

A member of the Council may ask:

- a member of the Cabinet
- the Chair of any Committee or Sub-Committee
- representatives on outside bodies

any question on a matter falling within:

- the responsibilities of the Leader and Executive Member, as set out in Part 3 of the Constitution; or
- the Terms of Reference of any Committee or Sub-Committee.

10.2 Questions may be addressed to Members appointed to serve on outside bodies provided that the questioner has given written notice on details of the question to the relevant Member and Head of Member Services at least 72 hours before the day of the relevant Council meeting. (72 hours before the day of the relevant Council meeting means, for example, no later than 1.00pm on Monday prior to a Council meeting at 2.00pm on Thursday.

10.3 Response

An answer may take the form of:

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

10.4 Supplementary Question

Any Member may ask a supplementary question or make an observation on the original question or the reply subject to the Mayor's discretion to close the debate after 20 minutes. The Member who

answered the original question will have the Right to Reply at the close of debate.

10.5 **Duration**

The time allocated for questions and debate will be one hour.

11. **Motions on Notice**

11.1 **Notice**

Every Notice of Motion must be in writing and signed by the Member of Council giving the Notice, and delivered to the Head of Member Services at least 10 clear days before the meeting at which it is to be moved. (10 clear days before a meeting on a Thursday means on or before noon of Friday two weeks before the meeting.)

11.2 **Motion Set Out In Agenda**

The Head of Member Services will date and number each Notice in the order in which it is received and will enter the notice in a book open to public inspection.

11.3 **Scope**

Every Notice of Motion must be relevant to the Council's functions or directly affect the City. The Chief Executive, after consulting the Mayor, may rule a Notice of Motion to be out of order and will immediately write to the Member giving notice of the decision.

11.4 **Motions To Be Set Out In Agenda**

If more than three valid Notices are received the Mayor, in consultation with the group leaders, will agree that up to a maximum of three Notices of Motion may be considered at the Council meeting, and also agree the order in which they are to appear on the Agenda. The Director of Resources will set out on the Council Agenda those Notices of Motion which are to be considered by the Council.

11.5 **Motions Not Moved**

Any Motion which is not moved will be treated as abandoned unless the Council decides to postpone it. There will be no debate on the question of postponement.

11.6 **Automatic Reference**

If the subject matter of any motion of which notice has been duly given comes within the function of the Cabinet or Committee it shall, if carried by the Council in its original or in an amended form, stand referred to

such Cabinet, or Committee for consideration. No action shall be taken to implement any resolution passed by the Cabinet or Committee as a result of the motion until the Council have considered such resolution and have confirmed it in its original or amended form.

12 Emergency Notice of Motion

- 12.1 Notwithstanding Rule 11, the Council may consider an Emergency Notice of Motion, provided that the subject matter relates to a matter for which the local authority has responsibility or which affects the City; and the matter has arisen since the Council Agenda has been published.
- 12.2 The Notice must be signed by at least five Members and submitted to the Chief Executive no later than 24 hours before the commencement of the Council meeting (this means 2.00 pm on the day before).
- 12.3 The Mayor will consider the motion and report their view on whether or not the Notice of Motion shall be considered at the relevant Council meeting. Members shall vote whether or not to include the Notice of Motion on the Agenda without debate.
- 12.4 The provisions of this paragraph exclude a Notice of motion expressing no confidence in the Leader, and Executive Member or the Chair/Vice Chair of any Committee or Working Party.

13 Motions Without Notice

The following motions may be moved without notice:

- (i) to appoint a Chair of the meeting at which the motion is moved;
- (ii) in relation to the accuracy of the minutes;
- (iii) to change the order of business in the agenda;
- (iv) to refer something to an appropriate body or individual;
- (v) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (vi) to receive reports or adoption or recommendations of Committees or officers and any resolutions following from them;
- (vii) to withdraw a motion;
- (viii) to amend a motion;

- (ix) to proceed to the next business;
- (x) that the question be now put;
- (xi) to adjourn a debate;
- (xii) to adjourn a meeting;
- (xiii) to suspend a particular Council procedure rule;
- (xiv) to exclude the public and press in accordance with the Access to Information Rules;
- (xv) to not hear further a Member named under Rule 20.3 or to exclude them from the meeting under Rule 21.1; and
- (xvi) to give the consent of the Council where its consent is required by this Constitution.

14 Rules of Debate

14.1 No Speeches Until Motion Seconded

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

14.2 Right To Require Motion In Writing

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

14.3 Secunder's Speech

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

14.4 Content And Length Of Speeches

Speeches must be directed to the question under discussion or to a person explanation or point of order. No speech may exceed 6 minutes without the consent of the Mayor.

14.5 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:

- (i) to speak once on an amendment moved by another Member;

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

14.6 Amendments To Motions

- (i) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add wordsas long as the effect of (ii) to (iv) is not to negate the motion.
- (ii) 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.
- (iii) If an amendment is not carried, other amendments to the original motion may be moved.
- (iv) 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.
- (v) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 Alteration Of Motion

- (i) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (ii) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (iii) Only alterations which could be made as an amendment may be made.

14.8 Withdrawal Of Motion

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

14.9 Right Of Reply

- (i) 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.
- (ii) 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.
- (iii) The mover of the amendment has no right of reply to the debate on his or her amendment.

14.10 Motions Which May Be Moved During Debate

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

- (i) to withdraw a motion;
- (ii) to amend a motion;
- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn a debate;
- (vi) to adjourn a meeting;

- (vii) to exclude the public and press in accordance with the Access to Information rules; and
- (viii) to not hear further a Member named under Rule 20.3 or to exclude them from the meeting under Rule 21.1.

14.11 Closure Motions

- (i) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - to proceed to the next business;
 - that the question be now put;
 - to adjourn a debate; or
 - to adjourn a meeting.
- (ii) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (iii) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (iv) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.12 Point Of Order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of those Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

14.13 Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the

present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

15 Previous Decisions and Motions

15.1 Motion To Rescind A Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 19 Members.

15.2 Motion Similar To One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 19 Members. Once the motion or amendment is dealt with, no-one can propose a similar motion or amendment for six months.

16 Voting

16.1 Majority

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

16.2 Mayor's Casting Vote

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

16.3 Show Of Hands

Unless a ballot or a recorded vote is demanded under Rule 16.4 or 16.5 or there is a mandatory requirement for a recorded vote under Rule 16.6, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

16.4 Recorded Vote

If two Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

16.5 Right To Require Individual Vote To Be Recorded
(mandatory standing order under local authorities (standing orders) regulations 1993)

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

16.6 Recorded Vote At A Budget Meeting
(mandatory standing order under local authorities (standing orders) regulations 2001)

Immediately after any vote is taken at a budget decision meeting of the Council there will be recorded in the minutes of the proceedings of that meeting the names of the Members who cast a vote for the decision or against the decision or who abstained from voting.

A “budget decision” means a meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.

References to vote are references to a vote on any decision related to the making of the calculation.

16.7 Voting On Appointments

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

17 Minutes

17.1 Signing The Minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will 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.

17.2 No Requirement To Sign Minutes Of Previous Meeting At Extraordinary Meeting
(mandatory standing order under local authorities (standing orders) regulations 1993)

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

17.3 Form Of Minutes

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

17A Interests

If a Member has a Disclosable Pecuniary Interest or a prejudicial interest in any business of the Council they must withdraw from the room, chamber or public gallery, where the meeting considering the business is being held unless they have obtained a dispensation from the Standards Committee or Monitoring Officer as appropriate.

18 Record of Attendance

A record of attendance for all Members present during the whole or part of a meeting will be recorded.

19 Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

20 Members' Conduct

20.1 Standing To Speak

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

20.2 Mayor Standing

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

20.3 Member Not To Be Heard Further

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

20.4 Member To Leave The Meeting

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

20.5 General Disturbance

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

21 Disturbance by Public

21.1 Removal Of Member Of The Public

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

21.2 Clearance Of Part Of Meeting Room

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

22 Suspension and Amendment of Council Procedure Rules

22.1 Suspension

All of these Council Rules of Procedure except Rules 16.5 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

22.2 Amendment

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

23 Application to Committees and Sub-Committees

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 5 to 8, 10, 11, 13-17A, 19-22 (but not rule 20.1) apply to meetings of Committees and Sub-Committees, except that Rule 16.4 shall not apply to meetings of the Planning Committee, in respect of which the following shall apply – All decisions made at meetings of the Planning Committee shall be made the subject of a record of the manner in which each member voted or abstained from voting and such record shall be entered in the minutes. Further, no decision may be made by the Planning Committee on any application or other agenda item unless 7 Members are present (this does not relate to agenda items which are reported for information).

Access to Information Procedure Rules

Contents

Rule		Page
1	Scope	2
2	Additional Rights to Information	2
3	Rights to Attend Meetings	2
4	Notices of Meeting	2
5	Access to Agenda and Reports before the Meeting	2
6	Supply of Copies	2
7	Access to Minutes, etc. after the Meeting	3
8	Matters to be Considered in Every Report	3
9	Background Papers	4
10	Summary of Public's Rights	4
11	Exclusion of Access By The Public To Meetings	4
12	Exclusion of Access By The Public To Reports	8
13	Application of Rules To The Executive	8
14	Procedure Prior to Private Meetings	8
15	Procedure before Taking Key Decisions	9
16	The Decision Making Plan	9
17	General Exception	10
18	Special Urgency	11
19	Report to Council	11
20	Record of Decisions	12
21	Cabinet/Committee Meetings	12
22	Individual Executive Decisions	13
23	Overview and Scrutiny Management Committee Access to Documents	14
24	Additional Rights of Access For Members	15

Access to Information Procedure Rules

1. Scope

- 1.1 These Rules apply to all meetings of the Council, those Committees operating scrutiny functions, Regulatory Committees, Cabinet and Committees of the Cabinet¹.

2. Additional Rights to Information

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

3. Rights to Attend Meetings

- 3.1 Members of the public may attend all meetings subject only to the exceptions in these Rules.

4. Notices of Meeting

- 4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Town Hall, Lancaster Road, Preston (the designated office) and on its website.

5. Access to Agenda and Reports Before the Meeting

- 5.1 The Council will make copies of the agenda and reports open to the public and these will be made available for inspection at the designated office at least five clear days before the meeting and on the Council's website. If an item is added to the agenda later, the revised agenda and any reports will be open to inspection from the time the item was added to the agenda.

6. Supply of Copies

- 6.1 The Council will supply copies of:-
- (i) any agenda and reports which are open to public inspection;
 - (ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

¹ This includes a joint committee, a sub-committee of a joint committee discharging executive functions, and an area committee within section 9E of the Local Government Act 2000

- (iii) if the Proper Officer thinks fit, copies of any other documents supplied to Members 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 will make available copies of the following for six years after a Council/Committee meeting:

- (i) minutes of a meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public (which disclosed exempt or confidential information);
- (ii) 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;
- (iii) the agenda for the meeting; and
- (iv) reports relating to items when the meeting was open to the public.

7.2 The Council will make available copies of the following for six years after a Cabinet/Committee meeting:

- (i) a record of the executive decisions and any report(s) (or part of the report) considered at the meeting which is relevant to the decision recorded, excluding any part of the proceedings when the meeting was not open to the public (discloses exempt or confidential information).

8. Matters to be Considered in every report

8.1 Every report shall consider under separate headings:-

- (i) Legal Implications;
- (ii) Financial Implications; and
- (iii) Impact Statement (ie, the impact on the Council's priorities).

9. Background Papers

9.1 List of background papers

Every report will contain a list of those documents (called background papers) relating to the subject matter of the report which:

- (i) disclose any facts or matters on which the report or an important part of the report is based; and
- (ii) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 11).

9.2 Public inspection of background papers

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

10. Summary of Public's Rights

- 10.1 This Constitution provides a written summary of the public's rights to attend meetings and to inspect and copy documents and will be kept at and available to the public at the Town Hall, Lancaster Road, Preston.

11. Exclusion of Access by the Public to Meetings

11.1 Confidential information – requirement to exclude public

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

11.2 Exempt information – discretion to exclude public

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

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

11.3 Meaning of confidential information

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

11.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any condition):

Category	Condition
1. Information relating to any individual	Information is only exempt information if, and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual	Information is only exempt information if, and so long as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	<p>Information falling within this paragraph is not exempt if it is required to be registered under -</p> <ul style="list-style-type: none"> (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986, or (f) the Charities Act 1993 <p>Information is only exempt information if, and so long as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</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 of a Minister of the Crown and employees of, or office holders under, the authority	Information is only exempt information if, and so long as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5. Information in respect of which the claim to legal professional privilege could be maintained in legal proceedings	Information is only exempt information if, and so long as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6. Information which reveals that the authority proposes - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	Information is only exempt information if, and so long as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7. Information relating to any action taken or to be taken in conjunction with the prevention, investigation or prosecution of crime	Information is only exempt information if, and so long as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information which falls within any of the categories 1 to 7 above is not exempt information by virtue of that paragraph if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

11.5 Public Interest Test:

Information which:

- (a) falls within any of the categories 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of the qualifications above, is exempt information if and so long, as in all the

circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11.6 Assessment of Public Interest:

Information within categories 1 to 7 may only be treated as exempt if an assessment of the public interest has been made.

The public interest will be assessed on a case by case basis having regard to all relevant factors including but not limited to the following, to ensure a proper balance is achieved between the right to know, the right to personal privacy and the delivery of effective government.

In making such assessment the Council or the Cabinet (and any of their Committees or Sub-Committees) shall have regard to any relevant prejudice which may be caused to the Council or any other party if the information were disclosed, having regard to the full context of any disclosure. Account may be taken of whether disclosure would breach any obligation of confidence, or the rights of any individual under the Data Protection Act 1998 or the Human Rights Act 1998.

Account will be taken of the fact that the public interest test may be served by allowing access to information which would:

- (a) further the understanding of and participation in debating issues of the day;
- (b) facilitate transparency and accountability in and enhance scrutiny of decisions taken by the Council;
- (c) facilitate transparency and accountability in the spending of public money;
- (d) help individuals understand the decision made by the Council affecting their lives;
- (e) bring to light information affecting public safety or danger to the environment;
- (f) contribute to the administration of justice and enforcement of the law or the prevention or detection of crime or the apprehension or prosecution of offenders;

In making such an assessment the following factors shall be regarded as irrelevant:

- (a) possible embarrassment to the Council or its Officers;
- (b) possible loss of confidence in the Council or another public body;

- (c) the seniority of persons involved in the subject matter;
- (d) the risk of the public misinterpreting the information.

12. Exclusion of Access by the Public to Reports

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

13. Application of Rules to the Executive

- 13.1 Rules 14 – 21 (inclusive) also apply to the Cabinet or a Committee of the Cabinet where:
- (i) it intends to hold a meeting (or part of the meeting) in private;
 - (ii) it intends to meet to take a key decision. A key decision is defined in Article 13.03 of this Constitution.

14. Procedure Prior to Private Meetings

- 14.1 Where the Cabinet or a Committee of the Cabinet intend to hold a meeting in private it must give at least twenty eight clear days notice of its intention. The notice will include a statement of the reasons why the meeting is to be held in private, and will be made available at the designated office and on the Council’s website. Members of the public may make representations as to why the meeting should be held in public.
- 14.2 A further notice will be published by the Council at least five clear days before the private meeting is due to be held. The notice will set out the Cabinet/Committee intention to hold the meeting in private, the reasons why the meeting is to be held in private, details of representations received from the public as to why the meeting should be held in public, and a statement responding to the public representations. The notice will be made available at the designated office and on the Council’s website.
- 14.3 Where the date by which the meeting must be held makes compliance with Rule 14.1 above impracticable, the meeting will only be held in private where Cabinet/Committee has obtained the agreement from –
- the Chair of the Overview and Scrutiny Management Committee, or
 - if there is no such person, or the Chair of the Overview and Scrutiny Management Committee is unable to act, the Chair of the Council, or

- where there is no Chair of either the Overview and Scrutiny Management Committee or the Council, the Vice Chair of the Council

that the meeting is urgent and cannot reasonably be deferred.

- 14.4 As soon as reasonably practicable after the Cabinet/Committee has obtained agreement per Rule 14.3 above to hold a private meeting it will make available at the designated office and on the Council's website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

15. Procedure Before Taking Key Decisions

- 15.1 Subject to Rule 17 (General Exception) and Rule 18 (Special Urgency) a key decision may not be taken **unless** :

- a document (hereinafter referred to as "the Decision Making Plan") has been published in connection with the matter in question;
- at least twenty eight clear days have elapsed since the publication of the Decision Making Plan containing requisite details of the key decision; and
- where the key decision is to be taken at a meeting of the Cabinet or a Committee of the Cabinet, notice of the meeting has been given in accordance with Rule 4 above and a copy of the agenda and associated report has been made available for inspection by the public in accordance with Rule 5 above.

16. The Decision Making Plan

- 16.1 The Decision Making Plan will be made available for inspection by the public at the designated office and on the Council's website. It shall be a 'rolling' document.

- 16.2 Contents of the Decision Making Plan

The Decision Making Plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, Committees of the Cabinet, individual Members of the Cabinet, officers, Area Committees or Committees under joint arrangements in the course of the discharge of an executive function. The Decision Making Plan will describe the following particulars insofar as the information is available or might reasonably be obtained:

- that a key decision is to be made on behalf of the Council;
- the matter in respect of which a key decision is to be made;

- (iii) where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body, its name and a list of its membership;
- (iv) the date on which, or the period within which, the key decision is to be taken;
- (v) a list of the documents submitted to the decision maker for consideration in relation to the matter;
- (vi) the address from which, subject to any prohibition or restriction on disclosure, copies of, or extracts from, any document listed is available;
- (vii) that other documents relevant to those matters may be submitted to the decision maker;
- (viii) the procedure for requesting details of those documents (if any) as they become available.

Whilst the Decision Making Plan must contain particulars of the matter it may not contain any confidential or exempt information.

17. General Exception

17.1 Where the publication of the intention to make a key decision on the Decision Making Plan is impracticable then the **key** decision shall only be made:-

- (i) where the Proper Officer has informed the Chair of the Overview and Scrutiny Management 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;
- (ii) where the Proper Officer has made a copy of the notice available to the public at the designated office and on the Council's website; and
- (iii) after five clear days have elapsed following the day on which the Proper Officer complied with (i) and (ii) above.

17.2 As soon as reasonably practicable after the proper officer has complied with (i) and (ii) above he or she must make available at the designated office and on the Council's website a notice setting out the reasons why compliance with Rule 15 is impracticable.

18. Special Urgency

18.1 Where the date by which an executive decision that would be a key decision must be made makes compliance with Rule 17 above impracticable, and Rule 15 has not been complied with, the key decision shall only be made where the decision maker has obtained agreement from:-

- (i) the Chair of the Overview and Scrutiny Management Committee, or
- (ii) if there is no such person, or if the Chair of the Overview and Scrutiny Management Committee is unable to act, the Chair of the Council; or
- (iii) where there is no Chair of the Overview and Scrutiny Management Committee or the Council, the Vice-Chair of the Council

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

18.2 As soon as reasonably practicable after the decision maker has obtained agreement in accordance with Rule 18.1 above he or she must make available at the designated office and on the Council's website a notice setting out the reasons why that the meeting is urgent and cannot reasonably be deferred.

19. Report to Council

19.1 When the Overview and Scrutiny Management Committee can require a report

Where an executive decision has been made and not treated as a key decision and if the Overview and Scrutiny Management Committee are of the opinion that the decision should have been treated as a key decision, the Overview and Scrutiny Management Committee may require the executive (which is responsible for the decision) to submit a report to the Council within such reasonable time as the Committee may specify. The power to require a report rests with the Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Committee when so requested by the Chair or any five Members of the Committee. Alternatively, the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Management Committee.

19.2 Cabinet's report to Council

The person or body responsible for the decision will prepare a report for submission to Council in accordance with the Overview and Scrutiny Management Committee's instructions. If the Overview and Scrutiny Management Committee does not specify a timeframe, the report will be taken to the next available meeting of the Council. If the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision including reasons for the decision, the individual or body making the decision, and if the executive is of the opinion that it was not a key decision the reasons for that opinion.

19.3 Reports on special urgency decisions

The Leader will submit a report to each ordinary Council meeting on every executive decision taken in the circumstances set out in Rule 18 (Special Urgency) since the previous meeting (if any have been made). The report will include the particulars of each decision so taken and a summary of the matters in respect of which each decision was made.

20. Record of Decisions

20.1 After any meeting of the Cabinet or Committee of the Cabinet, the Proper Officer or, where no officer was present, the person presiding at the meeting, will produce a record of every executive decision taken at that meeting as soon as practicable. The record will include

- the decision including the date it was made;
- reasons for the decision;
- details of any alternative options considered and rejected at the meeting;
- any conflict of interest relating to the matter decided which is declared by any member of the Cabinet or Committee of the Cabinet making the decision; and
- in respect of any declared conflict of interest a record of dispensation granted by the Chief Executive.

20.2 As soon as is reasonably practicable the Proper Officer will make available for inspection by the public a copy of the record of decision, and any report considered at the meeting and relevant to the decision recorded, at the designated office and on the Council's website.

21. Cabinet/Committee Meetings

21.1 The Cabinet and any of its Committees/Sub-Committees will meet in public (unless considering exempt or confidential information).

22. Individual Executive Decisions

22.1 Key decisions

Where an individual Member of the Cabinet or officer intends to make a key decision he or she cannot make that decision unless Rule 15 has been complied with. Where it is impracticable to comply with the provisions set out in that Rule, a key decision cannot be made unless the General Exception Rule (Rule 17) has been complied with. In cases of special urgency (i.e. where Rules 15 or 17 cannot be complied with) Rule 18 must be complied with before a key decision can be taken.

22.2 Record of executive decision taken by individual Member of the Cabinet

As soon as reasonably practicable after an executive decision has been taken by an individual Member of the Cabinet, he or she will prepare, or instruct the Proper Officer to prepare, a record of the decision. The record will include

- the decision including the date it was made;
- reasons for the decision;
- details of any alternative options considered and rejected by the individual member;
- any conflict of interest relating to the matter decided which is declared by any Cabinet Member who is consulted by the individual member making the decision; and
- in respect of any declared conflict of interest a record of dispensation granted by the Chief Executive.

22.3 As soon as is reasonably practicable the Proper Officer will make available for inspection by the public a copy of the record of decision and any report considered by the individual member and relevant to the decision recorded, at the designated office and on the Council's website.

22.4 The documents will be made available for inspection by the public for six years beginning on the date on which the decision was made.

22.5 Record of executive decision taken by officer

As soon as reasonably practicable after an executive decision has been taken by an officer, he/she will prepare a record of the decision. The record will include

- the decision including the date it was made;
- reasons for the decision;
- details of any alternative options considered and rejected by the officer;

- any conflict of interest relating to the matter decided which is declared by any Cabinet Member who is consulted by the officer making the decision; and
- in respect of any declared conflict of interest a record of dispensation granted by the Chief Executive.

22.6 As soon as is reasonably practicable the Proper Officer will make available for inspection by the public a copy of the record of decision and any report considered by the officer and relevant to the decision recorded, at the designated office and on the Council's website.

22.7 The documents will be made available for inspection by the public for six years beginning on the date on which the decision was made.

23. Overview and Scrutiny Management Committee Access to Documents

23.1 Rights to copies

Subject to Rule 23.2 below, a Member of the Overview and Scrutiny Management Committee, Task and Finish Group or the Crime and Disorder Committee will be entitled to a copy of any document which is in the possession or control of the Cabinet and which contains material relating to:

- (i) any business transacted at a meeting of the Cabinet;
- (ii) any executive decision taken by an individual Member of the Cabinet; or
- (iii) any executive decision that has been made by an officer.

23.2 Where a Member of the Overview and Scrutiny Management Committee, Task and Finish Group or the Crime and Disorder Committee requests a copy of a document, per Rule 23.1 above the Cabinet will provide a copy of that document as soon as reasonably practicable but in any event no later than ten clear days after the Cabinet received the request.

23.3 Where the Cabinet determines that a Member of the Overview and Scrutiny Management Committee, Task and Finish Group or the Crime and Disorder Committee is not entitled to a copy of a document or part of a document for the reasons set out in Rule 23.1 above or Rule 23.4 below, it will provide the relevant Committee with a written statement setting out its reasons for that decision.

23.4 Limit on rights

Members of the Overview and Scrutiny Management Committee, Task and Finish Group and the Crime and Disorder Committee will not be entitled to:

- (i) any document that is in draft form (unless it is published and available in draft form for consultation or comments);
- (ii) any document or part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision that that Member is reviewing or scrutinising or any review contained in any programme of work of the relevant Committee.

24. Additional Rights of Access for Members

24.1 Material relating to business to be transacted at a public meeting

All Members will be entitled to inspect any document which is in the possession or under the control of the Cabinet and contains material relating to any business to be transacted at a public meeting. Any such document will be available for inspection by any Member for at least five clear days before the meeting unless the meeting is convened at shorter notice or an item is added to the agenda. In those cases the document will be available when the meeting is convened or when the item is added to the agenda.

24.2 Any document which is in the possession or under the control of the Cabinet and which contains material relating to:

- (i) any business transacted at a private meeting of the Cabinet;
- (ii) any executive decision taken by an individual Member of the Cabinet; or
- (iii) any executive decision that has been made by an officer

will be available for inspection by any Member when the meeting concludes or where an executive decision is made by an individual Member of the Cabinet or officer immediately after the decision has been made, but in any event within twenty four hours of the conclusion of the meeting or the decision being made, as the case may be.

24.3 Rules 24.1 and 24.2 above do not require a document to be available to inspection if it appears to the Proper Officer that it discloses exempt information of a description falling within Part 1 of Schedule 12A to the Local Government Act 1972 except for a document containing information of a description falling within paragraph 3 of the said

Schedule (except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract) or paragraph 6 of the said Schedule.

24.4 Nature of rights

These rights of a Member are additional to any other right he or she may have.

25. General

25.1 Nothing in these Rules requires or authorises the Council to disclose to the public or make available for public inspection any document that contains or may contain confidential and/or exempt information.

25.2 Where an individual Member of the Cabinet or an officer makes an executive decision nothing in these Rules authorises or requires documents relating to that decision to be disclosed to the public or made available for public inspection, where the document contains confidential and/or exempt information.

Budget and Policy Framework Procedure Rules

Contents

	Page
1 The Framework for Executive Decisions	2
2 Consultation, Developing the Framework and Conflict Resolution	2
3 Decisions Outside the Budget or Policy Framework	4
4 Urgent Decisions Outside the Budget or Policy Framework	4
5 Virement	5
6 In-Year Changes to Policy Framework	5
7 Call-In of Decisions Outside the Budget or Policy Framework	5

Budget and Policy Framework Procedure Rules

1. The framework for executive decisions

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

2. Consultation and developing the framework

2.1 The Budget and Policy framework includes the Council's key policies and strategies that will have a significant impact upon the City and its citizens. In development each of these will involve consultation which will need to be a planned and tailored exercise.

2.2 At the outset, the Cabinet should consider proposals for consultation on individual budget and policy framework items. This may include but not exclusively: -

- Citizens
- Voluntary and Community Sector groups
- Public and private sector partners
- Regional and National bodies
- Relevant committees and working parties of the Council

2.3 Following consultation, and having taken the outcome into account, the Cabinet will finalise its proposals for presentation to full Council.

2.4 In relation to the adoption of the Policy Framework, Revenue Budget, Capital Programme and Council Tax levels, the full Council shall consider detailed proposals of the Cabinet and the views expressed by the Overview and Scrutiny Management Committee. The full Council may then adopt the Cabinet's proposals with or without amendments.

2.5 In any financial year the Cabinet shall notify the Council of its timetable for developing its proposals for the Revenue Budget, Capital Programme and Council Tax level no later than 30 September.

2.6 Conflict Resolution Procedure

The full Council's decision in respect of the Cabinet proposals shall be recorded in a Notice of Decision to be published by the Proper Officer within two working days of the full Council meeting, and a copy given to the Leader of the Council. The Notice shall be dated and shall state either that the decision shall be effective immediately if the full Council accepts the Cabinet's proposals without amendment, or, if the Cabinet's proposals are not accepted without amendment, that the decision shall become effective on the expiry of five working days after the publication of the Notice of Decision. The notice shall inform the Leader of the Council's objections and give instructions for him/her to reconsider in the light of those objections.

- 2.7 Unless the Leader accepts the Notice of Decision, he/she shall call a meeting of the Cabinet to formulate revised proposals. There shall also be a meeting of the Overview and Scrutiny Management Committee, at which the Leader will be invited to explain revised proposals. The Overview and Scrutiny Management Committee will exercise no call-in procedure subsequent to this meeting (see Paragraph 2.08 below).
- 2.8 If the Leader does not accept the decision of the full Council, he/she shall give written notice to the Proper Officer to that effect prior to the date upon which the decision is to be effective. The written notification shall state the reasons and may contain revised proposals. Where such notification is received, the Proper Officer shall convene a further meeting of the full Council to consider the Leader's revised proposals, and the decision shall not be effective pending that meeting.
- 2.9 The meeting of the full Council must take place within ten working days of the receipt of the Leader's revised proposals. The full Council shall at that meeting make its final decision which shall be made public and implemented immediately.
- 2.10 The provisions of paragraphs 2 to 6 above shall apply in respect of the Cabinet's proposals for the Budget, Capital Programme and Council Tax levels only where those proposals are submitted to the members of Council before 8 February in the financial year preceding that for which the proposals are made. In this paragraph 'submit' means in practical terms that the Cabinet has passed a resolution setting out its proposals at a formal meeting before 8 February in any year.
- 2.11 Where a decision of the full Council involves amendments to the Cabinet's proposals and is urgent in the interests of the efficient execution of the Council's responsibilities, it may have immediate effect if the Leader (or, in his/her absence, the Deputy Leader or, in his/her absence, a Cabinet member authorised by the Leader) indicates at the meeting that he/she agrees the amendments made.

3. Decisions outside the budget or policy framework

- 3.1 Subject to the provisions of Paragraph 5 (virement), the Cabinet, individual Members of the Cabinet and any officers 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, individual Members of the Cabinet and any officers discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and/or the chief financial 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, an individual Member of the Cabinet or officers 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:
- (i) if it is not practical to convene a quorate meeting of the full Council; and
 - (ii) if the Chair of Overview and Scrutiny Management Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the Overview and Scrutiny Management 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 Overview and Scrutiny Management Committee the consent of the Vice Chair, Mayor, and in the absence of any Deputy Mayor will be sufficient. In a civil emergency decisions may be approved by Chief Executive or a Director.

- 4.2 Following the decision, and as soon as possible, the decision maker will notify all the group leaders. A report will be provided to the next Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

In a civil emergency, decisions may be approved by the Chief Executive or a Director.

5. Virement

- 5.1 The Council shall have the budget heads as set out in CIPFA standard classification.
- 5.2 Virements may be approved as set out in the Council's scheme of delegation.

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 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:
- (i) which will result in the temporary closure or discontinuance of a service or part of service to meet a budgetary constraint;
 - (ii) necessary to ensure compliance with the law, ministerial direction or government guidance;
 - (iii) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;

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

- 7.1 Where the Overview and Scrutiny Management Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the monitoring officer and/or chief financial officer.

Cabinet Procedure Rules

Contents

	Page
1 Who May Make Executive Decisions?	2
2 Appointments and Delegations by the Leader	2
3 Sub-Delegation Of Executive Functions	3
4 The Council's Scheme Of Delegation And Executive Functions	3
5 Conflicts Of Interest	3
5A Interests	4
6 Cabinet Meetings - When And Where?	4
7 Public Meetings Of The Cabinet	4
8 Quorum	4
9 How Are Decisions To Be Taken By The Cabinet?	4
10 Who Presides?	5
11 Voting	5
12 Who May Attend?	5
13 What Business?	5
14 Consultation	6
15 Who Can Put Items On The Cabinet Agenda?	6

Cabinet Procedure Rules

How does the Cabinet operate?

1 Who may make executive decisions?

The Leader may discharge any functions which are the responsibility of the Executive (subject to any provisions made under sections 18, 19 or 20, Local Government Act 2000), or he/she may provide for executive functions to be discharged by:

- (i) the Cabinet as a whole;
- (ii) an individual Member of the Cabinet;
- (iii) a committee of the Cabinet;
- (iv) an officer;
- (v) an Area Committee;
- (vi) joint arrangements; or
- (vii) another local authority.

2 Appointments and Delegations by the Leader

At Annual Council the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 2 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- i) the names, addresses and wards of the councillors appointed to the Cabinet, by the Leader, and their portfolio areas;
- ii) the name of the councillor appointed, by the Leader, to Deputy Leader¹;
- ii) the extent of authority delegated to the Cabinet as a whole;
- iii) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- iv) the terms of reference and constitution of such executive committees as the Leader appoints and the names of Cabinet Members appointed to them;
- v) the nature and extent of any delegation of executive functions to Area Committees, any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and
- iv) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

3 Sub-delegation of executive functions

¹ Only at the annual meeting held in 2011, or at any other subsequent annual meeting held on a day when the Leader's term of office is to end by virtue of section 44E of the Local Government Act 2000

Subject to any statutory provision about the discharge of functions to Area Committees, by another authority or by joint arrangements:

- i) if the Leader delegates functions to the Cabinet, then unless he/she directs otherwise the Cabinet may delegate further to a committee of the Cabinet, to an officer;
- ii) if the Leader delegates functions to a Cabinet Member, then unless he/she otherwise directs that Cabinet Member may delegate further to an officer;
- iii) if the Leader delegates functions to a committee of the Cabinet, then unless he/she directs otherwise the committee may delegate further to an officer.

Where executions functions have been delegated, that does not prevent the discharge of delegated functions by the person or body who delegated them.

4 The Council's scheme of delegation and executive functions

- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 2 of this Constitution.
- (b) The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give immediate notice to the Chief Executive, Monitoring Officer and the Section 151 Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on the chairman of the committee.

5 Conflicts of interest

- (i) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 4 of this Constitution.
- (ii) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 4 of this Constitution.

- (iii) If the exercise of an executive function has been delegated to an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 4 of this Constitution.

5A Interests

If a Member has a Disclosable Pecuniary Interest or a prejudicial interest in any business of the Council they must withdraw from the room, chamber or public gallery, where the meeting considering the business is being held unless they have obtained a dispensation from the Standards Committee or Monitoring Officer as appropriate.

6 Cabinet meetings – when and where?

The Cabinet will meet on a monthly basis at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

7 Public meetings of the Cabinet

The Cabinet will meet in public (unless considering confidential or exempt information) in accordance with the Access to Information Procedure Rules.

8 Quorum

The quorum for a meeting of the Cabinet is three. No substitute members are permitted.

9 How are decisions to be taken by the Cabinet?

(a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 3 of the Constitution.

(b) Where executive decisions are delegated to a committee of the executive, 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.

How are Cabinet Meetings Conducted?

10 Who presides?

The Leader (or in his/her absence the Deputy Leader) will preside at Cabinet meetings. In the absence of both, the Cabinet will appoint another member to act as Chair.

11 Voting

Voting will be by show of hands, but in the event of a tie the person chairing the meeting will have a second or casting vote.

12 Who may attend?

- (i) Meetings of the Cabinet will be attended by the Chief Executive and all appropriate Directors (or his/her representative).
- (ii) Any non-executive member may attend a Cabinet meeting but is not entitled to vote and may only speak if he/she is invited to do so.
- (iii) The Cabinet may exclude non-executive members from the whole or any part of a meeting if it is considered necessary to do so during the consideration of exempt or confidential information. The reasons for exclusion will be recorded in the minutes.

13 What business?

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

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) matters referred to the Cabinet (whether by the Overview and Scrutiny Management Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 3 of this Constitution;
- (iv) consideration of reports from the Overview and Scrutiny Management Committee; and
- (v) 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 3 of this Constitution.

14 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain

details of the nature and extent of consultation with stakeholders and the Overview and Scrutiny Management Committee and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

15 Who can put items on the Cabinet agenda?

- (i) The Leader may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet or any Member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.
- (ii) The proper officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Overview and Scrutiny Management Committee or the full Council have resolved that an item be considered by the Cabinet.
- (iii) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by the Overview and Scrutiny Management Committee including Task and Finish Groups.
- (iv) Any Member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered.
- (v) The Monitoring Officer and/or the Chief Financial 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. In other circumstances, where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

Overview and Scrutiny Procedure Rules

Contents

	Page
1. Form and Composition of Overview and Scrutiny	3
2. Priority Setting Workshop	3
3. Task and Finish Groups	4
4. Who may sit on Overview and Scrutiny?	4
5. Meeting of Overview and Scrutiny Management Committee and Crime and Disorder Committee	5
6. Meeting of Task and Finish Groups	5
7. Quorum	5
8. Chairs and Vice-Chairs	5
9. Work Programme	5
10. Agenda Items	5
11. Policy Review and Development	7

12.	Overview and Scrutiny reports to be considered by the Cabinet or Council	7
13.	Rights of Overview and Scrutiny Members to Documents	7
14.	Members and Officers Giving Account	7
15.	Attendance by Others	8
16.	Call in Arrangements	8
17.	Call in and Urgency	9
18.	Councillor Call for Action	10
19.	Petitions	10
20.	The Party Whip	11
21.	Procedure at Overview and Scrutiny Meetings	11

Overview and Scrutiny Procedure Rules

The Council needs to have in place robust overview and scrutiny arrangements. To ensure this the Council has an Overview and Scrutiny Management Committee (O&SMC) and a Crime and Disorder Committee. The O&SMC may appoint Task and Finish Groups at any time. Details of the scrutiny arrangements can be found in Part 1, Article 6 of this Constitution.

1. Form and Composition of Overview and Scrutiny

- 1.1 The Council will have an O&SMC which is made up of 12 Members as set out in Part 1, Article 6 of the Constitution.
- 1.2 The O&SMC may appoint a Task and Finish Group to deal with topic specific issues. On the expiry of the study of the topic the Task and Finish Group shall cease to exist. The number of Task and Finish Groups active at any one time will be kept under review by O&SMC.
- 1.3 As a general principle, Overview and Scrutiny meetings shall meet in public, unless considering information classed as 'exempt' or confidential under Part 3, Section 2, Paragraph 11 of the 'Access to Information Procedure Rules' of the Constitution. Under the Scrutiny function flexible and innovative working is encouraged such as site visits and meeting with external organisations in small informal groups. Such working will be reported back to the relevant overview and scrutiny meetings.
- 1.4 In these Procedure Rules, the terms 'Overview and Scrutiny' and 'Scrutiny function' shall be used to refer to the O&SMC, Crime and Disorder Committee and Task and Finish Groups collectively.
- 1.5 Whilst the Crime and Disorder Committee is part of the Scrutiny function it must operate under certain criteria as set out in the Crime and Disorder Act 1998 (and Regulations made thereunder).

2. Priority Setting Workshop

- 2.1 Following the election in May and prior to Annual Council, all Members will be invited to attend an informal Priority Setting Workshop. There Members will discuss the topics they wish to study during the forthcoming Municipal Year. All Members shall be invited to attend and each Member will be invited to vote on each topic. At the end of the Workshop officers will compile lists of each suggested topic and prioritise them by counting the number of votes each topic received.
- 2.2 Details of the outcome of the Priority Setting Workshop will then be sent to the next available Corporate Management Team (CMT) meeting. CMT will produce Scoping documents of the topics which garnered the most support. A report along with the Scoping documents will be submitted to the next available meeting of the O&SMC for consideration. The report will contain details of a proposed size of each Task and Finish Group based on the Council's current political balance.

3. Task and Finish Groups

- 3.1 The O&SMC decides how many Task and Finish Groups it will have operating at any one time. It will consider the information submitted by CMT and approve the specific topic it wishes to be undertaken as a work plan study, as well as the Scoping document. The O&SMC will appoint Members to a Task and Finish Group. On completion of a work plan study, the Task and Finish Group will report directly to Cabinet or Council, as directed by the O&SMC. Each Task and Finish Group will be allocated a Lead Officer whose job it is to co-ordinate the attendance of others, arrange site visits, set up informal groups and liaise with a support officer in the Member Services Section.
- 3.2 The work undertaken by a Task and Finish Group will deal with specific topic related project work which could include policy development, consultation, specific tasks, review, investigation or similar activity. Each Task and Finish Group would normally only make one report during its lifetime.
- 3.3 Task and Finish Groups will be subject to Overview and Scrutiny Procedure Rules and Access to Information Rules. Substitutes are not permitted. Any proposed change in membership to a Task and Finish Group must be reported to a meeting of the O&SMC before a change in membership may be made.
- 3.4 At the first meeting of each new Task and Finish Group, consideration will be given to the Scoping document. This document will set out who should be involved with its work, who should give evidence, who should be consulted etc. However, the Scoping document is a working document and may change throughout the period of the study. The Scoping document may also highlight potential non-voting co-optees.
- 3.5 Each Task and Finish Group should endeavour to meet the agreed timescale set out in the Scoping document.

4. Who May Sit on Overview and Scrutiny?

- 4.1 All Members, with the exception of Members of the Cabinet, may be appointed to one or more Overview and Scrutiny body. However, no Member may be involved in scrutinising a decision in which they have been directly involved.
- 4.2 The political groups will allocate Members to a Task and Finish Group in accordance with the political balance arrangements proposed by CMT which are subject to approval by the O&SMC.
- 4.3 Any co-opted members identified will be non-voting co-optees only.

5. Meeting of O&SMC and Crime and Disorder Committee

- 5.1 The O&SMC and the Crime and Disorder Committee will meet regularly on dates determined by Council on an annual basis. The Crime and Disorder Committee must meet annually, at least once.

5.2 Additional ad-hoc meetings may be held as required.

6. Meeting of Task and Finish Groups

6.1 Each Task and Finish Group shall determine the frequency, times and venues of its meetings, in accordance with the timetable for the proposed completion of its study as set out in the Scoping document.

7. Quorum

7.1 The quorum for Overview and Scrutiny shall be as set out in the Council Procedure Rules in Part 3, Section 1 of the Constitution.

8. Chairs and Vice-Chairs

8.1 (a) The Chair and Vice-Chair of the O&SMC and Crime and Disorder Committee will be appointed by Council.

(b) The Chair and Vice-Chair of a Task and Finish Group will be appointed at its first meeting from amongst the Members present and voting.

(c) The Chair and Vice-Chair of the O&SMC will be from a different political group than the Leader of the Council.

(c) If the Chair is absent from the meeting, the Vice-Chair will preside. In the absence of both the Chair and Vice-Chair, another member of Overview and Scrutiny will be chosen by a simple majority from those present and voting, and will preside as Chair for that meeting only.

9. Work Programme

9.1 The O&SMC and Crime and Disorder Committee set out their own work programme for the Municipal Year within their respective terms of reference set out in Part 2, Section 2 of the Constitution.

10. Agenda Items

10.1 A Member of the O&SMC or the Crime and Disorder Committee may refer to their respective Committee any matter which is relevant to the functions of that Committee by giving notice to the Proper Officer. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

10.2 Any Member of the Council who is not a Member of the O&SMC may refer any matter which is relevant to the functions of the O&SMC and is not an “excluded matter”¹ by giving notice to the Proper Officer. On receipt of such a notice the Proper Officer will ensure that it is included on the next available agenda for, and discussed at, the meeting

¹ An ‘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, or (b) a matter of any description specified in an order made by the Secretary of State.

of the O&SMC. In considering whether to exercise the power the Member must have regard to any guidance issued by the Secretary of State. In considering whether or not to exercise any of its powers, the O&SMC may have regard to any representations made by the Member as to why it would be appropriate for the O&SMC to exercise any of its powers in relation to the matter. If the O&SMC decides not to exercise any of its powers in relation to the matter, it must notify the Member of its decision and the reason for it. Where the O&SMC exercises its power it must provide the Member with a copy of any report or recommendation which it makes to the Council or the Executive in relation to the matter (subject to confidential and exempt information rules).

- 10.3 Any Member of the Council who is not a Member of the Crime and Disorder Committee may refer any “local crime and disorder matter”² to the Committee by giving notice to the Proper Officer. On receipt of such a notice the Proper Officer will ensure that it is included on the next available agenda for, and discussed at, the meeting of the Committee. In considering whether or not to make a report or recommendations to the Council or the Executive in relation to the matter, the Committee may have regard to any representations made by the Member as to why it would be appropriate for the Committee to exercise the power in relation to the matter. If the Committee decides not to make a report or recommendations to the Council or the Executive in relation to the matter, it must notify the Member of its decision, and the reason for it. Where the Committee makes a report or recommendations to the Council or the Executive, it must provide a copy of the report or recommendations to (i) the Member who referred the local crime and disorder matter to the Committee, and (ii) the responsible authorities³ and the co-operating persons and bodies⁴ as it thinks appropriate (subject to confidential and exempt information rules).

11. Policy Review and Development

- 11.1 O&SMC may assist in the development of the Council’s existing Budget and Policy Framework which is set out in detail in the Budget and Policy Framework Procedure Rules in Part 3, Section 3 of the Constitution.
- 11.2 In relation to the development of the Council’s approach to other matters not forming part of the Budget and Policy Framework, the O&SMC may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations, subject to finance being available. They may invite witnesses to attend to address them on any matter under consideration.

² ‘Local crime and disorder matter’, in relation to a Member of a local authority means a matter concerning (a) 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 (b) the misuse of drugs, alcohol and other substances, which affect all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

³ As set out in Section 5 of the Crime and Disorder Act 1998.

⁴ As set out in Section 5 (2) of the Crime and Disorder Act 1998.

- 11.3 Once it has formed recommendations on proposals for policy development, O&SMC will prepare a formal report for consideration by the Cabinet or Council.
- 11.4 Cabinet or Council shall consider the report of O&SMC at the first available meeting.
- 12. Overview and Scrutiny Reports to be Considered by the Cabinet or Council**
- 12.1 Once Overview and Scrutiny has completed its deliberations on any matter, it will forward a copy of its final report to the Cabinet or Council (and any other person/body as may be required under the provisions set out in the Local Government Act 2000, or in the case of the Crime and Disorder Committee, under the Police and Justice Act 2006).
- 12.2 Each Cabinet agenda shall include an item entitled 'Issues arising from O&S or Crime and Disorder Committee'. The reports referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) as soon as practicable following completion of the report and recommendations.
- 13. Rights of Overview and Scrutiny Members to Documents**
- 13.1 In addition to their rights as Councillors, Members of the O&SMC and Crime and Disorder Committee have additional rights to documents and these are set out in part 3, section 2, paragraph 23 of the 'Access to Information Rules' of the Constitution.
- 13.2 Nothing prevents more detailed liaison between the Executive and Overview and Scrutiny as appropriate depending on the particular matter under consideration.
- 14. Members and Officers Giving Account**
- 14.1 (a) In fulfilling the scrutiny role, Overview and Scrutiny may require any Member of the Cabinet, the Head of Paid Service and/or any Director or his/her representative to attend before it to explain matters within their remit regarding:-
- (i) Any particular decision or series of decisions;
 - (ii) The extent to which the actions taken implement Council policy; and/or
 - (iii) The performance of a service or function.
- and it is the duty of those persons to attend if so required.
- (b) Where any Member or officer, as above, is required to attend Overview and Scrutiny under this provision, the Chair will inform the Proper Officer. The Proper Officer shall inform the Member or officer in writing giving at least five working days' notice of the meeting at which he/she is required to give account and whether any papers are required to be produced. Where papers are required to be produced then the Cabinet Member, or the appropriate officer concerned, will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, the Overview and Scrutiny meeting shall, in consultation with the Member or officer, arrange an alternative date for attendance.

15. Attendance by Others

- 15.1 The Overview and Scrutiny meeting may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders, Ward Councillors and other Members and officers in other parts of the public sector and shall invite such people to attend. However, there is no compulsion for such individuals to attend.

16. Call-In Arrangements

- 16.1 Call-in should only be used in exceptional circumstances. 'Exceptional circumstances' are where Members of the O&SMC have evidence which suggests that the decision in question will not be, or has not been made, in accordance with the principles set out in Article 13 (Decision Making) or other reasons, provided that the reasons are specified in full on the form requesting the call-in.
- 16.2 When a decision is made by the Cabinet, an individual Member of the Cabinet, or a key decision is made by an officer with delegated authority, or under joint arrangements, the decision shall be published, including on the Council's website, and shall be available at the main offices of the Council normally within three working days of being made. The Chair of the O&SMC will be sent copies of the records of all such decisions within the same timescale by the same person responsible for publishing the decision. Where a key decision is to be taken, advance publication of the key decision will be given and detailed in the Decision making Plan, in accordance with Access to Information Procedure Rules.
- 16.3 When the decision is published it will bear the date of publication and will specify that the decision will come into force and may then be implemented on the expiry of **five** working days after the publication of the decision, unless such a decision is called in.
- 16.4 During that period, the Proper Officer shall call-in a decision for scrutiny by the O&SMC if so requested by the Chair or any three Members of the O&SMC, and shall then notify the decision taker of the call-in. If considered urgent by the Proper Officer, he/she shall call a meeting of the O&SMC on such date as he/she may determine, where possible after consultation with the Chair of the O&SMC, and in any case within five days of the decision to call-in. Alternatively, the matter shall be placed on the agenda for the next ordinary meeting of the O&SMC.
- 16.5 If having considered the decision, the O&SMC is still concerned about it, they may then refer it back to the decision making body or person for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further seven working days, amending the decision or not, before adopting a final decision.

- 16.6 If following an objection to the decision, the O&SMC does not refer the matter back to the decision making body, the decision shall take effect on the date of the O&SMC where the matter was considered.
- 16.7 If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no power to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole, a meeting will be convened to reconsider within seven working days of the Council request. Where the decision was made by an individual, the individual will reconsider within seven working days of the Council request.
- 16.8 If the Council does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting at which the Overview and Scrutiny referral was considered.
- 16.9 The only exception to these call-in arrangements is that contained in Rule 17 below.

17. Call-in and Urgency

- 17.1 The call-in procedure, set out above, shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or public 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. The Chair or Vice-Chair of the O&SMC or, in their absence, the Mayor, must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of any of the above, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 17.2 The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for improvement if necessary.

18. Councillor Call for Action

- 18.1 Any Councillor can submit a request under the banner of "Councillor call for action" where there is a local problem that the Councillor has not been able to resolve him/herself. This should be submitted on the appropriate proforma to the Monitoring Officer. Receipt of this form shall be acknowledged and discussed with the Chair of the O&SMC.

- 18.2 The Chair, having taken appropriate advice, shall decide whether the CCfA should be placed on the next O&SMC agenda or rejected. This decision shall be given in writing to the ward Councillor concerned, with reasons if it has been rejected. If accepted the ward Councillor shall be invited to attend and speak at the O&SMC meeting where the CCfA is to be considered.
- 18.3 At such meeting of the O&SMC it shall be decided whether or not to accept the CCfA and to undertake investigations to resolve the matter. If the CCfA is rejected the ward Councillor should be informed in writing with reasons. If accepted, the O&SMC shall decide how to conduct its investigations and what information it requires, e.g. witnesses, documents, site visits. It could also delegate a small group of its members to undertake this piece of work.
- 18.4 Once the work is completed the O&SMC shall produce a report, with findings and recommendations where appropriate. This report shall be sent to all witnesses it has interviewed and those bodies who are the subject of recommendations in the report (these could be within the Council or external partners) shall be requested to consider the report and respond within two months, indicating what action it intends to take.
- 18.5 The O&SMC shall consider such responses and determine whether these are satisfactory. If not a further report may be produced and sent to the bodies concerned. If the responses are satisfactory the O&SMC shall monitor implementation of the agreed actions.

19. Petitions

Petitions referred by the Council

- 19.1 Where the Council refers an active petition to the O&SMC either following receipt or debate at a Council meeting, it shall consider the petition and make a report and/or recommendations to the Council in response to the petition.

Review of the adequacy of the steps

- 19.2 A Petition Organiser may request in writing, within 30 days starting from the date of the written notification, that the O&SMC review the adequacy of the steps taken or proposed to be taken by the Council in response to their active petition.
- 19.3 The request to review the adequacy of the steps shall be placed on the next available agenda of the O&SMC. The Scrutiny Support Manager shall in advance of the meeting notify the Petition Organiser of the date and time of the meeting.
- 19.4 At the meeting the Chair of the O&SMC may invite the Petition Organiser, if present, to address the Committee on why he or she considers that the Council's response to the active petition to be inadequate.
- 19.5 The Petition Organiser shall be notified of the results of the review within 5 working days of the determination. The results of the review shall also be published on the Council's website unless in all the circumstances it would be inappropriate to do so.

20. The Party Whip

20.1 When considering any matter in respect of which a member of the Overview and Scrutiny is subject to a party whip, the Member must declare the existence of the whip and the nature of it before the commencement of the deliberations on the matter. The declaration and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

21. Procedure at Overview and Scrutiny Meetings

21.1 (a) O&SMC shall consider the following business:

- (i) Declarations of interest (including whipping declarations);
- (ii) Minutes of the last meeting;
- (iii) Consideration of any matter referred to the Committee in relation to the call-in of a decision;
- (iv) Responses of the Cabinet to reports of Overview and Scrutiny (where applicable); and
- (v) The business otherwise set out on the agenda for the meeting.

(b) Where Overview and Scrutiny conduct investigations (e.g. with a view to policy development or investigations), it may also ask people to attend to give evidence at meetings, which are to be conducted in accordance with the following principles:-

- (i) That the investigation shall be conducted fairly and all Members of Overview and Scrutiny being given the opportunity to ask questions of attendees and to contribute and speak;
- (ii) That those assisting by giving evidence be treated with respect and courtesy; and
- (iii) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(c) Following any investigation or review, Overview and Scrutiny shall prepare a report for submission to Cabinet and/or Council and shall make its report and findings public (subject to confidential and exempt information rules).

FINANCIAL PROCEDURE RULES

Financial Procedure Rules

Contents	Page
1. Introduction	3
2. Financial Management Standards	3
3. Accounting Records and Returns	4
4. Revenue Expenditure	5
5. Cabinet Approved Unfunded Revenue Budget Increase	6
6. Revenue Accounting and Monitoring	7
7. Capital Programme	7
8. Capital Monitoring and Reporting Requirements	8
9. Payback Schemes	10
10. Budgetary Controls	10
11. Grants to External Organisations	11
12. External Funding	11
13. Internal Audit	12
14. Income	12
15. Contracts	13
16. Ordering and Paying for Works, Goods and Services	14
17. Salaries and Allowances	16
18. Insurance	17
19. Taxation	17
20. Treasury Management & Banking	17
21. Trust Funds Held for Third Parties	18
22. Cash Disbursements	19
23. Stocks and Stores and Non-Land Assets	19
24. Custody and Security of Assets	20
25. Risk Management	21
26. Urgent Business Procedure	21
27. Appendix A - Glossary of Terms	22

1. Introduction

- 1.1 In accordance with section 151 of the Local Government Act 1972, the Chief Finance Officer is responsible for the proper administration of the Council's financial affairs. In discharging this duty, the Chief Finance Officer will have due regard to the relevant legislation and regulations including the Local Government Finance Act 1988 and those Accounts and Audit Regulations as are in force.
- 1.2 The Financial Procedure Rules ('FPR' or 'the Rules') provide the framework for managing the Authority's financial affairs. They apply at all times to every officer of the Authority and anyone acting on its behalf. They must be read in conjunction with the Financial Procedure Manual, the Contract Procedure Rules, the Procurement Manual and any other internal controls laid down by the Council, for example, the Council's Anti-Fraud and Corruption Policy.
- 1.3 The Chief Finance Officer is responsible for issuing advice and guidance to underpin these Rules.
- 1.4 All Directors shall be responsible for ensuring that all staff in their departments comply with these Rules and guidance at all times. Any responsibility imposed under these Rules on Directors may be exercised by any other officer authorised by the Council or the Director.
- 1.5 Any Director that becomes aware of any contravention of the Rules shall notify the Chief Finance Officer, who shall determine the appropriate action.
- 1.6 The rules contain financial limits which are reflected in the Contract Procedure Rules and Scheme of Delegation. These are summarised in a table at the end of the Rules, along with a Glossary of Terms for reference.

2. Financial Management Standards

- 2.1 The Chief Finance Officer shall determine the Accounting Policies to be used in the preparation of the Council's annual accounts.
- 2.2 All accounting records must be maintained on the Council's corporate financial systems unless authority is obtained from the Chief Finance Officer.
- 2.3 All systems that form the basis of the Council's financial accounts must be approved by the Chief Finance Officer.
- 2.4 The Chief Finance Officer must be consulted of any prospective changes to existing systems or purchases of new systems so that an assessment of compatibility and controls can be carried out in advance.

2.5 Each Director shall be responsible and ensure that all financial records and systems are properly maintained and shall carry out independent checking of financial transactions and also verify relevant financial administrative instructions in order to ensure compliance with these Rules.

3. Accounting Records and Returns

3.1 The following principles shall be observed at all times:-

(a) the duties of providing information regarding the sums due to or payments made from the Council and of calculating, checking and recording these sums shall be separated (as completely as possible) from the duty of collecting or disbursing them;

(b) any person who has the responsibility of examining and checking cash transactions shall not themselves be involved in any of these transactions.

3.2 The Chief Finance Officer must be consulted prior to the submission to appropriate Government Departments (or agencies) or other bodies of applications, claims, returns or statements of a financial nature and shall be provided with a copy of such returns.

3.3 All Directors are required to ensure that all grant claims are submitted to the Chief Finance Officer in time to ensure grant monies are received. All grant claims must be accompanied by the appropriate evidence required to make the claim. The Chief Finance Officer will provide a timetable showing relevant dates by which claims must be submitted. Any delays must be notified to the Chief Finance Officer immediately.

Retention of Documents

3.4 Financial records, receipts, invoices etc, including documentation relating to contracts for work done, supplies and services shall not be disposed of other than in accordance with the Council's retention schedule which shall incorporate the relevant statutory requirements.

Final Accounts

3.5 The Chief Finance Officer is responsible for preparing the Council's Statement of Accounts and it must be prepared in accordance with all proper accounting codes and guidance

3.6 All Directors shall provide all such information as specified by the Chief Finance Officer to enable the timely closure and production of the Council's Final Accounts in compliance with relevant regulations.

3.7 The Annual Statement of Accounts must be approved by the Council's Audit Committee prior to certification by the external auditor.

4. Revenue Expenditure

4.1 The Chief Finance Officer shall prepare a medium term financial strategy for approval by Council.

4.2 Each Director shall provide annually when requested in a timely manner to the Chief Finance Officer all the necessary information for the preparation of an annual revenue budget.

4.3 Revenue expenditure is defined as day-to-day operational expenditure that will generally be spent in the next twelve months; e.g., purchases of equipment, salaries, materials, maintenance and repairs.

4.4 All Directors will have a cash limited budget allocation.

4.5 Directors shall have the power to incur revenue expenditure to the limit of their budget allocation, subject to the Council's Financial and Contract Procedure Rules and Scheme of Delegation without further approval, except:-

(a) any revenue expenditure which involves a variation from the Council's approved Policy Framework which must be approved by Council.

(b) any expenditure which leaves the Council with future commitments for which funding has not been identified. This would require Cabinet approval.

(c) any expenditure which triggers a key decision as defined by the Constitution (unless previously delegated to the Director).

4.6 In exceptional circumstances, the Council's Urgent Business Procedure may be used compliant with Paragraph 26 of these rules.

Virements

4.7 Virements between revenue budget heads shall be authorised as follows:

(a) up to £25,000 by Directors (or in absence of Director, by the Chief Finance Officer);

(b) between £25,000 and £50,000 by the Chief Finance Officer;

(c) between £50,000 and £100,000 by the Cabinet Member for Resources and Performance;

- (d) between £100,000 and £250,000 by Cabinet; and
- (e) over £250,000 by Council.

Requests for approval should be supported by adequate background information; e.g., impact on future years.

Funded Budget Increase

4.8 Revenue budget increases supported by new or increased external funding shall be authorised as follows:

- (a) up to £50,000 by the Chief Finance Officer;
- (b) between £50,000 and £100,000 by the Cabinet Member for Resources and Performance;
- (c) between £100,000 and £250,000 by Cabinet;
- (d) over £250,000 by Council;

Requests for approval should be supported by adequate background information; e.g., impact on future years.

Unfunded Budget Increases

4.9 Budget increases unsupported by new or increased external funding shall be authorised by Council, except for increases authorised by Cabinet under Rule 5 below.

4.10 Revenue Budget Slippage

The Chief Finance Officer has discretion to reflect the slippage of approved revenue budget at outturn in future revenue budgets.

5. Cabinet Approved Unfunded Revenue Budget Increase

5.1 Revenue budget increases must be approved by Council in accordance with FPR 4 above.

5.2 The Cabinet may approve a budget increase for one-off unforeseen expenditure with no implication for future years not envisaged at the time the Council's budget was agreed.

- 5.3 The maximum amount of the unfunded budget increase to be approved by Cabinet in any year is £100,000.

6. Revenue Accounting and Monitoring

- 6.1 Directors are responsible for ensuring that all revenue expenditure and income is recorded correctly and promptly on the Council's financial information system and accounted for in the year in which the goods and services have been received or provided.
- 6.2 Directors must reconcile any local manual or computerised systems they hold to the Council's corporate financial information on a monthly basis and in any event in accordance with any guidance issued by the Chief Finance Officer.
- 6.3 Directors are responsible for monitoring all revenue expenditure and income during the financial year against approved budgets and for taking action to avoid overspending against those budgets.
- 6.4 All Directors shall comply in a timely way with any requests for budget monitoring updates made by the Chief Finance Officer.

7. Capital Programme

- 7.1 The five year Capital Programme comprising individual schemes is part of the Council's Budget and Policy Framework and shall be approved annually and at appropriate intervals as necessary in the year.
- 7.2 The Capital Programme will generally contain expenditure on the acquisition of fixed assets or expenditure which adds to rather than maintains the value of fixed assets. In cases of doubt the Chief Finance Officer will determine whether a scheme will be treated as capital or revenue expenditure.
- 7.3 All Directors shall provide annually when requested in a timely manner to the Chief Finance Officer all the necessary information for the preparation of an annual programme of capital expenditure, including progress on existing schemes and new schemes.
- 7.4 Directors will have the power to incur capital expenditure, in accordance with the Council's Financial and Contract Procedure Rules and Scheme of Delegation, on approved schemes without further approval.
- 7.5 No expenditure may be incurred on any scheme in the Capital Programme until a detailed report has been approved by Cabinet (save as to exemption 7.6 below), including as a minimum:

- (a) a cost breakdown of the scheme;
- (b) the method and cost of financing the scheme;
- (c) the future revenue budget impact;
- (d) relevant value for money issues;
- (e) a risk assessment;
- (f) viable alternatives;
- (g) details of procurement path and delegations required (if any);
- (h) detailed objectives, outputs and outcomes, and
- (i) relevant drawings and plans,

except the cost of preliminary work to produce the above report.

7.6 A detailed report is not necessary as set out at Paragraph 7.5 above in the case of replacement vehicles, equipment , Community Infrastructure Levy and housing renovation grants on a like-for-like basis. In this instance, full scheme approval and authority to contract in accordance with the Contract Procedure Rules will be defined, given by the approval of vehicle replacement within the Capital Programme.

8. Capital Monitoring and Reporting Requirements

8.1 All Directors are required to ensure that throughout the implementation period of a capital scheme, the specification remains consistent with the original overall objectives of the scheme and that expenditure continues to deliver best value for money for the Council.

8.2 All Directors must monitor and report capital expenditure and income for all schemes within the approved capital programme and identify any variations against the approved level of expenditure. Monitoring and reporting will be undertaken at intervals specified by the Chief Finance Officer.

8.3 All Directors must ensure that funding has been secured as funding for each scheme (if applicable). Reimbursements from third parties should be claimed promptly as expenditure is incurred and wherever possible in advance of expenditure being incurred so that cash flow costs are minimised.

- 8.4 Directors are required to use the Council's financial information systems to maintain records of actual and committed expenditure, income for each capital scheme and records of the approved budget allocations.
- 8.5 Directors must ensure that all information on the Council's financial system is accurate and up to date and is fully reconciled to any supporting records.

Capital Programme - Rephasing

- 8.6 If it becomes necessary to rephase approved expenditure within a current or future year's Capital Programme, then the Chief Finance Officer may undertake such rephasing and report it to the Cabinet Member for Resources and Performance.

Capital Programme - Scheme Overspends

- 8.7 The Chief Finance Officer will monitor any predicted under or overspends on capital schemes during each financial year and include their impact in any monitoring reports on the basis of information derived from the Capital Monitoring Group.
- 8.8 The Cabinet Member for Resources and Performance will monitor the progress of the five year Capital Programme within the overall limit set by Council.
- 8.9 The Chief Finance Officer may approve increased costs on an individual scheme to a maximum of £50k provided that it is funded within the five year Capital Programme or new external funding.
- 8.10 The Cabinet Member for Resources and Performance may approve increased costs on an individual scheme to a maximum of £100k provided that it is funded within the five year Capital Programme or new external funding.
- 8.11 The Cabinet may approve increased costs on an individual scheme up to a maximum of £250,000 provided that it is funded by a virement of resources from one scheme to another within the five year Capital Programme or new external funding.
- 8.12 If it is unclear during the progress of a scheme as to its final outturn cost or the impact on the five year Capital Programme, the Chief Finance Officer will advise the Director as to the need and timing for a budget increase. In exercising this judgement, the Chief Finance Officer is authorised to consider the probability, size, and nature of the potential overspend and its impact on the capital programme.

New Capital Schemes

- 8.13 The Cabinet may approve expenditure up to £250k on a new scheme, provided it is funded in the five year Capital Programme or new external funding.
- 8.14 All new schemes in excess of £250k or those without a virement or external funding require Council approval.
- 8.15 Requests for approval to either Cabinet or Council must be supported by a report including as a minimum the information requested in Paragraph 7.5.

9. Payback Schemes

- 9.1 Payback schemes are intended to promote efficiency and value for money. They may include both revenue and capital expenditure. Such schemes would generally be used when investment in a service or asset would result in future revenue savings equivalent to the investment.

Payback schemes may be authorised as follows:

- (a) up to £50,000 by the Chief Finance Officer;
- (b) up to £100,000 by the Cabinet Member for Resources and Performance;
and
- (c) up to £250,000 by Cabinet.

In all cases the resultant savings must repay the investment within five or fifteen years if they are energy efficient schemes and be supported by a costed business case including a risk assessment.

10. Budgetary Controls

- 10.1 All Directors are required to comply with any budget control guidance issued by the Chief Finance Officer.
- 10.2 All Directors are required to review their budget headings at least quarterly and are responsible for ensuring that their budget is monitored on a regular basis and that appropriate action is taken when a projected variation is likely to occur. Directors are also responsible for ensuring that virement requests are submitted in a timely manner and that appropriate action is taken at the earliest opportunity to contain a variation where no immediate virement source can be identified.
- 10.3 Directors will report to the Chief Finance Officer achievements against the overall budget position and ensure that all favourable and adverse budget variations are reported to the Chief Finance Officer and the Cabinet Member for Resources and Performance.

10.4 With the exception of specific provisions in leases or other such agreements, each Director shall review existing charges at least annually and when requested by the Chief Finance Officer. Any proposals to vary the method of charging or introduce new charges must be submitted to the Chief Finance Officer prior to their introduction for approval and be in accordance with the Council's policy on fees and charges.

11. Grants to External Organisations

11.1 It is the responsibility of all Directors to ensure that organisations in receipt of grant aid (either from the Council's own funds or through external funding) have (as a minimum):-

- (a) satisfactorily demonstrated that they are a competent and suitable organisation to receive public money; and
- (b) ensure appropriate management and accountability procedures are in place to achieve their aims and objectives; and
- (c) ensure that financial propriety is observed.

11.2 Where a grant is approved, there must be written confirmation of the grant offer and where appropriate a formal grant agreement before any payment is made.

11.3 Any grant offers (as a minimum) must require the recipient to keep appropriate records and ensure these are available for Council inspection and further the clause must require the organisation to demonstrate that the grant has been used for the agreed purpose.

11.4 In grants over £10,000, other additional clauses must be included (as a minimum) in the offer letter/agreement namely:-

- details of the amount of grant approved; and
- the purpose and duration of the grant; and
- the arrangements for payment; and
- the monitoring and evaluation arrangements; and
- the circumstances when grant funding may be terminated.

11.5 All Directors must ensure that any grants given must have their terms and conditions monitored and checked for compliance. For grants over £10,000, this may also require the organisation to submit audited accounts. Further, for grants over £10,000, Directors must ensure that the organisation provides financial and statistical information on a quarterly basis and that review meetings with the Director's representative and organisation happen at least twice a year.

12. External Funding

- 12.1 In addition to the requirements set out at FPR 3.2 and 3.3, all Directors are required to ensure that the Chief Finance Officer is informed of all funding bids and subsequent grant offers.
- 12.2 Directors are required to ensure that the acceptance of grant offers (ie, terms and conditions) are always signed by the Chief Finance Officer where there is a requirement that the Council has to act as the Accountable Body.
- 12.3 Directors are required to ensure that, for any project where external grant funding has been accepted, the project(s) progresses in accordance with the bid, and that there is compliance with the Council's Contract Procedure Rules and FPR and other controls and the appropriate grant conditions.

13. Internal Audit

- 13.1 The Chief Finance Officer is responsible for maintaining an adequate and effective internal audit (in accordance with current regulations) internal audit of all accounts and financial transactions of the Council and its employees and shall satisfy himself/herself as to security arrangements for the custody and safeguard of Council assets.
- 13.2 Internal Audit is responsible for conducting its work in accordance with current professional standards.
- 13.3 Internal Audit shall have access to premises at reasonable times and all manual and electronic systems. Internal Audit shall be entitled to require the production of all cash, stores and accounts and any supporting documents and to obtain information and explanations from any employee of the Council with regard to any matter under examination.
- 13.4 Directors are required to report any discovered or suspected cases of fraud, corruption or other financial irregularity immediately to the Chief Internal Auditor.
- 13.5 Where irregularities ascertained or suspected upon investigation are found, if it involves fraud or corruption, then the matter will be dealt with in accordance with the Council's Anti-Fraud and Corruption Policy.

14. Income

- 14.1 All Directors are responsible for ensuring that accounts for charges for work done, goods supplied or services rendered on behalf of the Council and all income due to the Council are issued to the debtor(s) concerned promptly.
- 14.2 All Directors shall follow guidance issued by the Chief Finance Officer as regards the receipting of all monies in all forms e.g. cheques, cash, credit card etc.
- 14.3 All official receipts must be issued in the form approved by the Chief Finance Officer. All monies received by the Council shall be acknowledged by a receipt in an authorised form as appropriate.
- 14.4 Directors must ensure that all income received is paid in fully and promptly into the Council's bank account on a daily basis, but where not possible, within five working days of receipt.
- 14.5 All Directors must ensure that the appropriate debt recovery procedures are put in place in respect of any outstanding income due to the Council.
- 14.6 Directors must ensure that receipts, tickets and other records of income are held securely and for the appropriate retention period.
- 14.7 Directors must ensure that any money paid into the Council's bank account is reconciled with paying-in slips to provide an audit trail on a regular basis, at a minimum quarterly.
- 14.8 Income must not be used to cash personal cheques or other payments.
- 14.9 All Directors must notify the Chief Finance Officer, or when requested, of any outstanding income relating to the previous financial year as soon as possible after 31 March or in line with any timetable approved by the Chief Finance Officer.
- 14.10 Once raised, no debt can be cancelled except by full payment or writing off. Any request for writing off a debt must be made to the Chief Finance Officer with supporting evidence.
- 14.11 Any transfer of money between officers or payments into the bank must be undertaken using agreed procedures without variation.
- 14.12 The Council will not normally accept individual cash payments in a single transaction exceeding 15,000 Euros (approx £10k). Any requests for cash payments to this level or above must be referred to the Chief Internal Auditor in compliance with the Council's Money Laundering Policy.

15. Contracts

- 15.1 These rules set out internal financial procedures to supplement the Contract Procedure Rules.
- 15.2 Directors must ensure that financial appraisals of firms or persons are carried out in relation to all contracts in excess of £75k.
- 15.3 Rule 15.2 applies to all Contracts (except land and employment contract and any others deemed not applicable by the Chief Finance Officer) including contracts for buildings, developers, insurance companies, franchise agreements and leasing companies.
- 15.4 All financial appraisals shall be carried out in accordance with procedures determined by the Chief Finance Officer.
- 15.5 All Directors shall consult with the Chief Finance Officer as to the type and level of security (if required) from a preferred supplier for all contracts over £50,000.
- 15.6 Payments to contractors on account, shall be authorised only on a certificate signed by a Director (or authorised officer) showing the total amount of the contract, the value of approved variations, the value of work executed to date, apportioned between original costs and fluctuation costs, retention money paid, retention money released, amount paid to date and the amount now certified.
- 15.7 All Directors must ensure that payments are made against contractors certificates. The Council must issue an authenticated receipt to the contractor within a period of three months. All variations must be agreed in advance by Legal Services.
- 16. Ordering and Paying for Works, Goods and Services**
- 16.1 All Directors shall ensure that the purchase of equipment, goods, materials and engagement of services shall be effected through the most economical and practical means. All Directors shall ensure that expenditure is incurred in accordance with the Council's Contract Procedure Rules and the principles of the Corporate Procurement Strategy.
- 16.2 All Directors must ensure that if a corporate contract or framework agreement exists for the provision of particular goods or services, then this must be used for all purchases. Any exemptions to this requirement must be approved by the Chief Finance Officer in advance.
- 16.3 Each officer authorising a requisition, who shall be properly authorised to do so in agreement with the Chief Finance Officer, shall be responsible for ensuring that it is properly completed and is within approved budget provisions. The

authorising officer must ensure that there is adequate evidence supporting a requisition before it is approved and a purchase order is issued.

- 16.4 Verbal orders shall only be given in emergencies and must be confirmed by an authorised official order on the same or next working day.
- 16.5 Whenever delivery is made to an employee of the Council, an appropriate record should be made to which the goods or material should be checked as soon as possible.
- 16.6 All invoices for goods and services shall be processed in accordance with agreed procedures.
- 16.7 All Directors are responsible for ensuring that all invoices, claims and accounts are checked and that corresponding orders or electronic records are appropriately reviewed before the accounts are passed for payment.
- 16.8 All accounts shall be paid in accordance with procedures agreed with the Chief Finance Officer.
- 16.9 Payment must not be made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:-
 - (a) receipt of works/goods/services;
 - (b) that the invoice has not been previously paid;
 - (c) that expenditure has been properly incurred;
 - (d) that the prices and arithmetic are correct;
 - (e) correct accounting treatment of tax;
 - (f) that the associated purchase order is correctly coded;
 - (g) discounts have been taken where appropriate; and
 - (h) appropriate entries made on accounting records.
- 16.10 Any special arrangements for payment of a creditor must be approved by the Chief Finance Officer.
- 16.11 In the event that goods, materials or services are not supplied in accordance with orders placed, all Directors shall ensure that subsequent to the payment, a credit should be obtained from the supplier. Where the business with the supplier is non-routine and infrequent, a refund should be obtained.

- 16.12 The Chief Finance Officer shall specify the method of dealing with regular periodical payments. Information concerning any change in or cessation of such liabilities shall be notified to the Chief Finance Officer by the Director concerned.

Orders placed using the electronic purchase order system of the Council

- 16.13 All Directors are responsible for ensuring they comply with the security protocols as set by the Chief Finance Officer with regard to the use of the Council's electronic communication and electronic financial systems.
- 16.14 All Directors shall be responsible for maintaining all relevant supporting documentation for electronic orders and proof of delivery within their departments.
- 16.15 All purchase orders must be approved by an authorising officer of the spending Directorate (who shall be properly authorised to do so in agreement with the Director). The authorising officer shall be responsible for ensuring that the order is properly completed.
- 16.16 An officer receiving goods or services on behalf of the Council must be other than the officer authorising the originating order. The officer must confirm the satisfactory (or unsatisfactory) receipt of goods or services in the electronic procurement system to verify that they are in accordance with the authorised order in the manner agreed by the Chief Finance Officer. The receiving officer must ensure that they have adequate evidence and the technical competence to execute this action. This applies equally to when an officer is entering in the electronic procurement system the receipt of goods or services on behalf of another officer. The acceptance of the satisfactory receipt of goods confirms that:-
- (a) An account when presented will be properly payable by the Council; and
 - (b) Proper entries have been made in inventories, stores and other property records or registers.
- 16.17 Payment in advance for works, goods or services should only be used in exceptional circumstances e.g. training, publications, travel arrangements.

17. Salaries and Allowances

- 17.1 The Director of Resources shall approve the method of payroll, preparation, payment, documents and records to be kept (including retention) and the certificates to be given for wages.

- 17.2 Each Director shall be responsible for the completion of timesheets, incentive/bonus schemes, overtime claims by employees under his control by certification by himself.
- 17.3 All recipients of car allowances shall maintain, in a form required by the Director of Resources, a record of all journeys with supporting mileage details claimed and shall produce as required other such relevant records and documents.

18. Insurance

- 18.1 The Director of Resources shall be responsible for ensuring that all insurable risks of the Council are adequately covered and for maintain the necessary records for making claims and payments on behalf of the Council.
- 18.2 All Directors shall notify the Chief Finance Officer promptly of all risks, liabilities, properties or vehicles which are required to be insured and of any alterations affecting risk of insurances indicating the amount of cover required.
- 18.3 All Directors shall immediately notify the Chief Finance Officer of any fire, loss, accident or other event that may give rise to a claim against the Council's insurers.

19. Taxation

- 19.1 In line with the Asylum and Immigration Act 1996, it is the responsibility of all Directors to ensure that all new employees provide a National Insurance Number.
- 19.2 All Directors shall ensure that all new persons employed by the Council are added to the Council's payroll where tax shall be deducted from any payment as appropriate (except bone fide self employed or staff who are employed via an agency).
- 19.3 All Directors must adhere to guidelines issued for the application of VAT, timing and coding.

20. Treasury Management and Banking

- 20.1 The CIPFA Code of Practice on Treasury Management requires the Council to review, approve and adopt a Treasury Management Strategy and Investment Strategy before the start of each financial year.

- 20.2 The Council must also review, approve and adopt Prudential Indicators in line with the CIPFA Prudential Code for Capital Finance in Local Authorities (the Code). This sets out a framework for self-regulation of capital spending.
- 20.3 The Council will create and maintain, as the cornerstones for effective treasury management:
- A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities;
 - Suitable treasury management practices, setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 20.4 The Council will receive an annual treasury and investment strategy report in advance of the financial year and a mid-year progress report. The Audit Committee will receive a mid-year progress report for scrutiny prior to Council. An annual treasury outturn report will be reported by Cabinet after the close of each financial year. The Cabinet Member for Resources and Performance receives quarterly reports on the performance and activities of the treasury management function.
- 20.5 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Cabinet Member for Resources and Performance, and for the execution and administration of treasury management decisions to the Chief Finance Officer, who will act in accordance with the Council's policy statement and treasury management practices and CIPFA's Standard of Professional Practice on Treasury Management.
- 20.6 The Council nominates Audit Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.
- 20.7 The Chief Finance Officer is required to report to the Cabinet Member for Resources and Performance in accordance with all statutory requirements on treasury management activities.
- 20.8 No bank accounts shall be opened or closed in connection with any Council business without the prior approval of the Chief Finance Officer. Arrangements for the ordering and issuing of cheques shall be by the Chief Finance Officer. All cheques drawn shall be signed by Chief Finance Officer or officer nominated for the purpose.
- 20.9 All Directors shall follow any instructions on banking arrangements as issued by the Chief Finance Officer.

21. Trust Funds Held for Third Parties

- 21.1 All Directors must arrange for all trust funds to be held, wherever possible, in the name of the Council. All officers acting as Trustees by virtue of their official position, shall deposit securities etc. relating to the trust to the Chief Finance Officer, unless the deed provides otherwise.
- 21.2 All Directors must ensure that trust funds are held on behalf of third parties, for their secure administration, approved by the Chief Finance Officer and to maintain records of all transactions.
- 21.3 All Directors must ensure that trust funds are operated within any relevant system and the specific requirements for each trust.

22. Cash Disbursements

- 22.1 The Chief Finance Officer may authorise Directors to hold individual cash or bank imprest accounts to meet minor expenditure incurred by the Council. The Chief Finance Officer shall authorise the level of such accounts and expenditure should not exceed the set amount approved.
- 22.2 (a) Subsistence claims should only be paid out of petty cash in exceptional circumstances.
- (b) Car allowances shall be paid out of the car allowance system.
- 22.3 All Directors must ensure that where cash or bank imprest accounts are operating, all employees:-
- obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official VAT invoice must be obtained;
 - make adequate safety for safe custody of the account;
 - produce on demand to the Chief Finance Officer the cash and vouchers to the value of the account. The Chief Finance Officer may request that an audit of any float or petty cash may be done without notice;
 - record transactions promptly;
 - reconcile and balance the accounts at least monthly; reconciliation sheets to be signed and retained by imprest holder;
 - provide Chief Finance Officer with a certificate of value as at 31 March;

- ensure that the account is never used to cash personal cheques or make personal loans and that the only payments into the accounts are the reimbursement of the float and charges related to purchases where an advance had been made.

23. Stocks and Stores and Non-Land Assets

- 23.1 All Directors shall be responsible for the care, custody and control of stocks and stores held in their service and must maintain inventories as requested by the Chief Finance Officer. Stores and inventory records shall be kept in a format approved by the Chief Finance Officer.
- 23.2 All Directors shall ensure that a system of continuous and controlled stock taking is in operation.
- 23.3 All Directors shall arrange for all stocks and inventories to be checked physically at least annually and shall provide certification that the records are correct as required by the Chief Finance Officer.
- 23.4 Any disposal or surplus stores shall be in accordance with procedures laid down by the Chief Finance Officer.
- 23.5 All non-land assets other than stocks and stores must have a disposal policy.

24. Custody and Security of Assets

- 24.1 All Directors shall be responsible for ensuring that secure arrangements are made for the safe custody of land, buildings, cash and other property including that owned by third parties under that Director's control.
- 24.2 All inventories shall be prepared and kept up to date by each Directorate for every Council establishment in accordance with guidelines issued by the Chief Finance Officer.
- 24.3 Each Director shall arrange that authorised members of staff shall be responsible for keys of all safes or similar receptacles and secure locations and shall keep a record of the names of such employees. Duplicate keys may be kept by the Director. If it is necessary to transfer keys; e.g., due to shift changes, then all transfers must be recorded and records maintained.
- 24.4 The Director of Resources shall be responsible for the custody of all legal deeds, agreements and contract documents. All Directors are required to ensure that all such documents are lodged with Legal Services.
- 24.5 Each Director shall ensure that records are maintained in respect of vehicles or plant under their control. Such records shall be kept in a manner agreed with

Chief Finance Officer and shall include details of usage, location visits, mileage, fuel, repairs and cost of repairs.

- 24.6 Each Director shall ensure that secure arrangements are made for the physical security of the property in which ICT equipment is placed.
- 24.7 All Directors shall be responsible for the management of data input into systems, the quality of the data input and meet the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000 and other appropriate legislation.
- 24.8 All Directors must ensure compliance with arrangements made to secure and safeguard computer software, hardware and data as issued by the Director of Customer Services.

25. Risk Management

- 25.1 All Directors shall be responsible for the effective management of risk within their departments and ensure compliance with the Council's Corporate Risk Strategy and any guidance issued by the Chief Finance Officer.

26. Urgent Business Procedure

- 26.1 The procedure for urgent business outside the budget and policy framework is set out at Paragraph 4 of the Budget and Policy Framework Rules. This provides for the Cabinet or an individual Cabinet Member or officer discharging delegated executive functions to take a decision contrary to the full budget approved by Council subject to the agreement of the Chair of the Overview and Scrutiny Management Committee.
- 26.2 This procedure overrides the provisions of these rules set out in Paragraphs 4 and 6.

Glossary of Terms

Revenue Budget	The annual budget fixed by Council.
Capital Programme	A five year programme of capital expenditure approved by Council, funded by Government grant, grant from external sources (e.g., Heritage Lottery Fund), receipts from sales of Council owned land or property, or returns from property investments and borrowing supported by the revenue budget.
Council Reserves	Resources available. The Council maintains £1.1m as a minimum reserve.
Capital Schemes	Individual projects within the five year capital programme approved by Council.
Budget Allocation	The cash limited total amount of funds (capital and revenue), including estimates of income under the control of a Director to deliver services in year.
Unfunded Budget Increase	An increase in a Directorate budget allocation to be approved by Council drawn from the Council balances.
Funded Budget Increase	An increase in a Directorate budget allocation fully funded from external grant; e.g., Heritage Lottery Fund, Neighbourhood Renewal Fund.
Virement	Moving funds from one budget head to another, resulting in no overall increase in the revenue or capital budget.
Payback Scheme	A payback scheme is investment in a service or asset that will result in an equivalent saving repaid over no more than 5 years.

CONTRACT PROCEDURE RULES

1	Compliance	3
2	Who has authority to carry out procurement on behalf of the Council?	3
3	Exempt Contracts	4
4	Revenue Expenditure	4
5	Capital Expenditure	4
6	Pre-Procurement Procedure	5
7	Estimating the Contract Value	5
8	Contracts up to £20,000	5
9	Contracts between £20,000 and £75,000	6
10	Contracts over £75,000	7
11	Contracts subject to the EU Regulations	7
12	Electronic tendering	7
13	Tender Evaluation	8
14	Post Tender Activity	8
15	Evaluation Team	8
16	Bonds, Guarantees and Insurance	9
17	Awarding Contracts	9
18	Contract Award Notice	10
19	Letters of Intent	10
20	Contract Terms and Conditions	10
21	Execution of Contracts	11
22	Contracts Register	11
23	Nominated and Named Sub-Contractors	12
24	Framework Agreements	12
25	Joint Procurement	12
26	Procurement by Consultants	12
27	Contract Extension	12
28	Waivers of Contract Procedure Rules	13
29	Damage to Council Property	13
30	Emergency Procedures	13
31	Non Compliance	14
32	Review and Amendment of the Contract Procedure Rules	14
	Definitions	15
Appendix 1	Procurement Approach	16
Appendix 2	Estimating the Contract Value	17
Appendix 3	Manual Tender Management (EXCEPTIONAL circumstances)	19

1 Compliance

- 1.1 Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions and shall comply with:
- (a) all relevant statutory provisions;
 - (b) UK legislation; and should there be any discrepancy between these rules and legislation, then the legislation in the dominant authority must be followed;
 - (c) the Council's Constitution including these Contract Procedure Rules, the Council's Financial Procedure Rules and the Council's Scheme of Delegation; and
 - (d) the Council's priorities, Procurement Strategy and policies.
- 1.2 These Contract Procedure Rules are intended to ensure that all Council contracts are entered into following a transparent and fair procurement process and provide best value for the Council.
- 1.3 The highest standards of probity are required of all officers and Members involved in the procurement, award and management of Council contracts. Members shall comply with the Code of Conduct for Councillors, and officers shall comply with the Code of Conduct for Officers.
- 1.4 At all times during the procurement process, the Council, through its Members and officers, shall consider and implement the objectives of delivering value for money; maximising public benefit; sharing information, to allow others to understand our policies and decisions; acting, and being seen to act, with integrity.
- 1.5 These Contract Procedure Rules must be read in conjunction with the Council's Financial Procedure Rules, the Procurement Manual and any other internal controls laid down by the Council for example the Council's Anti-Fraud and Corruption Policy.

2 Who has authority to carry out procurement on behalf of the Council?

- 2.1 Any procurement carried out on behalf of the Council may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council's Constitution. Officers with delegated authority may only authorise other officers who have the appropriate skills and knowledge relevant to the task. Officers shall be informed by his/her Director of the extent of any authorised authority and any applicable financial thresholds for each procurement. These officers shall be known as Authorised Officers.
- 2.2 Directors may authorise members of their staff to place orders against Framework Agreements which have been entered into by the Council.
- 2.3 Any contract award which constitutes a Key Decision (i.e. a contract of £100,000 or more) shall be referred to Cabinet for a decision before any contract can be awarded.

3 Exempt Contracts

3.1 The following contracts are exempt from the requirements of these Contract Procedure Rules:

- (a) employment contracts;
- (b) contracts relating solely to disposal or acquisition of an interest in land (including buildings or other immovable property or concerning rights thereon);
- (c) contracts where the price of the goods or materials is wholly controlled by government order or otherwise and no reasonably satisfactory alternative is available;
- (d) for other reasons there would be no genuine competition, or where the requirements of competition as required by statute have already been met (see Contract Procedure Rule 24 below); and
- (e) the disposal of obsolete goods (see Financial Procedure Rules).

4 Revenue Expenditure

4.1 Directors and their Authorised Officers have the power to seek tenders and quotations in accordance with Contract Procedure Rules 8 - 10 and to accept tenders, quotations for the supply of goods, materials and/or services or the execution of any works for any item of revenue expenditure for which budget provision has been made in the current financial year. However, a contract for goods, materials, works or services cannot be awarded by the Director or their Authorised Officers in respect of any contract priced at £100,000 or more, as this is a Key Decision and Cabinet authority must be sought.

5 Capital Expenditure

5.1 Directors and their Authorised Officers have the power to seek tenders and quotations in accordance with Rules 8 – 10 and to accept tenders, quotations in relation to items of capital expenditure the particulars of which are shown as approved in the Council's capital programme for the current financial year.

5.2 If the proposed capital expenditure is more than the Capital Programme provision (subject to the exercise of virements) or there is a fundamental change in the proposed financing of the capital expenditure then the Authorised Officer must liaise with the Chief Finance Officer as to whether Cabinet or Council authority is required before proceeding.

6 Pre-Procurement Procedure

- 6.1 Before commencing a procurement, it is essential that the Authorised Officer leading the procurement is fully aware of the Corporate Procurement manual. Consideration shall be given to the Council's Procurement Strategy as appropriate.
- 6.2 Before undertaking a procurement for requirements valued greater than £75,000, the Authorised Officer shall (using the approach set out in Appendix 1):
- (a) consider all other means of satisfying the need (including recycling and reuse where appropriate);
 - (b) establish a business case for the procurement;
 - (c) undertake a risk assessment;
 - (d) be aware, via consultation with the Procurement Manager, of any statutory reporting or procedural obligations.

7 Estimating the Contract Value

- 7.1 The Council should make the best use of its purchasing power by aggregating purchases wherever possible. However, supplies, services or works must not be split in an attempt to avoid the applicability of these Contract Procedure Rules or the UK Regulations.
- 7.2 The time and method of calculating the estimated value of a contract for supplies, services or works is set out in Appendix 2.
- 7.3 The choice of method used to calculate the estimated value of a contract may not be made with the intention of excluding it from the scope of the UK Regulations.
- 7.4 Circumstances may arise where a number of low value contracts are awarded to one Contractor within a 12 month period. When the value of those contracts is aggregated the effect may be to move the total purchase from one value band to another. This may mean a different procurement method has to be followed to comply with those rules. It may be necessary to seek a waiver of these rules in such circumstances.

8 Contracts up to £20,000

- 8.1 Where the estimated value or amount of the proposed contract is less than £20,000 the Authorised Officer shall ensure that when the contract is entered into its value should offer good value for money and be of a standard/quality expected by the Council. Good practice would be to obtain written quotations to document the achievement of value for money.
- 8.2 If an appropriate Framework Agreement is available, it must be considered regardless of value.
- 8.3 For all proposed contracts over £10,000, the Council's electronic tendering system (CPR12) must be considered, and its use or otherwise be documented.

8.4 The outcome of the contract award procedure shall be recorded in the Contracts Register (see CPR22) for contracts over £5000 and the Central Digital Platform where appropriate (see CPR 18).

9 Contracts between £20,000 and £75,000

9.1 Where the estimated value or amount of the proposed contract exceeds £20,000 but is not more than £75,000 at least three written quotations shall be invited before a formal purchase order is issued specifying the supplies, services or works to be provided. Authorised officers must use the Council's electronic tendering system (CPR12) unless there are exceptional circumstances, whereupon the reasons will be documented.

9.2 So far as is practicable at least three quotations shall be obtained. Invitations to quote shall:

- (a) specify or refer to a specification of the goods, materials, services or work required; and
- (b) state the date and time by which quotation must be received; and
- (c) state that no quotation will be considered unless it is received in accordance with the instructions for quoting via the council's electronic tendering system (CPR12). In exceptional circumstances the manual process (Appendix 3) may be used by prior arrangement.

9.3 Efforts should be made to ensure that a diverse group of suppliers are asked to quote using the following principles:

- (a) Ensuring Small and Medium Enterprises (SMEs) are invited to quote where appropriate.
- (b) Ensuring local suppliers are invited to quote where appropriate.
- (c) Including innovative or new suppliers where suitable.

9.4 Quotations will remain electronically sealed until the appointed time for removing the seal by a designated officer.

9.5 Quotations will be opened and checked one at a time with any procedural anomalies within the documentation noted for the record.

9.6 Quotations received after the appointed time will not be considered, unless there is evidence which demonstrates beyond all reasonable doubt that the tenderer was unable to submit documentation for a significant length of time before the submission date and time.

9.7 If an appropriate Framework Agreement is available, it must be considered regardless of value.

9.8 The outcome of the contract award procedure shall be recorded in the Contracts Register (see CPR 22) and the Central Digital Platform where appropriate (see CPR18).

10 Contracts over £75,000

10.1 One of the two applicable procedures as described in the Procurement Act 2023, as amended, shall be used for the particular procurement, ie currently

- Open
- Competitive flexible procedure.

Authorised officers must use the Council's electronic tendering system (CPR12) unless there are exceptional circumstances, whereupon the reasons will be documented.

10.2 Tenders will remain electronically sealed until the appointed time for the seal to be removed by a designated officer.

10.3 Tenders will be opened and checked one at a time with any procedural anomalies within the documentation noted for the record.

10.4 Tenders received after the appointed time will not be considered, unless there is evidence which demonstrates beyond all reasonable doubt that the tenderer was unable to submit documentation for a significant length of time before the submission date and time.

10.5 If an appropriate Framework Agreement is available, it must be considered regardless of value.

10.6 The outcome of the contract award procedure shall be recorded in the Contracts Register and The Central Digital Platform (see CPR 18).

11 Contracts to the EU Regulations greater than the UK thresholds

11.1 Where the estimated value of a contract exceeds the current threshold, details of which are listed in CPR 11.2, the contract shall be tendered in accordance with the UK Regulations, after consultation with the procurement Manager.

Under the UK Regulations, the contract may be tendered under the open, competitive flexible or direct award procedure. A contract notice in the prescribed form shall be published by the Authorised Officer on the Central Digital platform, in order to invite tenders or expressions of interest.

11.2 The current thresholds can be accessed via the latest appropriate Cabinet Office Procurement Policy Note or through the relevant Procurement link on Cityspace.

The UK thresholds are revised every two years.

12 Electronic tendering

12.1 Expressions of Interest, Requests for Quotations and Invitations to Tender should be transmitted using electronic means by the Authorised Officer. The e-tendering address is as stated in the Procurement Manual.

- 12.2 All procurement in excess of £20,000 must be procured through the Council's electronic tendering system unless there are exceptional circumstances, whereupon the reasons will be documented. This will include making tender documents electronically available. In addition, the Council's electronic tendering system must be considered for all procurement in excess of £10,000, and its use or otherwise be documented.

13 Tender Evaluation

- 13.1 Tenders subject to the UK Regulations shall be evaluated in accordance with the relevant regulations and the evaluation criteria set out in the invitation to tender or invitation to negotiate. All other tenders shall be evaluated in accordance with the evaluation criteria notified to tenderers in the contract notice and/or invitation to tender or invitation to negotiate. All contracts, except where lowest price was predetermined to be the appropriate contract award criterion, shall be awarded on the basis of the offer which represents the Most Advantageous offer to the Council. The evaluation criteria shall be predetermined and listed in the invitation to tender or invitation to negotiate, in order of importance. In addition, the evaluation criteria shall be strictly observed at all times throughout the contract award procedure by any person involved in the tender evaluation.

14 Post Tender Activity

- 14.1 Where procurement is conducted without specifying a negotiation process, no post tender negotiations are permitted. However, to avoid confusion, the Authorised Officers are entitled to seek clarification from suppliers where appropriate. Negotiations on price are never permissible unless specified as part of the competitive flexible procedure.
- 14.2 At all times during procurement (whether subject to the UK Regulations or not) the Authorised Officer shall consider and implement the principles of non-discrimination, equal treatment and transparency.
- 14.3 Any post tender options to amend original specifications to meet budgetary constraints, should
- a) be published within the original documentation, and
 - b) not be substantive changes, and
 - c) be conducted in a transparent and fair manner

15 Evaluation Team

- 15.1 For each contract subject to the UK Regulations or a contract over £75k, the Authorised Officer undertaking the procurement shall form an evaluation team with responsibility for evaluating tenders with representation from other departments as they consider appropriate in the circumstances. A risk assessment as part of the pre-qualification assessment and evaluation process must be undertaken by the team.
- 15.2 The result of this evaluation should be documented and submitted to the Council's electronic tendering system.

- 15.3 Each member of the evaluation team, whether an employee of Preston City Council or otherwise, must receive evaluation instructions from the Procurement Manager, and also return a completed Conflict of Interest Declaration.

16 Procurement Risk Assessment

- 16.1 For all contracts over £75,000 (or any other circumstances the Authorised Officer deems appropriate), the Authorised Officer, in consultation with the Chief Finance Officer will consider, as part of the pre-procurement process, whether security, and if so of what form, shall be required from the supplier. In order to complete this risk assessment, it is recommended that the resources available on the Procurement section of Cityspace are utilised.
- 16.2 In the absence of this assessment, consultation and agreement, the Council shall require and take sufficient security for the due performance of every such contract with an estimated value in excess of £75,000 (excluding VAT).
- 16.3 The Authorised Officer shall consider in all contracts the appropriate type (employee liability, public liability, professional indemnity, etc.) and level of insurance requirements for each contract. The Authorised Officer shall consult with the Insurance and Risk manager when determining the appropriate levels of insurance.

17 Awarding Contracts

- 17.1 Subject to Contract Procedure Rule 2, the Council shall only award a contract where at the time of contract award this represents the Most Economically Advantageous offer or is the lowest price depending on contract award criterion chosen by the Authorised Officer undertaking the procurement.
- 17.2 This Contract Procedure Rule sets out the procedures that shall apply to the acceptance of tenders. The Director of the spending Directorate shall have authority to accept (as appropriate):
- (a) the lowest tender if payment is to be made by the Council where this is the pre-determined criteria;
 - (b) the highest if payment is to be received by the Council; or
 - (c) the tender which represents the Most Economically Advantageous offer to the Council where this is the pre-determined criteria.
- 17.3 Any significant error made by a tenderer in arithmetic, pricing or other matter relating to the performance of the proposed contract, discovered in a tender or accompanying documents before a contract has been executed, shall be clarified by means of a post tender clarification request to the tenderer using the Council's electronic tendering system.
- 17.4 For all procurements valued at above £100,000 the decision to award a contract shall be made by Cabinet on receipt of a report by an Authorised

Officer, unless Cabinet have previously delegated that decision to the Director of the spending directorate.

18 Contract Award

- 18.1 Where a contract over £5000 has been entered into following any procurement process, it is the duty of the Authorised Officer to submit details of the agreement to the Council's Contract register, without delay, at the following link
<https://crmweb.intra.preston.local/gdpr/agreementsearch>
- 18.2 In addition where a completed contract exceeds £25,000, the Council shall publish a contract award notice on the Central Digital Platform no later than 30 days after the date of award of the contract.

19 Letters of Intent

- 19.1 Letters of intent shall only be used in exceptional circumstances as follows:
- (a) Where a supplier is required to provide services, supplies or works prior to formal written acceptance by the Council; or
 - (b) Where the Council's form of tender does not include a statement that until such time as a formal contract is executed, the Council's written acceptance of a tender shall bind the parties into a contractual relationship.
- 19.2 Any such letters of intent shall only be issued by the Director of Resources which may allow a start upon the works or the ordering of services or supplies but shall not permit any payments to be made there under.

20 Contract Terms and Conditions

- 20.1 Contracts shall be entered into on the Council's terms and conditions, which shall be included with each purchase order and invitation to quote or tender. Exceptions to this rule must be approved in advance by the Director of Resources including contract terms and conditions used under Framework Agreements.
- 20.2 Every formal contract in writing within the meaning of Contract Procedure Rule 21 shall specify or contain (as a minimum) wherever possible:
- (a) the services, supplies or works to be provided;
 - (b) the price to be paid, with a statement of discounts or other deductions;
 - (c) the time or times within which the contract is to be performed;
 - (d) that all relevant health and safety legislation and codes of practice must be complied with and that any specific health and safety requirements set out in the invitation to tender or invitation to negotiate required prior to contract award have been satisfied;

- (e) in appropriate cases (to be determined by the Director or the spending directorate in conjunction with Legal Services) provide for the payment of liquidated damages by the supplier where he fails to complete the contract within the time specified in the contract or any amendment thereto made in accordance with the terms of the contract (see Procurement Manual for further details);
- (f) a clause empowering the Council to cancel the contract and recover from the supplier the amount of any loss resulting from such cancellation, if the Supplier or any person acting on their behalf shall, in relation to the obtaining or execution of the contract or any other contract with the Council, have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have given any fee or reward the receipt of which is an offence under Section 117(2) and (3) of the Local Government Act 1972, and the Bribery Act 2010; and
- (g) a clause requiring the supplier to provide information to the Council in order for the Council to fulfil its obligations under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

20.3 Contracts for the execution of construction, maintenance and repair work which exceed £75,000 (excluding VAT) in value shall consider the provision for liquidated damages to be paid by the Supplier in case the terms of the contract are not duly performed.

21 Execution of Contracts

21.1 Any contracts valued at above £75,000 shall be formal, made in writing and executed as a deed by the affixing of the Council's common seal or signed by the Director of Resources or other person duly authorised in this regard (as considered appropriate). All other contracts (i.e. less than £75,000) may be signed by the Director or Authorised Officer of the spending directorate.

21.2 Only in exceptional circumstances, applications to remove the requirement to execute contracts greater than £75,000 as a deed need to be made to the Director of Resources for approval, prior to the completion of the procurement documents.

22 Contracts Register

22.1 All Directors shall be responsible for the Contracts Register of all prospective contracts and contracts entered into by the Council in excess of £5,000.

22.2 Information required to maintain this Register should be supplied by the Director or Authorised Officer of the spending directorate without delay following Contract Register Link

<https://crmweb.intra.preston.local/gdpr/agreementsearch>

23 Nominated and Named Sub-Contractors

- 23.1 If a sub-contractor, supplier or sub-consultant is to be nominated or named to a main contractor, quotations or tenders must be invited in accordance with these Contract Procedure Rules and the terms of the invitation shall be compatible with the main contract.

24 Framework Agreements

- 24.1 Framework Agreements will contain instructions for use within its terms, and potentially include a requirement for a mini competitive exercise between those suppliers who are parties to the Framework Agreements. In these cases, a Framework Agreement shall be tendered in accordance with these Contract Procedure Rules. Where the Council has entered into a Framework Agreement through procurement or is able to place orders from existing Framework Agreements procured by central government agencies, other local authorities or other third parties, then the Council may benefit from using those contracts without entering into a separate procurement. Legal advice should be sought in advance before awarding a contract to a Supplier using a Framework Agreement not procured directly by the Council.
- 24.2 If an appropriate Framework Agreement is available, it must be considered regardless of value.

25 Joint Procurement

- 25.1 These Contract Procedure Rules shall apply to any procurement where tenders are invited by the Council on behalf of any partnership, consortium, association or similar body of which the Council is a member, unless such tenders are invited in accordance with the method prescribed by such consortium, association or body and where necessary with the requirements of the UK Regulations.

26 Procurement by Consultants

- 26.1 Any consultants used by the Council shall be appointed in accordance with these Contract Procedure Rules. Where the Council uses consultants to act on its behalf in relation to any procurement, then the Authorised Officer shall ensure that the consultants carry out any procurement in accordance with these Contract Procedure Rules. No consultant shall make any decision on whether to award a contract or who a contract should be awarded to. The Authorised Officer shall ensure that the consultant's performance is monitored and appropriate records are kept.

27 Contract Extension

- 27.1 No contract may be extended except in accordance with its terms (subject to financial resources and satisfactory value for money assessment).

28 Waivers of Contract Procedure Rules

- 28.1 Waivers of any of these Contract Procedure Rules shall only be given in exceptional circumstances.
- 28.2 Waivers may not be made retrospectively.
- 28.3 An Authorised Officer empowered to let a particular contract may seek a waiver from
- the Chief Executive (in consultation with the Director of Resources and Monitoring Officer, and the Procurement Manager)
 - or Cabinet
 - or Council
 - or any of these Contract Procedure Rules where the contract value is below the regulatory thresholds.
- 28.4 Waivers shall be reported half yearly in writing by the Chief Executive to the Audit Committee and the written report shall specify why the waiver was justified in each case.
- 28.5 The Authorised Officer must notify their Portfolio Holder, for the purposes of information, of any cases where the contract procedure rules have been waived.

29 Damage to Council Property

- 29.1 In the event of Council property being damaged by fire or other insured peril and it being expedient in the Council's interests not to proceed to effect reinstatement of the property using normal procedures under these Contract Procedure Rules, the Authorised Officer may follow the suggested procedure. Upon the approval of the loss adjuster acting for the Council's insurers, the appropriate Authorised Officer, in consultation with the Director of Resources and the Executive Member for Resources, shall be authorised to accept the quote of a contractor, being one of at least three contractors who have been used and therefore prequalified by the Authority within the last twelve months.

30 Emergency Procedures

- 30.1 In the event of circumstances rendering emergency measures necessary which cannot expediently be approved through normal Council procedures, the appropriate Authorised Officer(s) in consultation with the Chief Executive (or a nominated officer), or not less than two Cabinet Members may, notwithstanding anything contained in the Council's Contract Procedure Rules or Financial Procedure Rules, authorise the Authorised Officer to enter into a contract on behalf of the Council.
- 30.2 In a continuing emergency any action taken or contract entered into shall be reported to a Special Cabinet Meeting as soon as possible which shall take such action as necessary to deal with the situation.
- 30.3 Prior to reference to Cabinet, such exercise of emergency measures shall be subject to a total limit of expenditure of £75,000 (excluding VAT).

30.4 Any exercise of these powers must be reported to the next Cabinet meeting.

31 Non Compliance

31.1 If it comes to notice of an Authorised Officer that there has been non compliance with these Contract Procedure Rules in respect of any contract for which s/he is responsible as the Authorised Officer of the procuring department, s/he shall without delay notify the Director of Resources who shall take such action as s/he deems necessary.

32 Review and Amendment of the Contract Procedure Rules

32.1 The Contract Procedure Rules shall be reviewed and updated on an annual basis.

Definitions

“Authorised Officer”

An Authorised Officer of the Council with appropriate delegated authority to act on the Council’s behalf in accordance with the Constitution;

“Central Digital Platform”

A centrally managed national database for supplier registration, contract notices, performance reporting

“Contracts Register”

A register held and maintained by the Procurement Manager containing details of contracts entered into by the Council

“Constitution”

The constitution for the Council

“Dynamic Purchasing System/ Dynamic Markets”

A completely electronic process for making commonly used purchases, the characteristics of which, as generally available on the market, meet the requirements of the Council, which is limited in duration and open throughout its validity to any supplier which satisfies the selection criteria and has submitted an indicative tender that complies with the specification.

“Framework Agreement”

An agreement which allows the Council to place orders with a supplier to provide supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a non-binding offer with no obligations on the Council to place orders with the supplier. If the Council places an order with the Supplier a binding contract comes into being. A Framework Agreement can be a binding agreement where it is executed as a deed;

“Key Decision”

A key decision as defined in the Constitution;

“Most Economically Advantageous Offer/ Tender (MEAT)”

From the Council’s perspective the most economically advantageous offer from a Supplier assessed by reference to relevant evaluation criteria linked to the subject matter of the contract in question for example, quality, price, technical merit, aesthetic and functional characteristics, running costs, cost effectiveness, after sales service and technical assistance, delivery date and delivery period or period of completion;

“Most Advantageous Tender (MAT)”

Similar to MEAT, but new guidance providing greater reassurance to contracting authorities that they can take a broader view of what can be included in the evaluation of tender in assessing value for money including social value as part of the quality assessment.

“Procurement Approach”

As set out in Appendix 1.

“UK Public Procurement Thresholds”

Biennial, centrally fixed values, above which the full Regulations apply for Goods/Services
Works and
Concessions

Appendix 1 Procurement Approach

In developing a Procurement Approach for all requirements over £75,000, the Authorised Officer should seek to consider and record decisions made regarding the following (it is strongly recommended that the advice and input of the Procurement Manager is sought):-

- A1.1 Specification accuracy, clarity, scope and comprehensiveness
- A1.2 Details of soft market testing undertaken
- A1.3 Expected length of contract
- A1.4 Estimated contract value using whole life costing calculations
- A1.5 Contingency and budgetary considerations, including possible options for a reduced opportunity post tender
- A1.6 Link to the vision, Corporate priorities of the Council and the department's Service Delivery Plan
- A1.7 Authorised Officers need to record consideration of the impact of the Councils strategies and policies on the procurement e.g Living Wage, Fair Employment, Social Value, Equality and Diversity, Sustainability, and the Equality and Human Rights Impact Assessment. Note: all procurements of £75,000 should allocate 20% of the total assessment to Social Value themes, in discussion with the Procurement Manager and the Policy Manager.
- A1.8 An appropriate procurement route e.g Open Tender, Framework call off etc
- A1.9 Proposed project timetable
- A1.10 Proposed payment mechanism and/or payment milestones
- A1.11 Whether the Authorised Officer is of the opinion that TUPE will apply to the contract
- A1.12 Completion of a risk assessment for the project
- A1.13 Contract Award Criterion:
 - Lowest Price/ Most Economically advantageous Offer
- A1.14 Evaluation Criteria and weightings:
 - Price: []%; Quality []% Social Value [20%]
 - Individual evaluation criteria weightings (or ranges):

Appendix 2 Estimating the Contract Value

The time and method for calculating the estimated value of contracts shall be as follows:

A2.1 Time for estimating the contract value

The calculation of the estimated value of a contract shall be based on the total amount payable, net of VAT, as estimated by the Authorised Officer. This calculation shall take account of the estimated total amount, including any form of option, extension and any renewals of the contract:

- (i) Where above threshold the estimate must be valid at the moment at the contract notice is sent, or, where such notice is not required, at the moment at which the Authorised Officer commences the contract awarding procedure.
- (ii) Where below the threshold the estimate must be valid at the moment at the Authorised Officer commences the contract awarding procedure.

A2.2 Works Contracts

For works contracts, calculation of the estimated value shall take account of both the cost of the works and the total estimated value of the supplies necessary for executing the works and placed at the contractor's disposal by the Council.

A2.3 Leasing, hire, rental or hire purchase

For contracts relating to the leasing, hire, rental or hire purchase of products, the estimated value shall be calculated as follows:

- (i) in the case of fixed-term contracts, if that term is less than or equal to 12 months, the total estimated value for the term of the contract or, if the term of the contract is greater than 12 months, the total value including the estimated residual value;
- (ii) in the case of contracts without a fixed term or the term of which cannot be defined, the monthly value multiplied by 48.

A2.4 Supply or service contracts which are regular in nature

For supply or service contracts which are regular in nature or which are intended to be renewed within a given period, the estimated value shall be calculated as follows:

- (i) either the total actual value of the successive contracts of the same type awarded during the preceding 12 months or financial year adjusted, if possible, to take account of the changes in quantity or value which would occur in the course of the 12 months following the initial contract; or
- (ii) the total estimated value of the successive contracts awarded during the 12 months following the first delivery, or during the financial year if that is longer than 12 months.

A2.5 Insurance, Banking and Design Service contracts

For service contracts for the following types of services, the value to be taken as a basis for calculating the estimated contract value shall, where appropriate, be the following:

- (i) insurance services: the premium payable and other forms of remuneration;
- (ii) banking and other financial services: the fees, commissions, interest and other forms of remuneration;
- (iii) design contracts: fees, commission payable and other forms of remuneration.

A2.6 Service contracts where there is no total price

For service contracts which do not indicate a total price, the value to be taken as a basis for calculating the estimated contract value shall, where appropriate, be the following:

- (i) in the case of fixed-term contracts, if that term is less than or equal to 48 months: the total value for their full term;
- (ii) in the case of contracts without a fixed term or with a term greater than 48 months: the monthly value multiplied by 48.

A2.7 Framework Agreements and Dynamic Purchasing Systems

For Framework Agreements and Dynamic Purchasing Systems, the value to be taken into consideration shall be the maximum estimated value, net of VAT, of all the contracts envisaged for the total term of the Framework Agreement or the Dynamic Purchasing System.

Appendix 3 Manual Tender Management (EXCEPTIONAL circumstances by prior agreement)

A3.1 Submission and opening of tenders

A3.1.1 Tenders shall be submitted in accordance with requirements set out in the invitation to tender or invitation to negotiate. Each invitation to tender or invitation to negotiate shall state that no tender will be received except:

- (a) in a sealed plain envelope addressed and delivered to the Director of Resources, Town Hall, Lancaster Road, Preston, PR1 2RL.
- (b) bearing the word "Tender" followed by the subject to which it relates, the name of the procuring department and the date and time by which it must be received by the Council.
- (c) No tender will be considered which bears any name or mark indicating the identity of the sender; or is accompanied by any other documentation which indicates the identity of the sender.

A3.1.2 The Director of Resources representative shall be notified by the Authorised Officer immediately tenders are invited of:

- (a) the time and date (or of any revision thereof) by which tenders should be received by the Director of Resources; and
- (b) the names of the persons invited to tender where tenders have been invited following an appropriate public notice.

A3.1.3 Tenders shall be opened one at a time in the presence of the Director of Resources, the Authorised Officer from the spending directorate or their designated representatives, along with the relevant Executive Member or his/her nominee. The Member and officers present shall initial the tender. All tenders received shall be dated and time stamped on receipt and recorded consecutively in a register maintained for this purpose by the Director of Resources designated representative.

A3.1.4 No tender received after the time and date specified in the invitation shall be considered unless there is evidence which demonstrates beyond all reasonable doubt that the tender left the possession of the tenderer in sufficient time to permit, in normal circumstances, its receipt prior to the due date and time specified, provided no tender shall be considered which has been received after other tenders have been opened. Any such tender which is not considered will be handed over unopened to the Authorised Officer by the Director of Resources representative and a record made. This will be retained unopened by the Authorised Officer until a tender is accepted, subject to the preparation of any formal contract. The Authorised

Officer will then destroy the unopened tender three months after the contract award (if any) or tender opening date whichever is later.

- A3.1.5 The Authorised Officer in conjunction with the spending directorate Director must consider whether a re-tendering exercise is necessary in the event that only one tender is received. Further consideration must also be given in these circumstances as to whether value for money has been obtained. A record of the decision with reasons by the Authorised Officer, must be kept.

Officer Employment Procedure Rules

1. Recruitment and appointment

- (a) Declarations
 - (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons
 - (ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Chief Officer of an officer nominated by him/her.
- (b) Seeking support for appointment
 - (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
 - (ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council.
 - (iii) Nothing in paragraphs (i) and (ii) above will 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

Where the Council proposed to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

- (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. Appointment of Head of Paid Service

- (a) The full council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Committee or Sub-committee of the Council. That Committee or Sub-Committee must include at least one Member of the Cabinet.
- (b) The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any Member of the Cabinet.

4. Appointment of Chief Officers and Deputy Chief Officers

- (a) A Committee or Sub-Committee of the Council will appoint Chief Officers and Deputy Chief Officers. That Committee or Sub-Committee must include at least one Member of the Cabinet.
- (b) An offer of employment as a Chief Officer or Deputy Chief Officer shall only be made where no well-founded objection from any Member of the Cabinet has been received.
- (c) For the purposes of section 3 and this section paragraph 5 of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001 will apply.

5. Other appointments

Appointment of officers below Deputy Chief Officer is the responsible of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

6. Disciplinary action

- (a) The Head of Paid Service, Chief Finance Officer or the Monitoring Officer may be suspended whilst an investigation takes place into the alleged misconduct.
- (b) Subject to the provisions in section 7 a Committee or Sub-Committee of the Council may take disciplinary action short of dismissal against the Head of Paid Service, Chief Finance Officer or the Monitoring Officer.
- (c) Councillors will not be involved in the disciplinary action against any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability

and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

7. Dismissal

- (a) Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation of inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.
- (b) Where a Committee or Sub-Committee is discharging on behalf of the Council, the function of or in relation to the dismissal of the Head of Paid Service, a Chief Officer or Deputy Chief Officer, that Committee or Sub-Committee must include at least one member of the Cabinet.
- (c) Where a Committee or Sub-Committee is discharging its function in relation to the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer, the full Council must approve any recommendation of dismissal of that officer before notice of dismissal is given to him/her.
- (d) The Head of Paid Service, the Chief Finance Officer or the Monitoring Officer cannot be dismissed by full Council unless the procedure set out in Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) has been complied with – the appointment of a panel under section 102(4) of the Local Government Act 1972 to advise full Council on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.
- (e) Before taking a vote on whether or not to approve the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer the full Council must take into account, in particular –
 - (i) any advice, views or recommendations of the panel appointed under section 102(4) of the Local Government Act 1972;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations from the officer concerned.
- (f) For the purposes of this section paragraph 6 of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001 will apply.

PROCEDURE RULES FOR THE DISPOSAL OF LAND

Definitions

1. In these Rules:

- (i) "Authorised body" - shall mean the Council, Cabinet, Executive Member and any officer with relevant delegated authority, as appropriate
- (ii) "Purchaser" - shall mean any organisation or individual with whom the Council enters into a contract for the disposal of land
- (iii) "Land" includes all buildings, fittings and fixtures thereon
- (iv) "Disposal" includes disposal by any means, including by way of sale, lease, and licence or building agreement.

General

- 2. These rules apply to all contracts entered into by the Council for the disposal of land. (*Note 1*)
- 3. Any of these Rules may be waived by the Council, or Cabinet, where it is satisfied that to do so is justified in special circumstances. Those special circumstances have to be identified in a written report and any relevant minute/decision dealing with that contract for the disposal of land in question.
- 4. Any person (not being an officer of the Council) who is required to dispose of land on the Council's behalf shall comply with the requirements of these Rules as he if were a chief officer of the Council.

Exceptions

- 5. These rules do not apply to the disposal of Council owned land where it is a:
 - (i) Sale to a sitting tenant for a value of less than £100,000
 - (ii) Sale by way of public auction (*Note 3*)
 - (iii) Disposals for a value of less than £20,000
 - (iv) The granting of renewal leases up to a term of 150 years and with an annual rent limit of £100,000 or to a capital value of up to £1million.
 - (v) Sale by tenants exercising their Right to Buy
 - (vi) Grant of licenses to occupy land

Action to be taken prior to disposal of land

6. Prior to the Invitation to Tender the Director of Environment and Property shall ensure that:
 - (i) The most valuable planning permission possible shall be established for the land in question
 - (ii) A qualified valuer's certificate, as to the estimated best consideration that can reasonably be obtained for such land, shall be placed upon the relevant file
 - (iii) Where it is considered to be desirable, a Development Brief shall be prepared which
 - Sets out the relevant planning considerations
 - Indicates that the Council's development preference will be based on the best consideration reasonably obtained balanced against the Council's other policies
 - Shall be provided to all prospective purchasers
 - Shall be approved by the appropriate Cabinet Member, Committee(s) or Cabinet prior to any marketing exercise (Note 2).

Open Tendering

7. Tender shall be invited for the disposal of all land by at least four weeks' public notice given in one or more local newspapers and also, wherever the estimated value of the contract exceeds £100,000, in one or more newspapers or journals circulating among such persons or bodies as are involved with the purchase of land. The notice shall express the nature and purpose of the contract, state where further details may be obtained, invite tenders and state the last date and time when tenders will be received.
8. Following the receipt and opening of Tenders:-
 - (i) the relevant officer shall submit a written report on such tenders to the Authorised Body.
 - (ii) That Authorised Body shall accept the tender which gives to the Council the best consideration that can reasonably be obtained, as required by Section 123 of the Local Government Act 1972. However section 123 does not apply if a General Disposal Consent, applies to the disposal, or the appropriate Secretary of State has given his/her specific consent for the disposal.

- (iii) Negotiations as to the price to be paid or other terms and conditions shall only take place with the prior approval of the Authorised Body.

Disposals other than by Open Tender

Unless otherwise agreed by the Authorised Body all disposals shall be by way of Open Tender unless there are special circumstances. Those special circumstances have to be identified in a written report to the Authorised Body and referred to in any relevant minute/decision dealing with the contract for the disposal of land in question.

Corrupt Practices, Etc, In Relation To The Disposal Of Council Land

In every contract for the disposal of Council land there shall be a clause which requires the purchaser to enter into an arrangement, to the satisfaction of the Monitoring Officer, which will enable the Council to recover from the purchaser (without prejudice to any bona fide third party rights):

- (a) The purchaser's interest in the land
- (b) Any loss suffered by the Council

This Rule applies if, within a period of three years from the date of the disposal, there is evidence that, in relation to the transaction, someone have offered to give (or agreed to give) a gift or consideration of any kind as an inducement or reward, for

- (a) doing (or forbearing to do or having done or forborne to do) any action in relation to the negotiation or securing of the disposal of the land by the Council to the purchaser; or
- (b) for showing (or forbearing to show) favour or disfavour to any person in relation to the negotiation or securing of the disposal of the land by the Council to the purchaser. (*Note* 4)

This Rule also applies if the purchaser (or any person employed by him or acting on his behalf and with his knowledge) shall have committed any offence under the Prevention of Corruption Acts 1889 -1916, or shall have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.

NOTES

1. All disposals whether or not covered by these rules must comply with the guidance "Essential Steps for Estates Officers"
2. Rule 6 - In addition to the requirements of Rule 6 the Director of Environment and Property shall ensure that:
 - (a) The names of all prospective developers to whom a Development Brief has been sent shall be recorded.
 - (b) Prospective purchasers who request information, in addition to that provided by a Development Brief, shall be referred to one specified officer. The specified officer shall ensure that any information which is given to one prospective purchaser is also given to all other prospective purchasers who have requested a copy of the Development Brief. The specified officer shall ensure that such information is also recorded upon the relevant file.
 - (c) Negotiations shall not take place as to the price to be paid nor any other terms and conditions prior to the tenders being opened and reported to the Authorised Body.
3. A qualified valuer should place a reserved price upon any sale by public auction.
4. The Monitoring Officer shall advise upon the wording and terms to be included in any Contract for the disposal of land, and in particular in respect of Rule 10.

Part 4

CODES AND PROTOCOLS

Contents

Section

- 1 Code Of Conduct for Members
- 2 Member/Officer Protocol
- 3 Protocol For Dealing With The Media and Social Media
- 3a Protocol for Dealing with Press Enquiries about Complaints to the Standards Committee
- 4 Employees' Code Of Conduct
- 5 Local Code Of Good Practice For Members And Officers Dealing With Planning Matters
- 6 Monitoring Officer Protocol
- 7 Protocol for Public Speaking at Planning Committee
- 8 Social Media Protocol for Members

The Code of Conduct for Members

The General Principles

1. This Code of Conduct is adopted by the Council pursuant to the Council's duty to promote and maintain high standards of conduct by its Members.
2. Members (including co-opted Members) are expected to behave according to the highest standards of personal conduct and in particular they must observe the following general principles:

Selflessness — Members serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity — Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity — Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability — Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness — Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement — Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others — Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law — Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them

Stewardship — Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership — Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Part 1

General Provisions

Introduction and interpretation

1. (1) This Code applies to you as a member of the authority.
- (2) You should read this Code together with the general principles set out above.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code –
 - "meeting" means any meeting of –
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - "member" includes a co-opted member and an elected member;
 - "the authority" means Preston City Council.
- (5) In relation to a Parish Council, references to the authority's Monitoring Officer and the authority's Standards Committee shall be read, respectively, as references to the Monitoring Officer and the Standards Committee of Preston City Council

Scope

2. (1) Subject to sub-paragraph (2) you must comply with this Code whenever you
 - (a) conduct the business of the authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.
- (2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

General obligations

3. (1) You must treat others with respect.
- (2) You must not—
 - (a) do anything which may cause the authority to breach the Equality Act 2010 (or subsequent legislation);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—

- (i) a complainant,
- (ii) a witness, or
- (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

4. You must not

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of the authority
 - (i) act in accordance with the authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by

- (a) the authority's chief finance officer; or
- (b) the authority's Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

8. Notification of interests

- (1) You must, within 28 days of—
- (a) this Code being adopted by or applied to the authority;
 - or
 - (b) your election or appointment to office (where that is later),
- notify the Monitoring Officer in writing of your disclosable pecuniary interests as defined in the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, for inclusion in the register of interests, and notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the descriptions set out in sub-paragraph (2) below, for inclusion in the register of interests.
- (2) You have a personal interest in any business of the authority where either—
- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),of which you are a member or in a position of general control or management;
 - (iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income;
 - (iv) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.
- (3) You must notify the Monitoring Officer in writing within 28 days of becoming aware of any new disclosable pecuniary interests and/or personal interests or change to any such interests registered under sub-paragraph (1) above

9. Disclosure of personal interests

- (1) Subject to sub-paragraphs (2) to (6) below, where you have a personal interest described in paragraph 8 above or in sub-paragraph (2) below in any business of the authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of the authority at which the business is considered, you must disclose to that meeting the existence and nature of that personal interest at the commencement of that consideration, or when the personal interest becomes apparent.
- (2) (A) You have a personal interest in any business of the authority
- (i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax

payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or

(ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

(2)(B) In sub-paragraph (2)(A) above, a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in paragraph 8(2)(a)(i) or (ii).

(3) Where you have a personal interest in any business of the authority which relates to or is likely to affect a person described in paragraph 8(2)(a)(i) or 8(2)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that personal interest when you address the meeting on that business.

(4) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(2)(a)(iv), you need not disclose the nature or existence of that personal interest to the meeting if the personal interest was registered more than three years before the date of the meeting.

(5) Where you have a personal interest but, by virtue of paragraph 13, sensitive information relating to it is not registered in the authority's register of interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Where you have a personal interest in any business of the authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that personal interest.

10. Non participation in case of prejudicial interest

(1) Where you have a personal interest in any business of the authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard it as being likely to prejudice your judgement of the public interest and where that business –

(a) affects your financial position or the financial position of a person or body described in paragraphs 8(2) or 9(2)(A) above ;or

(b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.

(2) Further where you have a personal interest in any business of the authority you also have a prejudicial interest in that business where the interest is one which a member of

the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(3) Subject to sub-paragraphs (5) below, where you have a prejudicial interest in any business of the authority—

- a) You may not participate in any discussion of the matter at the meeting.
- b) You may not participate in any vote taken on the matter at the meeting.
- c) If the personal interest is not registered, you must disclose the personal interest to the meeting.
- d) If the personal interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the personal interest within 28 days.
- e) You are required to leave the room where the meeting is held while any discussion or voting takes place.

(4) Where you have a prejudicial interest in any business of the authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

(5) Subject to you disclosing the personal interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the authority in respect of—

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members;
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

(6) Where, as an executive member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

11. Interests arising in relation to overview and scrutiny committees

(1) In any business before an overview and scrutiny committee of the authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of the authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken, you may only attend a meeting of the overview and scrutiny committee (or of a sub-committee of such a committee) for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

12. Register of interests

(1) Any personal interests notified to the Monitoring Officer will be included in the register of interests.

(2) A copy of the register of interests will be available for public inspection and will be published on the authority's website.

13. Sensitive interests

(1) Where you consider that disclosure of the details of a personal interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the personal interest is entered on the register of interests, copies of the said register that are made available for inspection and any published version of the said register will exclude details of the personal interest, but may state that you have a personal interest, the details of which are withheld under section 32(2) of the Localism Act 2011.

Part 3 Disclosable Pecuniary Interests

14 (1) A 'Disclosable Pecuniary Interest' is an interest of yourself or your partner (which means spouse or civil partner, 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) within the following descriptions:

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” *includes a co-opted member*;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

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

15. Notification of Disclosable Pecuniary Interests

(1) Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'Disclosable Pecuniary Interests'.

16. Register of interests

(1) Any Disclosable Pecuniary Interests notified to the Monitoring Officer will be included in the register of interests.

(2) A copy of the register of interests will be available for public inspection and will be published on the authority's website.

17. Sensitive interests

(1) Where you consider that disclosure of the details of a Disclosable Pecuniary Interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the Disclosable Pecuniary Interest is entered on the register of interests, copies of the said register that are made available for inspection and any published version of the said register will exclude details of the disclosable pecuniary interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under section 32(2) of the Localism Act 2011.

18. Non participation in case of Disclosable Pecuniary Interest

(1) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered at the meeting –

(a) You may not participate in any discussion of the matter at the meeting.

(b) You may not participate in any vote taken on the matter at the meeting.

(c) If the Disclosable Pecuniary Interest is not registered, you must disclose the said interest to the meeting.

(d) If the Disclosable Pecuniary Interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the said interest within 28 days.

(e) You are required to leave the room where the meeting is held while any discussion or voting takes place.

(2) Where an executive member may discharge a function alone and becomes aware of a Disclosable Pecuniary Interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the said interest and must not take any steps or further steps in the matter.

19. Dispensations

(1) The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest.

20. Offences

(1) It is a criminal offence to

- Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election.
- Fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register of interest.
- Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting.
- Participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest.
- As an executive member discharging a function acting alone, and having a Disclosable Pecuniary Interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting

(2) The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale (presently £5,000) and disqualification from being a councillor for up to 5 years.

Member/Officer Protocol

1 Introduction

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another.
- 1.2 The protocol is based on good practice, and adopted to reflect arrangements at this Council.
- 1.3 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues that most commonly arise.
- 1.4 The Protocol is ancillary to the Codes of Conduct adopted by the Council that apply to Members and Officers. The shared objective of all of these documents is to enhance the integrity of local government by maintaining the very high standards of personal conduct demanded of Members and Officers.

2 Role of Members and Officers

- 2.1 The Council's Member Code of Conduct (approved July 2012) provides:-

“A Member must treat others with respect;

“A Member must not –

(a) do anything which may cause the authority to breach any equality enactments;

(b) bully any person

(c) intimidate or attempt to intimidate any person

(d) do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.”

- 2.2 The former National Code of Local Government Conduct for Members provided:

“Both Members and Officers are servants of the public and are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to

give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council, their Committees and Sub-Committees.

Mutual respect between Members and Officers is essential to good local government. Close personal familiarity between individual Members and Officers can damage this relationship and prove embarrassing to other Members and Officers."

2.3 The Council's Constitution sets out the clear distinction between the roles of Members and Officers:

- All Members in full Council are responsible for setting policies and the Cabinet Members are responsible for setting performance targets and ensuring that services are delivered in accordance with those targets and the overall policies of the Council. The Council is responsible to the electorate for the delivery of policies and services.
- Officers are accountable to the Council, the Cabinet and the Overview and Scrutiny Management Committee for the implementation of policies and the delivery of services. Members should not get involved in day-to-day management of services. Equally, officers should not get involved in politics; e.g, Members should not instruct junior staff but should raise the issue with a member of the Corporate Management Team.
- Officers are responsible for advising the Council, the Cabinet, the Overview and Scrutiny Management Committee and Task and Finish Groups on policy and its implementation. They have a duty to give impartial advice and are accountable to the whole Council. Exceptions to this are set out elsewhere in this Protocol.

2.4 These guidelines set out broad boundaries between Members and Officers. There is an acceptance that Officers are responsible for the implementation of policies and the delivery of managerial and professional expertise. Members would not be expected to be involved in implementation, but can expect to receive reports on progress.

2.5 It is appropriate, however, for Members to propose initiatives and ideas about how things can be done better. It is essential that existing ways of doing things are challenged and reviewed. This needs to be done in a professional and constructive environment. This will usually be through the Cabinet, the relevant Cabinet Member or the Overview and Scrutiny Management Committee.

3 Officer Advice to Party Groups

- 3.1 It is common practice for political groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the Cabinet or the Overview and Scrutiny Management Committee. Party groups may properly call upon officers (the Chief Executive, Directors or their nominees) to support and provide factual advice to such deliberations.
- 3.2 The support provided by Officers can take many forms, ranging from a briefing meeting with a Cabinet Member or Committee Chairman or nominated spokesperson prior to a Cabinet or Committee meeting to a presentation to all party groups. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups
- 3.3 In particular, the Chief Executive and Directors are likely to be in significant contact with the Leader, Deputy Leader and other Members of the Cabinet. Where one of those Officers has given a briefing to one political group where a significant change of policy is to be considered by the Cabinet or the Overview and Scrutiny Management Committee prior to recommendation to the Council, the Chief Executive will inform the other party groups and the facility of the briefing will be offered to the other parties.
- 3.4 Certain points must however be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:
- Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of a “political” nature. The observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed;
 - party group meetings, whilst they form part of the preliminaries to Council decision-making are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
 - similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the

relevant Council, Cabinet, Overview and Scrutiny Management Committee meeting when the matter in question is considered.

- where the full Council is to make a significant or critical decision affecting the policy framework, the Council's preferred method will be to invite all Members to a pre-briefing Member session.

- 3.5 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group. Members must also be aware of the requirement upon senior officers to work with the Cabinet and involving officers in matters of a political nature.
- 3.6 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will then discuss them with the relevant group leader.

4 Officer Advice and Member Decision Making

- 4.1 Members at all times are required to act in good faith and make informed decisions. A factor in making informed decisions is understanding the consequences of the decision and its impact. In arriving at a decision, Members ought to take advice on the matter subject to a decision. Indeed, in accordance with the Council's Member Code of Conduct, Members must have regard to advice from Officers, but are under no obligation to accept the advice, providing they have reasonable reasons for doing so.
- 4.2 Officers are in return required to give Members advice, which has regard to Council policy, the law, financial and other implications. Officers are required to give rounded advice, setting out, where appropriate, all relevant options. Officers may, if appropriate, make recommendations based on their advice, but it will be for the decision maker to consider the advice in the context of all circumstances. Officers are required to act on the lawful decisions of Members, subject to any appeal / scrutiny / or other processes having been exhausted.

5 Officers

- 5.1 It is clearly important that there should be a close working relationship between the Chief Executive, Directors and relevant Service Heads and the Leader, Deputy Leader and other Members of the Cabinet and the Chair of the Overview and Scrutiny Management Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.

5.2 In relation to action between meetings, it is important to remember that the law only allows for decisions to be taken in accordance with the Scheme of Delegation to either a Member of the Cabinet or an Officer. The Scheme of Delegation is set out in Part 2 of the Council's Constitution.

5.3 Finally, it must be remembered that Officers within a Service are accountable to their Director. Where necessary, Officers should refer to the Council's Scheme of Delegation to Officers in Part 2 of the Constitution and the Officers' Code of Conduct in Part 4 of the Constitution, to determine the extent of the bounds of their responsibility. Further clarification can be sought from the Chief Executive or the Monitoring Officer.

6 Support Services to Members and Party Groups

6.1 The only basis on which the Council can lawfully provide facilities and support services (e.g. computers, stationery, typing, printing, photocopying, transport etc.) to Members, is to assist them in discharging their role as Members. Such support services must therefore only be used on Council business. They should never be 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 authority or of the office to which the Member has been elected or appointed. This means that they should not be used in connection with party political or campaigning activity or for private purposes.

6.2 The first point of contact in all aspects of member support should be to the Director of Resources.

7 Members' Access to Information and to Council Documents

7.1 Members are free to approach any Council Service to provide them with such information, explanation and advice (about the Service's functions), as they may reasonably need in order to assist them in discharging their role as Members. This can range from a request for general information about some aspect of a Service's activities to a request for specific information on behalf of a constituent. Unless a Member is clear whom they should contact such approaches should normally be made to the Service Head concerned. If a Member approaches an Officer below Service Head level, that Officer is expected to tell the Service Head at once. Requests for information/explanation /advice will be dealt with as speedily as possible and Members will be kept fully informed as to progress.

7.2 Members have legal rights to inspect Council documents. These are covered partly by statute and partly by the common law.

- 7.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Cabinet or Committee meeting. This right applies irrespective of whether the Member is a Member of the Cabinet or Committee concerned and extends not only to those which are to be submitted to the meeting, but also to any relevant background papers. This right does not however apply to documents relating to certain items which may appear on the “exempt” agenda for meetings. The items in question are those which contain exempt information. (See the Access to Information Rules of Procedure starting at Part 3 in the Constitution.) Members also have the same rights as any other person under the Freedom of Information Act (FOIA).
- 7.4 The common law right of Members is much broader and is based on the principle that any Member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member. This principle is commonly referred to as the “need to know” principle.
- 7.5 The exercise of this common law right depends therefore upon the Member’s ability to demonstrate that he/she has the necessary “need to know”. In this respect a Member has no right to a “roving commission” to go and examine documents of the Council, unless a formal request is made under the FOIA. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. The particular Director or Service Head who holds the document in question must initially determine the question. In the event of dispute, the question falls to be determined by the Council’s Monitoring Officer, who also has the responsibility to apply the statutory “public interest test” in certain circumstances under the FOIA.
- 7.6 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the functions of that Committee) a Member’s “need to know” will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms, and the Council will need to have regard to the law regarding the disclosure of personal information.
- 7.7 Whilst the term “Council document” is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a “need to know”, and therefore a right to inspect, a document which forms part of the

internal workings of another party group, even if an Officer has a copy of it.

7.8 If a Member is refused the right to inspect a document by the relevant Officer under the “need to know” principle, that Member should refer the matter to the Monitoring Officer. In particular, where a Member is seeking information to resolve a complaint made by a constituent, Officers should ensure the information is given promptly. (See the Council’s Complaints Procedure). Alternatively, it is open to the Member to make a formal request under the FOIA. In no circumstances should attempts be made to persuade any other Officer to allow inspection of the document. Any queries or advice regarding a Member’s right to inspect Council documents should be made to the Monitoring Officer.

7.9 Finally, any Council information provided to a Member must only be used by the Member for purpose for which it was provided; i.e, in connection with the proper performance of the Member’s duties as an elected Member. This point is emphasised in the Council’s Member Code of Conduct:

“A member must not –

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) it prevents another person from gaining access to information to which that person is entitled by law.

7.10 In the event of any disagreement between a Member and the Monitoring Officer concerning access to a particular document the question will be determined by the Standards Committee.

8 Correspondence

- 8.1 Correspondence, including e-mail, between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member.
- 8.2 Official letters on behalf of the Council should normally be sent out over the name of the appropriate Officer, rather than over the name of a Member. It may be appropriate in certain circumstances (e.g; representations to a Government Minister) for a letter to appear over the name of a Member, but this should be the exception rather than the norm. Letters which for example create obligations or give instructions on behalf of the Council should never be sent out over the name of a Member.

9 Involvement of Ward Members

- 9.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise.

10 When Things Go Wrong

- 10.1 Members and Officers should not criticise or undermine respect for the other at Council meetings or at any other meeting, which they attend in their capacity as a Member or Councils employee.
- 10.2 If an Officer wishes to make a complaint about a Member's conduct contact should be made in the first instance to the Monitoring Officer, Town Hall, Lancaster Road, Preston. The procedure for dealing with complaints against elected members can be found on the Council's website.
- 10.3 In the event that a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should not be raised at any meeting held in public, instead it should be raised with the appropriate Service Head. Where the Officer concerned is a Service Head it should be raised with the Director and if it relates to a Director it should be raised with the Chief Executive. If it relates to the Chief Executive it should be raised with the Monitoring Officer who will instigate the nationally agreed procedures relating to Chief Executives.

Protocol for Dealing with the Media and Social Media

1. Purpose

This protocol is intended to provide clarity and agreement on how and which Members and other Council representatives should be approached for media commentary under the Council's Constitution and decision making structure.

Overall, the protocol is a guide as to who can speak to the media on behalf of the Council and when. It relates to **pro-active** (Council led) and **reactive** (media led) cases and should minimise conflict in the often difficult process of determining who to approach. This protocol also refers to social media and includes advice for elected Members.

As the accountable, elected representatives of the community the general principal is that where possible Members should be the public face of the Council. However, this must be done within the scope of the Code of Recommended Practice on Local Authority Publicity.

2. Code of Recommended Practice on Local Authority Publicity

The Code is published by the Secretary of State for the Department of Communities & Local Government. The Code sets out that publicity by local authorities should:-

- be lawful
- be cost effective
- be objective
- be even-handed
- be appropriate
- have regard to equality and diversity
- be issued with care during periods of heightened sensitivity (elections)

The Code is clear that the Council needs to be professional in its communications, specifically stating that:-

“Local authorities should ensure that publicity relating to policies and proposals from Central Government is balanced and factually accurate. Such publicity may set out the local authority's views and reasons for holding those views, but should avoid anything likely to be perceived by readers as constituting a political statement, or being a commentary on contentious areas of public policy”.

“Any publicity describing the Council's policies and aims should be as objective as possible, concentrating on the facts or explanation or both. Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy. It is acceptable for local authority publicity to correct erroneous material which has been published by other parties, despite the fact that the material being corrected may have been published with the intention of influencing the public's opinions about the policies of the authority. Such publicity should seek to explain the facts in an objective manner.”

Given these requirements, it is important that Council Members and officers are clear about who has authority to issue and deal with official Council publicity.

3. Roles and Responsibilities

Executive

As the main decision making body of the Council, the Leader and Cabinet will feature in most Council publicity as follows:-

Leader of the Council/Chair of the Cabinet

Lead commentary on any major issue including corporate budget, emergency issues, major build environment or media campaigns. In the Leader's absence, the Deputy Leader may be approached.

Cabinet Members

The appointed Cabinet Members comment on issues arising under their area of responsibility, i.e.:-

As Cabinet member for:

- Resources
- Planning and Regulation
- Culture and Arts
- Environment and Community Safety
- Communities and Social Justice
- Community Wealth Building
- Climate Change
- Health and Wellbeing
- Service Transformation

Member Champions

Depending upon the nature of the matter in question, additional commentary may be given by Member Champions on:-

- Women
- Safeguarding
- Mental Health and Suicide Prevention

Overview and Scrutiny

Whilst the Executive is the Council's main decision making body and will feature prominently in official Council publicity, it is also important to recognise the role of the Overview and Scrutiny Management Committee, the Crime and Disorder Committee and the Task and Finish Groups which all form part of the Scrutiny Function.

The Chair (or in their absence the Vice Chair) of the Overview and Scrutiny Management Committee, the Crime and Disorder Committee and the Task and Finish Groups may also be included in Council publicity as and when appropriate.

However, such publicity would be limited to publishing and promoting the outcome of service or issue based studies. It is not for the Council or its officers to venture into disagreements on policy between the Executive and Scrutiny. Also, the Council can not get involved in any party political or politically motivated campaigning.

Regulatory and Other Committees

In addition to Cabinet and Scrutiny, the Council operates Regulatory and other Committees that may require publicity as follows:-

Planning Committee

The Chair will comment on issues that arise from the Committee and in their absence the Vice Chair. The nature of this Committee means, however, that rules of natural justice must be observed and the Chair should not comment on specific applications until after the Committee has determined them.

If a member of the Planning Committee comments publicly on a planning application before it is decided by the Committee, then they could be debarred from taking part in consideration of that application. The best advice to Members (should they be on Planning Committee and be requested to comment in advance of the meeting) is to say “the application will be decided on its merits”.

Ward Members not on Planning Committee are not bound by these rules. They can make their own comments on planning applications in their Ward or in the City as a whole.

Licensing Committee, Licensing Sub-Committee and Taxi and Miscellaneous Committee

The Chair will comment on issues that arise from the Committee and in their absence the Vice Chair. Similar to Planning Committee, Members are exercising a quasi-judicial role in determining and deciding licensing applications. Members of the Committee should therefore not comment on any licensing application until the Committee has determined it.

Audit Committee

The Chair will comment on issues that arise from the Committee and in their absence the Vice Chair.

Standards Committee

To comply with the protocol for dealing with press enquiries about standards complaints.

Employment Committee

It is Council policy **not** to comment on staffing matters. In certain circumstances the Council may comment, but this is only done by the Chief Executive as Head of Paid Service.

Should Employment Committee be deciding on a matter of policy, which is delegated to that Committee to determine, the Chair (and in his absence the Vice Chair) may comment, but this should only be done only after seeking officer advice.

The Mayor and Civic Party

The Mayor is the first citizen and civic figurehead of the City. The Mayor may give comment on behalf of the City, in relation to civic events or where the Mayor has a long-standing personal commitment to local issues, e.g., Mayor's Charity. If the Mayor is unavailable it may be appropriate to approach the Deputy Mayor or past Mayors.

Comment from Leader of Each Political Party

Cross party comments will be used when there is clear cross party support, consensus and the agreement of the current administration. Examples include Preston Guild where a united political front sends out a strong and positive message. It is not the Council's role to present conflicting political views.

Party Spokespeople

With the agreement of the political parties, the Council can provide details of individual party spokespeople to the local media to enable them to use the information to make proactive approaches if they wish.

Ward Members

Under the Code of Recommended Practice on Local Authority Publicity, the Council can assist Ward Members with publicity issues. The code states:-

“Other than in the circumstances described in paragraph 34 (the period of Elections between the Notice of Election and Election day) of this Code, it is acceptable for local authorities to publicise the work done by individual members of the authority and to present the views of those individuals on local issues. This might be appropriate, for example, when one Councillor has been the “face” of a particular campaign. If views expressed by, or attributed to individual Councillors, do not reflect the views of the local authority itself, such publicity should make this fact clear.”

The Council does not have the resources or capacity to take on and deliver individual campaigns of Members, but it is happy to give help and advice.

The Council's Communications team will give Members practical help and advice, including press contacts and social media advice, should individual Members wish to seek publicity for their campaigns.

Please contact the communications team on Ext 6464.

4. Press Briefings

Press briefings have two purposes:-

- To help explain a complex issue that will aid the media's understanding of the subject and provide more accurate reporting.
- To communicate an important story (good and bad news) that will attract media attention.

When?

Press briefings will be arranged on an ad hoc basis, to provide additional support including:-

- when complex issues are being determined/being raised
- when sensitive issues need absolute accuracy and confidentiality
- when major incident situations arise
- major corporate news e.g. budget and council tax announcement

Who?

Press briefings will usually comprise:-

- The relevant Cabinet Member or the Chair of the appropriate meeting
- The Chief Executive or appropriate Director
- The appropriate Chief Officer, a technical expert, the Communications and Marketing Manager or a representative

The Leader of the Council will also be informed of all press briefings and is entitled to attend should they wish.

Press briefings do not preclude the media from approaching other Council representatives for comment.

5. Use of Embargoes

Embargoes will only be used when considered essential i.e.:

- When news releases are linked to a launch event
- When an issue of confidentiality requires it
- When it is required by a third party (e.g. National Lotteries Commission announcing funding support)

Embargoes are not legally enforceable and are adhered to by general local agreement.

6. Social Media

Social Media, i.e., the use of internet based social mediums such as Blogs, Facebook & Twitter, has grown enormously over the last few years. Facebook and Twitter are now mainstream and are popular ways to comment with potentially thousands of people almost instantly.

Social Media is an excellent way to publicise events and activities as well as to have a dialogue with people. Many Members use social media to promote Ward and political (or other) campaigns. Indeed, Members are encouraged to engage with people, voters and

constituents, etc. in this way. However, Members need to ensure that in their social media activity they comply with the Council's Code of Conduct for Members.

Care needs to be taken when publishing information on a Blog, Twitter or on Facebook. It must not be offensive, libellous, biased or confidential, nor infringe any copyright or Data Protection legislation. Members also need to be mindful of the Council's Code of Conduct for Members and the need to observe high standards of ethical governance.

It is important to note that Members must not bring the Council or themselves as a Member into disrepute. They must avoid any form of personal attack or abuse. Please remember that the publication of information is instant and to the masses. As soon as it is sent, the information can be read universally. Deleting the post will not delete it from the minds of those who have already read it. Members should not post anything in anger or in the heat of the moment.

The best advice is to be professional and do not publish in haste or in anger. If in doubt – **do not** publish and remember, you can always seek advice.

7. Elections (Purdah Period)

The Recommended Code of Practice on Local Authority publicity states:-

“During the period between the Notice of an Election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, Wards and parties of candidates at elections”.

The period between the Notice of Election and the election itself is known as the “Purdah” period.

During elections any official Council publicity - interviews, press releases, photo calls, etc., will not include Members. Council can suspend the use of Members' blogs until after the election period. The only exception to these rules is in respect of the Mayor. If the current Mayor is not actively standing at the elections then, as the apolitical civic figurehead of the City, the Council can use the Mayor in publicity and social media related activities including the operation of any Blogs or Twitter accounts.

The Purdah rules relate to official Council publicity only.

Communicating with the electorate is an important part of the democratic process. As such, individual Members can and indeed should continue to deal with their own, or party political publicity - be this in the form of leaflets, press releases, media coverage, etc. Individual Members using their own personal social media channels such as Facebook and Twitter can continue to use these for both Ward and political purposes too. Members, however, should continue to ensure that their behaviour and social media activity is in line with the Council's Code of Conduct and does not bring them or the Council into disrepute.

8. CONTACT FOR FURTHER INFORMATION

Please contact the Communication team on extension 6464. E-Mail: communications@preston.gov.uk or Legal Services on extension 6373. Email: legal@preston.gov.uk

Protocol for Dealing with Press Enquiries about Complaints to the Standards Committee

1. A new standards regime was introduced by the Localism Act 2011, replacing the previous statutory regime under the Local Government Act 2000.
2. Preston City Council has within its Constitution a “Protocol for Dealing with the Media”. This recommends that on standards matters the Chief Executive and/or Monitoring Officer will liaise with the Standards Committee Chair to determine the format of any statement or release.
3. The Standards Committee’s arrangements for dealing with allegations of breach of the Code of Conduct enable the matter to be resolved informally at the outset if possible. Otherwise, a complaint will be assessed by the Monitoring Officer in consultation with the Independent Person. If the complaint is about the Leader or Deputy Leader of the Council or is one made by the Chief Executive then the complaint initial assessment shall be undertaken by the Complaints Panel, in consultation with the Monitoring Officer and the Independent Person. The assessment process will determine whether the complaint is to be referred for investigation, or whether no action is to be taken. If the press become aware of a complaint at this assessment stage, and make enquiries of the Council, the response will be given that it is not the Council's policy to comment on whether or not a complaint has been made, but that all complaints are considered in accordance with the arrangements approved by the Standards Committee. Accordingly, no confirmation will be given, prior to assessment, as to whether a complaint has been received or not.
4. The Standards Committee will at its scheduled quarterly meetings receive a report on the complaints received and the action taken on them. This report will be exempt from publication under paragraph 1 of Schedule 12A of the Local Government Act 1972, and information will not be provided to the press.
5. Where no action is to be taken on a complaint and the press become aware of the identity of the Member complained of, the Monitoring Officer will liaise with the Member complained of as to what response should be given.
6. Where a complaint is referred for investigation, no comment will be made on behalf of the Standards Committee until after the matter has been resolved, other than to confirm that a complaint is being investigated. The Member who is the subject of the complaint/investigation will be informed of the press enquiry, and may consider whether or not to comment, having considered carefully the appropriateness of so doing.

7. Following an investigation, a complaint will generally be resolved after consideration of the investigation report by the Committee. If the investigator's finding is that there has been a breach of the Code of Conduct, there will be a hearing before the Committee. The hearing is likely to be held in public, although the press and public may be excluded if any exempt or confidential information would be disclosed. The press and public will also be excluded during the Sub-Committee's deliberations. Where a complaint is resolved after investigation, the Committee will consider, as part of its deliberations, whether a press statement should be made by the Committee.
8. Where the Member complained of is a Member of a Parish Council, the City Council will inform the Clerk to the relevant Parish Council of any press enquiry received at any stage of the procedure and how it is being dealt with.

The foregoing is a general summary of how the Council will deal with press enquiries relating to complaints received by the Standards Committee. Any information that may be provided to the press may depend on the particular circumstances of a complaint. The Council will seek to balance the public interest in openness and transparency with the need to uphold natural justice and human rights, to protect confidential information and safeguard the integrity of any investigation.

Employees' Code of Conduct

1.0 Introduction

- 1.1 It is important that the public have absolute confidence in the integrity of the Council and its employees.
- 1.2 The following Code of Conduct aims to ensure that:
 - (i) employees are protected against any unjustified allegations of wrongdoing, and
 - (ii) there can be no perception or suggestion that any employee of the Council could be influenced in any way by improper motives
- 1.3 Whilst it is impossible to cover every eventuality in this code employees must recognise that as public servants they are accountable for their actions and must accordingly conduct themselves at all times in such a manner that their honesty and probity cannot be called into action.

2.0 General

- 2.1 Employees shall in all dealings with the public, demonstrate their integrity and humanity, and endeavour to ensure that all advice given is objective and reliable.
- 2.2 Employees shall recognise that the Council has obligations to all taxpayers and ratepayers and the general public, and that they should have due regard to them in the conduct of their work.
- 2.3 Employees shall act loyally in carrying out the lawful policy and instructions of the Council.
- 2.4 Employees shall at all times fully respect the confidentiality of information which comes to them in the course of their duties and shall not use for private gain, or in a manner which may be detrimental to the Council, any such information nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.
- 2.5 No employee, unless specifically authorised by their Chief Officer, shall make public statements relating to anything in which the Council is involved.
- 2.6 No changes in the Conditions of Service of Employees of the Authority shall be proposed by Chief Officers without prior consultation with the Director of Resources who shall take all such appropriate and necessary steps to consult the accredited representatives of the employees.

3.0 Political Neutrality

- 3.1 Employees serve the Council as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 3.2 Subject to the Council's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

4.0 Relationships

- 4.1 Councillors - Employees are responsible to the Council through its senior officers. For some, their role is to give advice to councillors and senior officers and all are there to carry out the Council'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.
- 4.2 The Local Community and Service Users - Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.
- 4.3 Contractors - Employees should make all relationships of a business or private nature with external contractors, or potential contractors, known to their Chief Officer. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
- 4.4 Employees who engage or supervise contractors or have any other official relationship in a private or domestic capacity with contractors, should declare that relationship to their Chief Officer.

5.0 Appointment and Other Employment Matters

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

6.0 Outside Employment

- 6.1 An Officer's off-duty hours are his personal concern but he should not subordinate his duty to his private interests or put himself in a position where his duty and his private interests conflict. The Council does not wish to preclude Officers from undertaking additional employment, paid or unpaid, **but** any such employment must not, in the view of the authority, conflict with or react detrimentally to the authority's interests, or in any way weaken public confidence in the conduct of the authority's business.
- 6.2 Employees **above spinal column point 28 (old APT&C Scale 6)** shall not engage in any other business or take up any other additional appointment without the express consent of the Council. The above will be strictly enforced by the Council.
- 6.3 Employees on **spinal column point 28 (old APT&C Scale 6), or below, or who are weekly paid** who wish to take up outside employment or engage in any other business should seek permission from their Chief Officer. The request may need to be referred to the Council and permission may be withheld under certain circumstances, for example where:
- (i) an employee is considering employment (paid or unpaid) with an organisation which provides services to the Council or which are similar to those provided by the Council, and
 - (ii) a conflict of interest may arise with their employment with the Council.
- 6.4 On any matter where an employee receives permission to engage in outside employment a record thereof shall be kept by their Chief Officer in a register of interests which will be open for inspection by Members of the Council.
- 6.5 Employees undertaking authorised private work, must not:
- (i) undertake private work during working hours nor on Council property, nor use Council equipment,
 - (ii) undertake any private work which prevents them carrying out their Council duties (including any contractual requirements to work overtime or respond to call-outs, etc.),
 - (iii) undertake private work for any person or organisation which has a contractual relationship with or who are commissioned by the Council for any type of work, or
 - (iv) undertake private work for another employee responsible for their supervision or who they themselves supervise, or for an elected member of the Council.
- 6.6 Where an employee has business interests (direct or indirect) separate from the Council and his/her experience with the Council is of prime importance to the business then there may arise a conflict of loyalties.
- 6.7 Such business interests must not be allowed to commence (or continue in the case of a new employee) without the express written permission of the relevant Chief Officer.
- 6.8 Employees are not precluded from undertaking unpaid work outside office hours for charitable or similar organisations, however, such work is subject to the same conditions as paid employment set out in this section.

7.0 Disclosure of Interests

- 7.1 All employees are required to disclose to their Director a financial interest in a contract, proposed contract, or other matter affecting the Council as soon as it comes to their attention whether or not in Committee or at meetings of the Council. Employees should also disclose their spouse's or partner's interest, if known, in a contract, proposed contract, or other matter affecting the Council.
- 7.2 Employees shall be required to disclose orally a financial interest in a contract, proposed contract or other matter affecting the Council at any meetings whether at officer meetings or meetings of Committees or of the Council.
- 7.3 The requirements of disclosure thereof shall apply to non-financial interests affecting the Council in the same way as they apply to financial interests. An example of a non-financial interest is when an employee has an interest in a planning application whether it be their own planning application or that of someone they know.
- 7.4 Once an employee has declared a financial and/or non-financial interest in a contract, proposed contract or other matter, they should not be involved or participate in that contract, proposed contract or other matter other than in a minor administrative role.
- 7.5 Employees should declare to their Director membership of Freemasonry or any other organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.
- 7.6 It is a condition of service of employees that upon taking up a post with the Council they record with their Director (and Directors with the Chief Executive) membership of Freemasonry or other organisation as described in paragraph 7.5.
- 7.7 Candidates for posts will not be asked and need not declare whether they are Freemasons or members of organisations as described in paragraph 7.5.

Employee Register of Declarations and Interests

- 7.8 There is a fundamental expectation that everyone connected with the Council will conduct themselves in a way that ensures that the standards of service and the reputation of the Council are maintained. The following procedure formalises this requirement and ensures that the Council conducts itself in an honest, fair and open way and is seen to do so, and protect employees from any suggestion that they have been improperly influenced.
- 7.9 The Employee Register of Declarations and Interests will hold details of any personal interests that employees may have which could conflict with the Council's interests or invite claims that they conflict.
- 7.10 Each member of the Council's Corporate Management Team (or other designated officer) will maintain a confidential Employee Register of Declarations and Interests in respect of their service Directorate. All employees will be reminded annually of the requirement to register interests and on induction all employees will be notified of the requirement to register interests. In addition, as part of the annual reminder, where an interest has been registered, the employee will be specifically asked to confirm if the

interest is still valid in order to ensure that any interests which are no longer relevant are removed.

7.11 The following definitions are provided in the context of the above paragraphs: -

- (i) A direct interest can be described as a personal interest which would affect an employee's financial position or wellbeing;
- (ii) An indirect interest would be one that affected the financial position or wellbeing of a relative or friend;
- (iii) "relative" in (ii) above will be considered to be a spouse, partner, parent, sibling, child, grandparent, grandchild, aunt, uncle, nephew or niece;
- (iv) "partner" in (iii) above will be considered to be a member of a couple living together.

7.12 An employee is any person with a contract of employment with the Council including permanent, temporary and fixed term employees. It excludes consultants and contractors.

7.13 The Employee Register of Declarations and Interests is not intended to be a public document and will not therefore be made available for general inspection. Access will be restricted to the appropriate Director (or other designated officer) and the employees Line Manager.

7.14 The Council, however, has a duty to comply with the requirements of the Freedom of Information Act. Each request will be considered against the requirements of the Act and it is possible that the information contained within the Register would be required to be released.

7.15 Any employee who has declared an interest and feels that there may be an opportunity for a conflict of interest to arise when conducting Council business, must immediately consult with their Line Manager for advice as to what course of action is appropriate. This may result in the employee withdrawing from the decision making process, or taking no further part in any proceedings. In the case of uncertainty advice can be sought from the Council's Legal Section or the Chief Internal Auditor.

7.16 The Procedure:

- An employee should complete the appropriate form, which can be obtained from the Council's Intranet, and return it to the appropriate Director's Secretary, who will acknowledge receipt.
- The same procedure should be used to change the record.
- An employee may ask for a copy of his/her entry in the register at any time and it will be provided.
- All declarations of interest will be retained in an archive file for the current year plus six further years.
- The employee's Line Manager must be informed of the interest and ensure that all situations of potential conflict are avoided. If the employee fails to withdraw from the decision making process, or take no further part in any proceedings, then the Line Manager must take the appropriate steps to exclude them.

7.17 Failure to comply with this policy may result in disciplinary proceedings being taken.

8.0 Equality Issues

8.1 All employees should ensure that policies relating to equality issues as agreed by the Council 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.

9.0 Separation of Roles During Tendering

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

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

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

9.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.

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

10.0 Corruption

10.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.

11.0 The Acceptance of Gifts and Hospitality

11.1 An officer should not be compromised or allow his/her integrity to be called into question through the acceptance of gifts, favours or hospitality. Officers who are engaged on enforcement work or who advise Committee should be particularly wary of accepting gifts or hospitality. An employee receiving a gift or an offer of hospitality should immediately report the matter to his/her Senior Officer (see paragraph 11.10 for procedure).

11.2 Officers must treat with extreme caution any offer of gift, favour or hospitality that is offered to them permanently.

11.3 All offers of gifts or hospitality should be dealt with in accordance with these guidelines.

11.4 Acceptance of Gifts

Whilst the circumstances under which a gift is offered may have an important bearing on whether a gift is acceptable or not the following principles should apply.

11.5 Acceptable Gifts.

The following gifts might under normal circumstances be regarded as acceptable:

(a) A modest gift of a promotional nature of the sort given to a wide range of people and not uniquely to a particular employee. These gifts are typically of the sort distributed at Christmas and have low intrinsic value. Examples include calendars, pens, diaries, desk sets, etc.

(b) Gifts generally distributed at the end of a demonstration, promotion or presentation or at the conclusion of a courtesy visit. Again these are normally of low value and made generally available to all those attending.

(c) A small gift such as flowers, chocolates or bottles of wine or spirits, etc., where refusal would cause needless offence and where the giver is not seeking a decision or business from the Council but merely wishes to express thanks for advice or help received.

11.6 Unacceptable Gifts

The following gifts would be regarded as unacceptable:

(a) Expensive gifts.

(b) Any gifts which may be deliberately and directly linked to the performance of an employee's duties.

(c) Any gift which may be interpreted as having been offered in order to influence an employee's conduct.

(d) Any gift offered which may be interpreted as influencing an employee's conduct.

(e) Any gift offered under such circumstances that acceptance may compromise an employee's position.

11.7 Procedure for Dealing with Gifts

(a) An employee receiving a gift or an offer of a gift should immediately report the matter to his/her Senior Officer. This does not apply to gifts falling into the categories described in paragraphs 11.7(a) and (b) above.

(b) Gifts or offers of gifts of the type referred to in paragraph 11.7 (a) and (b) above need not be formally recorded.

(c) However, all other gifts or offers of gifts received by employees must be recorded in each department (or section).

(d) This record should include details of who offered or presented the gift, who received it, the date, a brief description of the gift, and details of whether the gift was accepted, returned or disposed of in some other way.

(e) The Senior Officer should also indicate the reason for the action he/she has authorised.

(f) Should there be any doubt whatsoever as to the acceptability or otherwise of a gift the advice of the appropriate Chief Officer should be sought.

(g) Gifts which are unacceptable should be politely declined and the reason why explained to the person offering the gifts unless more serious action is clearly warranted, for example, where a deliberate attempt is being made to influence an employee's conduct, etc.

(h) Should it be impossible or impractical to return a gift which is considered unacceptable then it is recommended that the gift be donated to an appropriate charity. Again the person or organisation sending the gift should be politely informed of the action that has been taken.

11.8 Provision of Gifts by Employees

(a) Employees of the Council should not issue gifts to outside contractors, suppliers or would be customers.

(b) Similarly the offering of confidential information or promises of preferential treatment as an inducement to trade is not allowed.

(c) The distribution of small promotional items is acceptable providing that the items are generally available to all would-be customers or contractors.

(d) An employee should never put himself/herself in a position whereby an allegation may be made that unfair or unauthorised inducements have been made to current or prospective customers or contractors in order to secure trade or contracts.

11.9 Acceptance of Hospitality

(a) As with gifts it is difficult to set out hard and fast rules as to what is and is not acceptable in every situation.

(b) An employee must exercise caution however when hospitality is offered by a person or body having or seeking business, contracts or a decision from the Council, particularly where the offer is made to an individual employee.

(c) In general terms it will usually be more acceptable to join in hospitality widely offered to a number of clients or would-be clients than to accept offers of hospitality made solely to an employee.

11.10 Acceptable Hospitality

Whilst acceptability is a question of judgement the following are examples of acceptable hospitality:

- (a) A working meal of modest standard provided, for example, to enable the parties to continue to discuss business.
- (b) Invitations to attend functions as a representative of the Council or by virtue of their professional position (e.g. institute events, meeting, dinners, seminars, civic functions, etc.).
- (c) An invitation to attend a general presentation or event where representatives of other organisations have been invited and where quite clearly no attempt to exercise improper influence on the conduct of an employee may be alleged of the host or person offering the invitation.

11.11 Unacceptable Hospitality

The following are examples of unacceptable hospitality:

- (a) Holidays, weekend breaks.
- (b) Free access to facilities, e.g. the payment of annual golf club fees, membership of health and fitness clubs or social clubs, etc.
- (c) Exclusive personal use of company flats or other privileges such as reserved boxes at race meetings, test matches, etc.
- (d) Offers of hotel accommodation.
- (e) Any offers of hospitality where the employee feels that there may be an attempt to exert improper influence on his/her professional conduct. Circumstances at the time are likely to have a considerable influence on whether an offer of hospitality is acceptable or should be declined, e.g. it may be ill-advised for an employee to be seen to attend an event organised by a particular company at a time when that company is attempting to secure a contract with the Council even when under normal circumstances the offer may be deemed perfectly acceptable.

11.12 Procedure for dealing with offers of hospitality

- (a) All offers of hospitality received by an employee must be reported immediately to his/her Senior Officer.
- (b) A record should also be kept by the department or the section of the details of the invitation in the same manner as that for recording details of gifts received (paragraph 10.7 refers).
- (c) In the first instance the Senior Officer should exercise his/her discretion in deciding whether or not the offer of hospitality should be accepted.

(d) If necessary, should the Senior Officer be uncertain of what action to take the advice of the appropriate Chief Officer should be sought.

(e) The decision as to whether the offer of hospitality be accepted or declined together with relevant comments, where appropriate, should be entered on the record.

11.13 Provision of hospitality by employees of the Council

(a) Modest hospitality is an accepted courtesy of business relationship and is an important aspect of customer care and image projection.

(b) However, employees must ensure that the level of hospitality offered is reasonable, appropriate and can be fully justified.

11.14 Disciplinary Action

If an employee fails to follow the Code of Conduct set out above then formal disciplinary action will be taken and, in this respect, it is important to note however that failure to follow the Code may constitute gross misconduct and as such the officer will be liable to dismissal.

12.0 Promotional Offers

12.1 Employees may receive inducements to do business with organisations in the form of gifts, vouchers against future purchases, “buy one get one free” and other incentives which may be misleading and result in the Council purchasing more goods than it needs or being committed to further purchases which may not strictly be necessary.

12.2 To avoid such problems where concerns arise in this respect, any discounts, commission, vouchers or other offers made by a supplier in connection with a Council order should be cleared with the Chief Finance Officer.

12.3 If any employee receives an approach from a supplier (or prospective supplier) which seems to be unauthorised or otherwise improper or receives a gift or voucher from the supplier then they should immediately advise their line manager who should, in turn, advise the Council’s Chief Internal Auditor immediately.

13.0 Sponsorship - Giving and Receiving

13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

13.2 Where the Council wishes to sponsor an event or service neither an employee or, knowingly, any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to their Chief Officer of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

14.0 Personal Relationships with Firms Dealing with the Council

- 14.1 Employees should be cautious when using the services of organisations which have dealings with the Council. They must not, under any circumstances use their position with the Council and, in particular, any contractual business relationship, to exert improper influence for example to obtain a discount or preferential rate or influence a decision the organisation takes.
- 14.2 It is also unacceptable for an employee to order extra goods or services for private use and pay for them at the Council's contracted rates.
- 14.3 Goods or services may however be obtained at a discount where a recognised scheme or arrangement is in operation such as those that may be negotiated by the Council for its employees or by a union for its members.
- 14.4 Employees should not use any special trading cards for private use where such cards are held by the Council.

15.0 Use of Council Facilities and Resources

- 15.1 Any facilities, tools, equipment, transport, stores etc. provided by the Council for an employee to carry out his/her duties should be used only in connection with those duties and for no other purpose except where the council has agreed otherwise. This applies to all facilities and property including the use of telephones, photocopiers, IT equipment, vehicles or other equipment.
- 15.2 There are approved arrangements for some services to be used for private purposes upon payment of an agreed charge or at agreed times (e.g. photocopying and internet access etc.) The Council's rules relating to such usage must be followed at all times.
- 15.3 It is important that employees do not use their position to obtain Council goods or services at preferential rates or to avoid making appropriate payments that would apply to persons not employed by the Council. Where an employee is wishing to obtain Council goods and services whilst acting in a private capacity this must be made clear to the provider.

16.0 Social Networking and Blogging

- 16.1 Preston City Council recognises that blogs and online social networking sites provide a useful tool for communication and the Council itself uses sites such as Facebook and Twitter to communicate in a positive manner with the wider community. The rules regarding usage are set out in the Council's Social Media Strategy.
- 16.2 Employees may access social networking applications for personal use on work premises, using Council computer equipment or their own mobile devices, provided that it is **in their own time**, that the use is appropriate and that they comply with the rules set out below.

- 16.3 Employees should ensure that they read, know and comply with the terms of service relating to the site they are using. In particular, they should always be aware that any information they submit to a social media site is likely to be open to public view at some level.
- 16.4 Whether accessing social media at work as above, or accessing such applications on their own computer/mobile devices at home, work or elsewhere, employees should be aware of the following obligations.

Employees are ADVISED not to:-

- Write about their work or make reference to the Council on external web pages such as social networking sites. Where someone chooses to do so, they should make it clear that the views expressed are personal and do not reflect the views of the Council.

Employees MUST NOT under any circumstances:-

- Disclose any information that is confidential to the Council or any third party
 - Disclose personal data or information about any individual which could be in breach of the Data Protection Act
 - Disclose any Council information which is not yet in the public arena
 - Post illegal material e.g. images of child abuse or material capable of inciting racial hatred
 - Link their own blogs/personal web pages to the Council's website
 - Publish any information obtained from the Council which breaches copyright
 - Make any remarks about the Council or other individuals which could be defamatory
 - Behave in a way which amounts to serious online bullying or harassment of another person or group of people
 - Publish anything which could undermine public confidence in the Council or themselves as a representative of the Council
 - Misrepresent the Council in any way
- 16.5 The Council reserves the right to require the closure of any application or removal of content which may adversely affect the reputation of the Council or put it at risk of legal action.

The breach of any of the requirements set out above is very likely to result in disciplinary action which could lead to summary dismissal.

17.0 Lectures, Press Articles, Radio/TV Appearances

- 17.1 As stated in 2.5 above, no employee shall make public statements relating to anything in which the Council is involved unless specifically authorised to do so by their Chief Officer.
- 17.2 Employees invited to give lectures/talks or prepare articles etc. that relate directly or indirectly to their employment must in the first instance obtain the approval of their line manager before becoming involved and if considered necessary clear the material they intend to use with the line manager beforehand.
- 17.3 Employees who write articles or appear in broadcasts in a personal capacity should always make this clear and make reference to the fact that the views expressed do not necessarily reflect those of the Council.

- 17.4 Employees must avoid putting themselves in a position whereby views they express can be construed as bringing their employment with the Council or the Council itself into disrepute. Such incidents will be dealt with in accordance with the Council's disciplinary procedure.
- 17.5 Employees are free to express views as official representatives of trades unions or professional bodies but are not entitled to use confidential information obtained in their capacity as a Council employee.

18.0 Finance – General

- 18.1 Each Chief Officer shall inform and, where necessary consult the Chief Finance Officer with respect to any matter within her purview which is liable materially to affect the finances of the Council before any provisional or other commitment is incurred or before reporting thereon to a Committee.
- 18.2 Each Chief Officer and employee shall comply with the Financial Procedure Rules of the Council and each officer should make themselves aware of the Financial Code.

Appendix to Employees' Code of Conduct Financial Code

1.0 Accounting

- 1.1 The system of accounting control and the form of accounts of the Council shall be determined by the Chief Finance Officer or be kept in accordance with his written instructions.
- 1.2 The following principles shall be observed in the allocation of accounting duties:-
 - (a) The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as far as possible from the duty of collecting or disbursing them;
 - (b) Employees charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

2.0 Petty Cash Advances

- 2.1 The Chief Finance Officer shall provide such Petty Cash allocations as she considers appropriate for such employees of the Council as may need them for the purposes of defraying petty cash expenses. Such accounts shall be maintained in the imprest system.
- 2.2 No income received on behalf of the Council may be paid into Petty Cash but must be banked or paid to the Council as provided elsewhere in these regulations.
- 2.3 Payments shall be limited to minor items of expenditure and shall be supported by a receipted voucher.
- 2.4 An employee responsible for a petty cash advance shall, if so requested, give to the Chief Finance Officer a certificate as to the state of his/her petty cash advance.
- 2.5 On leaving the employment of the Council or otherwise ceasing to be entitled to hold a petty cash advance, an employee shall account to the Chief Finance Officer for the amount advanced to him/her.

3.0 Irregularities

- 3.1 Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores, equipment or other property of the Council or any suspected irregularity in the exercise of the functions of the Authority or breaches of this code of conduct, the Chief Officer concerned shall forthwith notify the Chief Executive and Chief Finance Officer who shall take such steps as she considers necessary by way of investigation and report.
- 3.2 It shall be the responsibility of the Chief Executive to ensure that all Chief Officers comply with the terms of this code.

4.0 Contracts for Building, Constructional or Engineering Work

- 4.1 Payments to contractors on account of contracts shall be made only on a certificate issued by the appropriate Chief Officer or other employee nominated by him/her in writing for the purpose.
- 4.2 Where completion of a contract is delayed by more than one-sixth of the contract period, it shall be the duty of the Chief Officer concerned to take appropriate action in respect of any claim for liquidated damages and to report his/her action to the relevant committee and to the Chief Executive.
- 4.3 In any case where it becomes apparent that the total cost of any work carried out under a contract exceeds, or would be likely to exceed, the tender figure, a report of such cost shall, after agreement of the final account, be submitted to the relevant person/body under 5.1 to 5.3 of the Financial Procedure Rules.

5.0 Estates

- 5.1 A register of all properties owned by the Council (except dwellings provided under the Housing Acts) recording the purpose for which held, location, extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted shall be maintained by the Director of Environment and Property.
- 5.2 The Chief Legal Officer shall have custody of all title deeds.

6.0 Income

- 6.1 The collection of all money due to the Council shall be under the supervision of the Chief Finance Officer, or in accordance with arrangements approved by her and notified in writing to the Chief Officer concerned.
- 6.2 Each Chief Officer shall furnish the Chief Finance Officer with such particulars in connection with work done, goods supplied or services rendered and of all other amounts due as may be required by him to record correctly all sums due to the Council to ensure the prompt rendering of accounts for the recovery of income due.
- 6.3 The Chief Finance Officer shall be notified promptly of all money due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council.
- 6.4 All order books, receipt forms, receipt books, tokens, tickets and other such items shall be ordered through the Chief Finance Officer, who shall satisfy herself as to the arrangements.
- 6.5 All money received by an employee on behalf of the Council shall without delay be paid to the Chief Finance Officer or to the Council's banking account or transmitted directly to any other body or person entitled thereto as she may direct. No deduction may be made from such money save to the extent that the Chief Finance Officer may specifically authorise. Each officer who so banks money shall enter on the paying-in slip and on the

counterfoil a reference to the related debt (such as the receipt number or the name of the debtor) or otherwise indicate the origin of the cheque; on the reverse of each cheque, the officer shall enter the name of his/her department, office or establishment.

- 6.6 Personal cheques shall not be cashed out of the money held on behalf of the Council.
- 6.7 Each Chief Officer should maintain adequate records of the transfer of official money, from one employee to another and should comply with the detailed requirements of Rule 14 of the Financial Procedure Rules.

7.0 Insurances

- 7.1 Chief Officers should give prompt notification to the Chief Finance Officer of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 7.2 Chief Officers shall immediately notify the Chief Finance Officer, in writing of any loss, liability or damage or any event likely to lead to a claim and inform the Police where necessary.

8.0 Inventories

- 8.1 In accordance with Financial Regulations, inventories shall be maintained by all Chief Officers and therein shall be recorded an adequate description of furniture, fittings and equipment, vehicles, plant and machinery, save that the extent to which the property of the Council shall be so recorded and the form in which the inventories shall be kept is to be determined by the appropriate Chief Officer with the concurrence of the Chief Finance Officer.
- 8.2 Each Chief Officer shall be responsible for maintaining an annual verification of all items on the inventory, for taking action in relation to surpluses or deficiencies and noting the inventory accordingly.
- 8.3 The Council's property shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes.

9.0 Orders for Work, Goods and Services

- 9.1 Official orders shall be issued for all work, goods or services to be supplied to the Council except for supplies of public utility services, for periodical payments such as rent or rates and for petty cash purposes.
- 9.2 (a) Orders for the purchase of Stationery, IT Consumables, and Furniture must, wherever possible, be made through the electronic catalogues held on the Council's electronic ordering system. If specialised items are required that are not available in the electronic catalogues they must be ordered as follows: Through the Print Unit for stationery & IT consumables; Building Management section for furniture. These Sections will order the items from the Council's contracted suppliers.

- (b) All orders for IT equipment must be processed through, or after consultation with, the ICT section.
 - (c) All print jobs must be sourced through the Print Unit.
 - (d) All other orders must be raised through the Council's electronic ordering system.
- 9.3 All repairs and maintenance of vehicles and heavy mobile plant are, and shall be, the responsibility of the Director of Environment and Property and no vehicles or heavy mobile plant shall be referred to private contractors for repair by any Chief Officer other than the Director of Environment and Property.
- 9.4 No employee shall commit the Council to any contract, indemnity or other obligation without the authority of the Council, Cabinet or Executive Member or a senior officer having delegated authority.

10.0 Payment of Accounts

- 10.1 Apart from petty cash, the normal method of payment of money due from the Council shall be by Bankers Automated Clearance System (BACS) or cheque drawn on the Council's banking account by the Chief Finance Officer.
- 10.2 The Chief Officer issuing an order must ensure:
- (a) the expenditure is within approved budget provisions;
 - (b) the expenditure is incurred in accordance with the Council's Contract Procedure Rules and Procurement Strategy;
 - (c) prices are correct and in accordance with contracts or quotations; and
 - (d) retain all relevant supporting documentation including proof of delivery.
- 10.3 The officer receiving the goods or services on behalf of the Council must be other than the officer authorising the originating order. The officer must:
- (a) confirm the satisfactory receipt of goods or services before the 'goods receipting' in the electronic ordering system; and
 - (b) ensure appropriate entries are made in the inventories records as required.

11.0 Security

- 11.1 Each Chief Officer is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, vehicles, cash, etc. under his/her control.
- 11.2 Maximum limits for cash holdings shall be agreed with the Chief Finance Officer and shall not be exceeded without her express permission.

11.3 Chief Officers shall ensure that adequate security of keys to safes and similar receptacles is maintained at all times. Any loss of keys must be reported to the Chief Finance Officer.

12.0 Stocks and Stores

12.1 Each Chief Officer shall be responsible for the care and custody of the stocks and stores in his/her department and for ensuring that all items are recorded in the appropriate stock or stores account.

12.2 No article or goods shall be removed from any stock or stores without an order signed by an authorised person.

12.3 Stocks shall not be in excess of normal requirements except in special circumstances.

12.4 Chief Officers shall arrange for regular test examinations of stocks by persons other than storekeepers and shall ensure that all stocks are checked at least once in every year. Any deficiencies or surpluses so found shall be reported to the Chief Finance Officer for investigation.

12.5 The records to be kept of the receipt and issue of stores shall be in such form as shall be required by the Chief Finance Officer and shall be subject to her examination.

12.6 Surplus materials, stores or equipment shall be disposed of by competitive tender or public auction unless the relevant Executive Member decides otherwise in a particular case.

13.0 Travelling, Subsistence and Financial Loss Allowance

13.1 Employees' claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted together with all available receipts, duly certified in a form approved by the Director of Resources, to her, made up to a specified day of each month within four days thereof. The names of employees authorised to certify such records shall be sent to the Director of Resources by each Chief Officer together with specimen signatures and shall be amended on the occasion of any change.

13.2 The certification by or on behalf of the Chief Officer shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.

14.0 Budgetary Control

14.1 Emergency Expenditure Nothing in these regulations shall prevent a Chief Officer from incurring expenditure which is essential to meet any immediate needs created by a sudden emergency or which is within the powers granted by Section 138 of the Local Government Act 1972, subject to the action being reported forthwith to the Cabinet Member for Resources and Performance.

- 14.2 Capital Programme - No expenditure may be incurred on any scheme in the Capital Programme until a detailed report has been approved by Cabinet, including as a minimum the details set out in Rule 7.5 of the Financial Procedure Rules. Where the total cost of the scheme is estimated to be greater than the amount included in the Capital Programme, the approval of the relevant person/body under the Financial Procedure Rules is required. Employees should refer to Financial Procedure Rules 5.1 to 5.3 for further details.
- 14.3 Revenue Budget - The Council produces an annual Control Budget that contains detailed budgets for each service area. Budget holding Chief Officers shall keep within the figures contained in this document unless otherwise approved under Financial Procedure Rules 4.7 to 4.10.

**Probity in Planning
The Role Of Members And Officers**

**Local Code Of Good Practice For Members And Officers
Dealing With Planning Matters**

C O N T E N T S

	Page
1 Introduction	2
2 The Relationship between Local Codes of Member Conduct and This Code	3
3 The Need for a Code of Conduct on Planning Matters	4
4 The General Role and Conduct of Members and Officers	5
5 Registration And Declaration of Interests	8
6 Development Proposals Submitted by Members and Officers; and Council Development	10
7 Lobbying of and by Members	11
8 Pre-Application Discussions	14
9 Role and Functioning of Committee and Chair	15
10 Officer Reports to Committee	18
11 Decisions Contrary to Officer Recommendations and/or the Development Plan	19
12 Committee Site Visit	20
13 Public Speaking at Planning Committee	22
14 Regular Review of Decisions	24
15 Complaints and Record Keeping	25

1. Introduction

- 1.1 This Code of Good Practice (“Code”) is based upon the revised guidance note issued by the Local Government Association on probity in planning, but also takes into account recent changes in legislation, including the Localism Act 2011.
- 1.2 The Localism Act introduced a number of measures:
- The abolition of Standards for England (previously the Standards Board for England);
 - A requirement to promote and maintain high standards of conduct;
 - Local codes of conduct;
 - A requirement to register disclosable pecuniary interests and other interests; and
 - The creation of a new criminal offence of failing to register disclosable pecuniary interests.
- 1.3 The Localism Act also requires councils to maintain a code of conduct which must be based on the Committee on Standards in Public Life’s seven principles of public life. These are:
- Selflessness;
 - Integrity;
 - Objectivity;
 - Accountability;
 - Openness;
 - Honesty; and
 - Leadership.
- 1.4 The Code of Conduct For Members (“Code of Conduct”) was adopted by Preston City Council on 5th July 2012, and this Code should be read in conjunction with it.
- 1.5 This Code of Good Practice seeks to relate these requirements specifically to planning and provides detailed advice on the operation of the planning system. The aim of this additional advice is to ensure the preservation of the integrity of the planning system as open and fair to all parties. This Code of Good Practice therefore serves a dual role. Whilst the Code of Conduct is concerned primarily with individual probity and other aspects of conduct across the whole range of Members’ duties, this Code of Good Practice is concerned with the integrity of the planning system, including the conduct of Members in its processes and procedures. The two documents overlap, but have different targets. A clear consensus as to the relationship between the Code of Conduct and this Code of Good Practice on planning issues is therefore essential.

2. The Relationship between Local Codes of Member Conduct and this Local Code of Good Practice

- 2.1 This Code of Good Practice is purely advisory. However, its recommendations are based upon the provisions of the Royal Town Planning Institute's (RTPI) Code of Professional Conduct, advice issued by the Planning Advisory Service, the Local Government Association, the Planning Officers Society and the Local Government Ombudsman. Failure to follow the recommendations contained within this Code of Good Practice without good reason could be taken into account in investigations into possible maladministration by the authority and might result in allegations that a Member has breached the Code of Conduct, or, in the case of an officer, the statutory Employees' Code.
- 2.2 This Code of Good Practice in Planning issues is a separate document, but is both supportive of the thrust of the statutory Code of Conduct and the source of expanded guidance in the particular area of planning. As such, any investigation by the Ombudsman would take this Code of Good Practice into account, as indeed would any internal investigation of a complaint. Any significant breach of the procedures in the planning guidance, for example improperly seeking to influence a decision, would be a prima facie breach of the Statutory Code, and as such subject to investigation by the Council's Monitoring Officer or Standards Committee. The failure to register relevant interests has been made a criminal offence following the Localism Act and as such could be a matter for referral to the police.

3. The Need for Guidance on the Conduct of Planning Matters

- 3.1 Planning is not an exact science. Rather it relies on informed judgement within a firm policy context. It is also highly contentious because its decisions affect the daily lives of everyone and the private lives of individuals, landowners and developers. This is heightened by the openness of the system (it actually invites public opinion before taking decisions) and the legal nature of development plans and decision notices. It is important, therefore, that the process is characterised by open and transparent decision making.
- 3.2 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well founded in any way.
- 3.3 Bearing in mind all these factors, it is therefore not surprising that from time to time things can go wrong unless Councils are on their guard. This Code of Good Practice refers often to the actions of Planning Committee as the main decision making forum on planning matters. However, it is important to stress that this Code of Good Practice applies equally to any alternative forms of decision making arrangements, including the Council itself if it were to take a planning decision.
- 3.4 This Code of Good Practice applies to both Members and officers who become involved in operating the planning system. It is therefore not restricted to professional Town Planners and Planning Committee members. However this Code of Good Practice is addressed only to Members of the Planning Committee unless otherwise specified. The successful operation of the planning system relies on mutual trust and understanding of each other's role. It also relies on each ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.
- 3.5 The Code of Good Practice should also ensure that the actions of Members and officers involved in the planning process will comply with the requirements of the Human Rights Act 1998, particularly Article 6 of the European Commission on Human Rights which is concerned with procedural fairness, transparency and accountability in the determination of civil rights and obligations.

4. The General Role and Conduct of Members and Officers

- 4.1 Members and officers have different but complementary roles. Both serve the public but Members are responsible to the electorate, whilst officers are responsible to the Council as a whole. Officers advise Members and the Council and carry out the Council's work. They are employed by the Council, not by individual Members, and it follows that instructions may only be given to officers through a decision of the Council, or its Executive or a Committee. Any other system which develops is open to question. A successful relationship between Members and officers can only be based upon mutual trust and understanding of each other's positions. This relationship, and the trust which underpins it, must never be abused or compromised.
- 4.2 Both Members and officers are guided by Codes of Conduct. The Code of Conduct provides standards and guidance for Members. Employees are subject to a statutory Employees' Code of Conduct. In addition, staff who are Chartered Town Planners are guided by the RTPI's Code of Professional Conduct, breaches of which may be subject to disciplinary action by the Institute. Planning officers who are not members of the RTPI are expected to adhere to the same standards of professional conduct. In addition to these Codes, the Council's Constitution sets down rules which govern the conduct of Council business.
- 4.3 The Code of Conduct sets out the requirements of Members in relation to their conduct. It covers issues central to the preservation of an ethical approach to Council business, including the need to register and declare interests (see next section), but also appropriate relationships with other members, staff and the public, which will impact on the way in which Members participate in the planning process. Of particular relevance to Members serving on Planning Committee or who become involved in making a planning decision (where full Council deals with a planning application) is the following requirement that is placed on Members:
- "You must not use or attempt to use your position as a member **improperly** to confer on or secure for yourself or any other person an advantage or disadvantage"; - (Paragraph 6(a) of the Code of Conduct).*
- 4.4 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Members should take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. **Members who do not feel that they can act in this way should consider whether they are best suited to serve on a Planning Committee.**
- 4.5 In addition, the receipt of a gift or hospitality to the value of £25 and above is potentially a declarable personal interest. If, for example, a planning application were to be considered at a meeting of Planning Committee then it

would be a declarable interest if the application were related to or likely to affect any person from whom a Councillor has received a gift or hospitality of this nature.

- 4.6 Similarly, officers, during the course of carrying out their duties, may be offered hospitality from people with an interest in a planning proposal. Wherever possible, such offers should be declined politely. If the receipt of hospitality is unavoidable, officers should ensure that it is of the minimal level and declare its receipt as soon as possible. The Council will provide a hospitality book to record such offers whether or not accepted. This book will be reviewed regularly by the Council's Monitoring Officer. (N.B. The requirement to register any such hospitality is a feature of the statutory Employees' Code of Conduct).
- 4.7 Employees must always act impartially. In order to ensure that Senior officers do so, the Local Government and Housing Act 1989 enables restrictions to be set on their outside activities, such as membership of political parties and serving on another Council. The Council has carefully considered which of their officers are subject to such restrictions.
- 4.8 A requirement for staff to act impartially is a requirement of the statutory Employees' Code of Conduct. Such impartiality (particularly crucial in highly contentious matters) is reinforced by requirements on Members in the Code of Conduct. Members are placed under a requirement by paragraphs 3 (1) and 3 (2) (d) of the Code of Conduct:
- i) to treat others with respect; and
 - ii) not to do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
- 4.9 Planning legislation and guidance can be complex and it is accepted good practice that Members receive training. The Council will ensure that Members receive training on the planning process and this Code of Good Practice prior to serving on the Planning Committee (whether that is prior to first serving on Planning Committee or following a break in service) and are regularly updated on changes to legislation or procedures. There will also be topic based training sessions throughout the municipal year as agreed with the Chair of the Planning Committee. All Members of the Planning Committee must attend a minimum of 66% of all the training sessions each year. Basic training on the planning process will be provided for all other Members who do not sit on the Planning Committee but who may nevertheless become involved in planning matters.
- 4.10 There are a number of requirements relating to the conduct of both officers and Members during Planning Committee meetings. These are to ensure that the meetings run smoothly and that proceedings are transparent.

Members should:

- ensure that mobile phones are switched off for the duration of the meeting. If a Member requires his/her mobile phone for emergency purposes, they must alert the Chair in advance of the meeting and the phone must be kept on silent;
- remain seated for the duration of the items under discussion and only leave the room during designated breaks which will be announced by the Chair;
- speak only during the designated 'questions of public speakers', 'technical questions' and 'comments' sections of the meetings when invited by the Chair;
- not discuss matters on the agenda with members of the public, applicants or agents during Committee meetings, either inside the Committee rooms or in the waiting areas. If members of the public have queries, they should be referred to the Member Services or Planning officers;
- not pass notes between themselves and members of the audience during the discussion of an item that is on the agenda, whether they be Members of the Council or members of the public; nor allow a member of the audience to pass such a note to them.

5. Registration and Declaration of Interests

Registration of Interests

- 5.1 The Localism Act 2011 places requirements on Members for the registration and declaration of their interests and the consequences for the Member's participation in consideration of an issue, in the light of those interests. These requirements must be followed scrupulously and Members should review their personal situation regularly. Advice on the registration and declaration of interests may be sought from the Council's Monitoring Officer. However, ultimate responsibility for fulfilling the requirements rests individually with each Member.
- 5.2 A register of Members' interests is maintained by the Council's Monitoring Officer, and is available for public inspection. A Member must provide the Monitoring Officer with written details of relevant interests within 28 days of adoption of the Code of Conduct, or within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Member becoming aware of such changes.

Declaration of Interests

- 5.3 The definition of disclosable pecuniary interests is set out in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. If a Member of the Planning Committee has a disclosable pecuniary interest relating to the business to be transacted at a meeting of the Planning Committee he/she must not participate in any discussion or vote on the matter (unless a dispensation has been granted). The Member must also leave the meeting room whilst the discussion and voting takes place. It is a criminal offence to participate in any discussions or vote on a matter in which the Member has a disclosable pecuniary interest.
- 5.4 Also under the Council's Code of Conduct, the concept of personal and prejudicial interests is still in operation. The Code of Conduct defines the circumstances in which there will be a personal interest in any matter under discussion as:
- (i) if the matter relates to, or is likely to affect, an interest in respect of which the Member has given notice in the statutory register of Members' interests; or
 - (ii) if a decision upon it might reasonably be regarded as affecting **to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral area that would be affected by the decision**, the well-being or financial position of themselves, a relative or friend, or:
 - a. any employment or business carried on by such persons;
 - b. any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are Directors;

- c. any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- d. any body which the Member is required to register in the statutory register of interests, in which such persons hold a position of general control or management.

- 5.5 Where a Member considers that he/she has a personal interest in a matter he/she must always declare it, except in the circumstances indicated in the following paragraph. However, it does not necessarily follow that even if a personal interest has to be declared it will debar the Member from participation in the discussion.
- 5.6 An exception to this general principle is that a Member with a personal interest does not need to declare it if that interest arises from his position as a Member or being in a position of general control or management of a body to which he has been appointed or nominated by his/her authority or if it relates to a body exercising functions of a public nature of which the Member is a member or is in a position of general control or management. If either of these circumstances arises the Member does not *per se* need to declare a personal interest. However, the need to declare a personal interest will be activated if and from the point when the Member speaks on the subject.
- 5.7 The Member then needs to consider whether the personal interest is a prejudicial one. The Code of Conduct provides that a personal interest becomes a prejudicial one "... where the interest *is one which a member of the public with knowledge of the relevant facts would reasonably regard.....as likely to prejudice your judgement of the public interest*". If a Member has such an interest in business that may affect the financial position of himself or a relevant person (see 5.4 above) or the determination of an issue involving a permission or consent for such a person, he should not participate in a discussion on the matter (other than to the extent to which any member of the public may participate) and *must withdraw from the room* and must not seek improperly to influence a decision in the matter.
- 5.8 There will also be a prejudicial interest where the personal interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.
- 5.9 It can be seen that these provisions of the Code of Conduct are an attempt to separate interests arising from the personal and private interests of the Member and those arising from the Member's wider public life. The emphasis is on a consideration of the status of the interest in each case by the Member personally, and included in that judgement is a consideration of the perception of the public, acting reasonably and with knowledge of the facts. In the end, however, the decision will be for the Member alone to take.

- 5.10 Translated to a Member's involvement in planning issues, the two stage test of personal and prejudicial interests will, as now, require a Member to abstain from involvement in any issue the outcome of which might advantage or disadvantage the personal interests of the Member, his family, friends or employer, unless the Member is in no different position from the majority of the inhabitants of the ward.
- 5.11 Given the significance of well informed and appropriate judgements by Members on the declaration of interests, the Council will hold seminars at least annually on the issue, and the planning process generally. The Council's Standards Committee has the statutory responsibility of promoting and maintaining high standards of conduct by Members and assisting them to observe the Code of Conduct. In providing such guidance and training to Members, the Council's Standards Committee has indicated that the implications of the Code of Conduct for those involved in planning matters should be stressed.

6. Development Proposals Submitted by Members and Officers; and Council Development

- 6.1 Proposals submitted to the Council by serving Members and officers and their close friends and relatives could give rise to suspicions of impropriety as indeed could proposals for the Council's own developments. Proposals can take the form of either planning applications or submissions concerning development plan proposals.
- 6.2 It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in such a way that gives no grounds for accusations of favouritism. Accordingly, the Council has agreed that:
- i) a serving Member who acts as an agent for people pursuing planning matters with the City Council should play no part in the decision making process for those proposals;
 - ii) should a Member [whether a Member of Planning Committee or not] submit his/her own proposal to the authority, they should play no part in its processing;
 - iii) a system has been devised to identify such proposals;
 - iv) proposals for a Council's own development should be treated in the same way as those of private developers, particularly in relation to officers' advice; and
 - v) all the above categories of proposals should be reported to the Planning Committee and not dealt with by officers under delegated powers.
- 6.3 Members will need to consider the rules on disclosable pecuniary interests and personal and prejudicial interests when such applications are submitted.

7. Lobbying of and by Members

- 7.1 It is important to recognise that lobbying is a normal and perfectly proper part of the political process. Those who may be affected by a planning decision will often seek to influence it through an approach to their elected ward Member or to a Member of the Planning Committee. Any Code of Good Practice failing to take account of the realities of the political/representative process will not carry credibility with experienced elected Members.
- 7.2 However, such lobbying can lead, unless care and common sense is exercised by all the parties involved, to the impartiality and integrity of a Member being called into question. Such lobbying may be by or on behalf of an applicant or by or on behalf of an objector. When being lobbied, Members, and Members of the Planning Committee in particular, should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant officer, in order that their opinions can be included in the officer's report to the Planning Committee.
- 7.3 Members, and Members of the Planning Committee in particular, need to take account of the general public's (and the Ombudsman's) expectation that a planning application will be processed and determined in an open and fair manner, in which Members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or another before hearing all the arguments makes them vulnerable to an accusation of partiality. It is probably misleading to describe the determination of a planning application strictly as a "quasi judicial" process (unlike, say, certain licensing functions carried out by the local authority). It is, nevertheless, a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. There is an additional possibility that an aggrieved party may seek judicial review on the way in which a decision has been arrived at; or to complain to the Local Government Ombudsman on grounds of maladministration; or to the Monitoring Officer that a Member has breached the Code of Conduct.
- 7.4 In reality Members may be tempted to form a judgement about an application early on in its passage through the system, whether or not they have been lobbied, but this temptation should be avoided. The difficulty created by the nature of the Planning Committee's proceedings as set out in the paragraph above is that members of the Committee should not in any circumstances openly declare which way they intend to vote in advance of the Committee meeting, and of hearing evidence and arguments on both sides.
- 7.5 A Planning Committee Member who represents a ward affected by an application may be in a difficult position if it is a controversial matter around which a lot of lobbying takes place. In such circumstances it may be advisable for the Member to refer the individuals concerned to another Member for the

ward who is not a Member of Planning Committee. If the Member responds to lobbying by deciding to go public in support of a particular outcome - or even campaigning actively for it - it may be difficult for that Member to argue convincingly, when the Committee comes to take a decision on the application, that he or she has carefully weighed the arguments presented - perhaps in some respects for the first time - at the meeting. Whilst in most circumstances this would not amount to a prejudicial interest in terms of the Code of Conduct, the proper course of action for such a Member would be to *make an open declaration and not vote*.

- 7.6 It should be evident from the previous paragraphs that it is very difficult to find a form of words which conveys every nuance of these situations and which gets the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open minded way. It cannot be stressed too strongly, however, that the striking of this balance is, ultimately, the responsibility of the individual Member.
- 7.7 In particular, however, all Members should note the following issues about lobbying:
- i) Given that the point at which a decision on a planning application is made cannot occur before the Planning Committee meeting, when all available information is to hand, and has been duly considered, any political group meeting prior to the Committee meeting should not be used to decide how Members should vote. The view of the Ombudsman is that the use of political whips to seek to influence the outcome of a planning application would amount to maladministration.
 - ii) Members of Planning Committee should avoid organising support for or against a planning application, and to avoid lobbying other Members. Such actions can easily be misunderstood by parties to the application and by the general public. Similarly, Members of Planning Committee should avoid becoming a member of or leading or representing an organisation established for or with a primary purpose of lobbying on a planning application or on planning applications generally or of a particular class.
 - iii) Members [whether a Member of Planning Committee or not] should not put improper pressure on officers for a particular recommendation, and, as required by the Code of Conduct, should not do anything which compromises, or is likely to compromise, their impartiality.
 - iv) Members must avoid site visits as individuals and should also avoid meetings on an individual basis with an applicant or with an objector or with anyone acting on their behalf. A site visit for this purpose is a visit to the site or its environs with the main or principal purpose to gather material information to assist in the determination of a planning application, but (for the avoidance of doubt) simply passing by the site to check its location and context is not a site visit for this purpose.
 - v) Members should notify the Monitoring Officer about any lobbying which they perceive to be undue or excessive.

- vi) In respect of any correspondence received by a Member on a planning application, the Member shall (and prior to any decision making forum) contact the case officer to indicate the substance of the material planning considerations (advice on what is material can be obtained from the case officer) contained in the correspondence, and the case officer will (if provided in time) incorporate details in the comprehensive report which recommends a decision or will bring the details to the attention of the Committee prior to the decision being made.
- vii) Hospitality should not be accepted from or on behalf of an applicant or an objector.

7.8 Members who are unsure as to whether an interest should be declared should seek the advice of the Council's Monitoring Officer, although, as indicated above, the decision rests with the Member.

8. Pre-Application Discussions

- 8.1 Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties and are encouraged. Effective dialogue between applicants, the Council and other interested parties can help to establish and take forward a clear spatial vision for an area and ensure that this vision embodies the aspirations of local communities. Such dialogue can also assist in ensuring that any issues are raised early in the process and taken into account. When these discussions involve Members as well as officers, they can help to avoid issues only being identified for the first time when an application is presented to Planning Committee, which can result in unnecessary delay and frustration.
- 8.2 It is recognised that Members' involvement in such discussions could result in a perception that they may have fettered their discretion. It is therefore necessary that any discussions, whether involving Members or officers, take place within the following clear guidelines.

[NB. Although the term 'pre-application' is used in this section, the same considerations should apply to any discussions which take place after an application has been received and before a decision is taken]:

- i) It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal, provisional and based on the information available at the time. By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place;
- ii) Advice should be consistent and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning policies amongst planning officers. In addition, all officers taking part in such discussions should make clear whether or not they are the final decision maker;
- iii) A written note should be made of the scope and outcome of all pre-application meetings. At least one officer should attend all such meetings, and preferably two when the matter is potentially contentious or sensitive, and a follow-up letter is advisable, at least when documentary material has been left with the Council. A note should also be taken of telephone discussions;
- iv) All pre-application discussions regarding 'major' proposals should be considered by the Council's Development Team, which involves a multi-disciplinary group of professionals from key partners in the development process. A written record of the meeting must be provided to the applicant and retained by officers.
- v) Care must be taken to ensure that advice is not partial (nor seen to be), otherwise a subsequent report could appear to be advocacy;
- vi) Officers may provide informative presentations to Planning Committee in relation to major or particularly complex applications in order to enable Members to identify points of interest seek further information or

- raise issues for consideration prior to the reporting of the application to Planning Committee.
- vii) The involvement of Members in any pre-application discussions should be recorded.

9. Role and Functioning of Committee and Chair

Selection of Members

- 9.1 Members who are to serve on the Planning Committee must be selected having regard to their understanding of the role and responsibilities of the Committee and its Members and must be fully committed to them.

Role of Chair

- 9.2 Specific development opportunities will be provided for the Chair and shall be undertaken by him/her, and specific support shall also be provided for the Chair.
- 9.3 The Chair must ensure that the role of the Committee as described at 9.10 below is highlighted and reinforced wherever necessary or appropriate. In particular, the Chair must:
- i) ensure that the Committee applies adopted policies and does not seek to formulate them in the consideration of individual applications;
 - ii) ensure that agreed procedures are reinforced whenever and wherever necessary or appropriate;
 - iii) ensure the adequacy of reasons for any decision taken contrary to officer recommendation; and
 - iv) support the principles governing the selection of the Committee's Members and their training.

Declaration of Interest

- 9.4 A Member with a disclosable pecuniary interest or a personal or prejudicial interest in any item on a Committee agenda must ensure that this is notified to the Director of Resources in good time prior to the meeting so that any necessary clarification can be obtained and advice given prior to formal declaration at the Meeting and recording in the Committee's Minutes.

Process of Decision Making

- 9.5 Named substitutes may be used provided that they have been agreed at the meeting of the Council at the beginning of the municipal year. The Director of Resources must be notified of any absences and the named substitute no later than twenty-four hours prior to the commencement of the relevant Planning Committee meeting.
- 9.6 No decision may be made by the Committee on any application or other agenda item unless seven Members are present [this provision does not relate to agenda items which are reported for information].
- 9.7 A Member should not take part in any decision by the Committee unless he/she has been present throughout the whole of the deliberations on the

item, including any site visit which may have been held. If a Member leaves the room during deliberation on an item after the presentation of the Committee report by officers, he/she will not be able to vote on that item. Having regard to Paragraph 9.6 arrangements for a site visit will therefore be made bearing in mind the need to maximize attendance and the need to hold it at a time convenient to most Members. Members who indicate that they will attend must then make every endeavour to do so.

- 9.8 Given the nature of planning decisions Members should not sit in political groups at the Committee Meeting but should, for example, sit alphabetically or in other random order.
- 9.9 Members must respect the following procedure which is intended to create a clear and consistent framework for the decision making and which must be applied at Committee:
- introductions by the Chair;
 - an explanation of the procedure to be followed;
 - presentation of the report by the planning officer;
 - any members of the public or ward councillors who wish to speak;
 - technical questions on the report;
 - Member debate on the issues;
 - a formally moved and seconded resolution [and amendments thereto] as to the proposed decision and the reasons for it;
 - the vote; and
 - reiteration by the Chair of the final decision to members of the public present at the Meeting
- 9.10 Decisions at Committee must be taken in the context of the role of the Committee which is to determine planning applications and to consider whether to take enforcement action when there is a breach of planning control. In doing so, the Committee must apply and interpret adopted policy and other material considerations, and must not ignore adopted policies or seek to amend them on an ad hoc basis in respect of individual planning applications. Guidance on what are material considerations will be given in a report available on each agenda.
- 9.11 In order to facilitate the operation of the Committee, Members should ensure that they keep up to date with all current planning applications and explore any issues with or obtain information from the Planning officer at an early stage in the consideration of an application. Similarly, Members attending briefings for the Chair and Committee Spokespersons should use that briefing as the appropriate opportunity to raise any issues so that they can be answered before or at the Committee meeting.
- 9.12 Furthermore, Members of the Committee should not engage in ward based advocacy.

9.13 A Member who is not a Member of the Committee must be permitted to address the Committee only on legitimate planning issues which directly affect his/her City Council Ward.

Public Focus

9.14 The meeting room for Committee should be set out so as to facilitate the operation of the meeting and so as to aid the public in understanding proceedings. In furtherance of that, the following should be borne in mind:

- the need to allow Members and officers to face the public gallery;
- the effectiveness of audio and visual equipment for the public as well as Members and officers;
- the availability of written information to enable those in attendance to understand procedures and the outcome of each agenda item;
- the need for nameplates for Members and officers to be of adequate dimensions; and
- the need to keep the layout and facilities under review.

10 Officer Reports to Committee

10.1 It is important to ensure that officer reports on planning applications:

- i) are accurate and cover, amongst other things, the substance of any objections and the views of those consulted;
- ii) contain relevant information and a clear exposition of the development plan, site or related history and any other material considerations;
- iii) include a written recommendation of action. Oral reporting (except to update a report) should be avoided and carefully minuted when it does occur;
- iv) contain technical appraisals which clearly justify a recommendation; and
- v) where relevant, include a clear statement on the material considerations justifying a departure from the development plan.

10.2 The above points represent good practice and are particularly important because failure to have regard to them may constitute maladministration or give rise to judicial review on the grounds that the decision was not taken in accordance with the provisions of the development plan and the Council's statutory duty under S38(6) of the Planning and Compulsory Purchase Act 2004.

11. Decisions Contrary to Officer Recommendations and/or the Development Plan

- 11.1 The law requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 11.2 This gives rise to two main issues. First, all applications which are not in accordance with the development plan must be identified as soon as possible and advertised as such. Secondly, if it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified, and how these considerations justify overriding the development plan clearly demonstrated. If the officers' report recommends approval of such a departure, the justification for this should be included, in full, in that report.
- 11.3 If the Planning Committee makes a decision contrary to the officers' recommendation (whether for approval or refusal), the reasons (and the factors taken into account in reaching the decision) should be included in the Minute of the Committee's decision and a copy placed on the application file. The Senior officer of the Planning Department attending Committee should also be given an opportunity to explain the implications of a decision contrary to the recommendation. The courts have expressed the view that such reasons should be clear and convincing and relate to planning issues. The personal circumstances of an applicant will rarely provide such grounds.
- 11.4 A Senior legal officer should always attend the Committee meeting to ensure that procedures have been properly followed.

12. Committee Site Visit

- 12.1 Committee site visits can cause unnecessary delay and additional cost and should therefore only be used where the expected benefit is substantial. Officers will have already visited the site and identified material considerations on behalf of the Council.
- 12.2 In considering requests by applicants, objectors and Members for a Committee site visit on a planning application the Committee must first decide whether the request is justified following the officer's presentation to Committee, including photographs, maps and other material.
- 12.3 A site visit is only likely to be necessary if the impact of a proposed development is difficult to visualise from the plans and any supporting material, including photographs, for example cases involving issues of sense such as smell.
- 12.4 It is important that there is consistency in the operation of site visits, in relation to why they are held and how they are conducted. An absence of such consistency may leave the Council open to the accusation that they are, at best, arbitrary and unfair and, at worst, a covert lobbying device. It is for this reason that site visits need to be carefully organised to ensure that the purpose, format and conduct are clearly established at the outset and subsequently adhered to throughout the visit.
- 12.5 The following framework will apply to the site visit:
- timely written notification of the site visit should be sent by the Director of Resources to all interested parties, including applicant(s) objector(s) and affected nearby landowners
 - the Planning officer in attendance should seek to ensure, as far as practicable, that all key parts within and adjoining the site can be clearly viewed during the visit;
 - the Chair should explain at the outset to all present the purpose of the visit and how it will be conducted and that the visit is a duly convened meeting of the Committee which should be conducted in a formal manner and in accordance with this Code;
 - the Planning officer in attendance should explain the subject of the visit, the reasons why the application was deferred for the visit and that the purpose of the visit is to observe the specified issues on site and not an opportunity to debate the merits of the proposal either amongst Members or with applicant(s) or third parties;
 - other than in exceptional circumstances, all Members of the Committee should attend the site visit even if a Member already knows the site and

only Members attending the site visit should take part in the subsequent decision on the application;

- the essential purpose of the site visit is to seek information and observe the site and surrounding area. The visit should culminate in an oral invitation by the Planning officer to applicant(s) and objector(s) to draw attention to any factual matters which have not already been identified;
- no expression of opinion should be given by officers or Members;
- the visit is about the actual application under discussion and not about possible alternatives;
- Members should keep together as a group and should not enter into individual or group discussions with the applicant(s) or objector(s);
- Members and officers should ensure that there is adequate feedback of information gained during the visit. Normally this would be included in the Committee Report; and
- no hospitality should be accepted while on a site visit.

12.6 As indicated in 7.7 above, individual site meetings should not be held.

13. Public Speaking at Planning Committee

13.1 The Council is committed to extending public participation in the planning process and members of the public are therefore welcome to put their views on a planning application directly to the Planning Committee when it is being considered.

13.2 The Council has adopted a protocol relating to public speaking at Planning Committee meetings and a summary of the main points is provided below:

- Any person directly affected by proposals, including applicants, objectors or supporters (or their representatives) may request to speak. In addition, ward Councillors whose wards are directly affected may also request to speak.
- Each request will be considered by the Chair. The decision as to whether someone is directly affected by a proposal will be made taking into account:
 - i. the proximity of the site to those affected;
 - ii. the size and nature of the development and its potential impact;
 - iii. whether the objections or support relate to a perceived direct impact on the speakers or their wards; and
 - iv. the number of people objecting or supporting who perceive a direct impact.
- There will be a maximum of three speakers (excluding ward Councillors) for each item and each person is permitted to speak for a maximum of 3 minutes. The total time allocated to public speaking for each item is therefore 9 minutes.
- Following the presentation of the report by officers, the order of speakers will be:
 1. Objectors or supporters
 2. Applicants or agents
 3. Ward Councillors
- Where more than one person wishes to speak within a particular category, it is advisable to appoint a spokesperson. If a spokesperson cannot be appointed, then the people whose requests were received first will be given the opportunity to speak.
- Members of the Planning Committee may ask questions of objectors, supporters and applicants/agents. This will take place immediately after each address by a speaker. Members may then seek clarification from officers on particular points, prior to making their decision.
- Speakers will not be allowed to address the Committee other than in their allocated time or to answer questions from Committee members. Responses to questions must be made through the Chair.
- All requests to speak must be made using the Council's online form, which is accessible via the Planning application search page of the Council's

website. Requests must be made by noon on the Monday of the week of the Planning Committee meeting.

- The submission of a request to speak does not guarantee speaking, as this will be at the Chair's discretion.
- Any visual material, including plans and photographs, must have been submitted in advance to the Planning officer dealing with the application. Any further additional information cannot be circulated during the meeting.
- Any electronic presentations need to be provided to the case officer in advance of the meeting for it to be pre-loaded onto a laptop in the meeting room.
- It will not be possible for electronic presentations to be arranged on the day of the Planning Committee meeting using a portable storage device such as a memory stick.

14. Regular Review of Decisions

- 14.1 It is good practice for Planning Committee Members to revisit a sample of implemented planning permissions to assess the quality of previous decisions. Such a review can help to improve the quality and consistency of decision making, thereby strengthening public confidence in the planning system, and can help with reviews of planning policy.
- 14.2 The review should be at least on an annual basis and should include a variety of developments. The Planning Committee should consider the review at a subsequent training session and decide whether it gave rise to the need to reconsider any policies or practice.

15. Complaints and Record Keeping

- 15.1 Whatever procedures a Council operates, it is likely that complaints will be made. However, the adoption of the advice in this Code of Good Practice should greatly reduce the occasions on which complaints are justified. It should also provide less reason for people to complain in the first place.
- 15.2 Formal complaints will be dealt with under the Council's Complaints Procedure, although complainants regarding Members should be directed to the Council's Monitoring Officer.
- 15.3 In order for complaints to be fully investigated and, in any case, as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine a Council's case. The guiding rule is that every planning application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was and why and how it had been reached. Particular care needs to be taken with applications determined under officers' delegated powers, where there is no report to a Committee. Such decisions should be as well documented and recorded as those taken by Members. These principles apply equally to enforcement and development plan matters.

Monitoring Officer Protocol

1. The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989 (“LGHA 89”). This Protocol provides some general information on how those statutory requirements will be discharged at Preston City Council.
2. The current responsibilities of the Monitoring Officer rests with the Assistant Director (City Solicitor and Monitoring Officer) who undertakes to discharge his/her statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so, she/he will also safeguard, so far as is possible, Members and Officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
3. The main functions of the Monitoring Officer at Preston City Council are:-
 - a) To report to the Council and to the Executive in any case where she/he is of the opinion that any proposal or decision of the Authority has given rise to or is likely to or would give rise to any legality, maladministration or breach of statutory code under Section 5 and 5A of the LGHA 89;
 - b) To investigate (or arrange to have investigated) any matter, which she/he has reason to believe may constitute, or what she/he has received an allegation that a matter may constitute, a reportable incident under Section 5 and 5A of the LGHA 89;
 - c) To act as the principle adviser to the Authority's Standards Committee and Sub-Committees;
 - d) To maintain the register of Member’s Interests
 - e) To maintain the register of Officers’ Interests;
 - f) To have responsibility for responding to complaints to the Local Government Ombudsman;
4. In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers;
 - a) Complying with the law (including any relevant Codes of Conduct);
 - b) Complying with any general guidance issued, from time to time, by the Standards Committee and the Monitoring Officer;
 - c) Making lawful and proportionate decisions;

- d) Complying with the Council's Constitution and Standing Orders;
- e) Generally, not taking action that would bring the Council, its offices or professions into disrepute; and
- f) Communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters.

The main statutory references for the Monitoring Officer's functions are set out in Appendix 1.

Working Arrangements

5. It is important that Members and Officers work together to promote the corporate health of the Council. The Monitoring Officer plays a key role in this, and it is vital therefore, that Members and Officers work with the Monitoring Officer and his/her deputies and staff to enable him/her to discharge his/her statutory responsibilities and other duties.
6. The following arrangements and understandings between the Monitoring Officer, Members and Chief Officers (Management Team) are designed to ensure the effective discharge of the Authority's business and functions. The Monitoring Officer and/or his/her deputies must:-
 - a) Be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including, in particular, issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
 - b) Have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including the failure to take a decision where one should have been taken) at or before the Council, Executive, Committee Meetings and/or Directors (or equivalent arrangements);
 - c) Have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council, (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and/or Directors (or equivalent arrangements);
 - d) In carrying out any investigation(s) have unqualified access to any information held by the Council and to any Member or Officer who can assist in the discharge of his/her functions;

- e) Ensure the other statutory Officers (Head of Paid Service and the City Treasurer otherwise known as Section 151 Officer) are kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- f) Meet regularly with the Head of Paid Service and City Treasurer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- g) Report to the Council from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Leader of the Council, the Head of Paid Service and City Treasurer;
- h) In accordance with statutory requirements, make a report to the Council as necessary on the staff, accommodation and resources she/he requires to discharge his/her statutory function;
- i) Have an appropriate relationship with the Leader, Deputy Leader, Leaders of the Opposition, the Standards Committee and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;
- j) Develop effective working liaison and relationship with the District Auditor and the Ombudsman (including having the authority, on behalf of the Council, to complain to them, refer any breaches to them or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary) and advise on any compensation payments for alleged or actual maladministration found against the Council in consultation with the Chief Executive and the appropriate Director;
- k) Maintain and keep up to date relevant statutory registers for the declaration of Members Interests, Gifts and Hospitality code;
- l) Maintain and keep up to date a register for the registration of Officer's interests.
- m) Receive and assess complaints against Members and Co-opted Members of the Council and all Parish Councils within the City on behalf of the Standards Committee and where complaints are referred to him or her shall (a) investigate such complaints or (b) deal with any direction for steps other than an investigation (subject to prior consultation) and report back to the Standards Committee

in accordance with such procedures as is agreed by the Standards Committee from time to time.

- n) In consultation, as necessary, with the Leader of the Council, Opposition Leaders, the Executive and the Standards Committee , defer the making of a formal report under Section 5 of the LGHA 89 where another investigation body is involved;
 - o) Undertake all statutory Monitoring Officer functions in respect of the Parish Councils and make arrangements to ensure effective communications between his/her office and the Clerks to the Parish/Neighbourhood Councils on Monitoring Officer and Standards Committee issues.
 - p) Subject to the approval of the Standards Committee, be responsible for preparing any training programme for Members on Ethical Standards and Code of Conduct issues;
 - q) Advise on all applications from Council employees (or prospective employers) for exemption from political restriction in respect of their posts.
 - r) Appoint a deputy and keep him/her briefed on any relevant issues that she/he may be required to deal with in the absence of the Monitoring Officer. The deputy will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.
7. To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breach of statutory duty or Council policies or procedures and other vires or constitutional concerns to the Monitoring Officer, as soon as practicable.
8. The Monitoring officer will seek to resolve potential reportable incidents by avoiding the illegality etc., or by identifying alternative and legitimate means of achieving the objective of the proposals.
9. Where the Monitoring Officer receives the complaint of a potential reportable incident, she/he shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.
10. In appropriate cases, the Monitoring Officer may rely upon existing processes within the Authority (such as internal appeals procedures or

insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure that satisfactory resolution of the issue.

11. In appropriate cases, and to secure a rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other officer of the Authority.
12. Notwithstanding the above, the Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Chief Executive and the City Treasurer, she/he is of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the police for investigation.
13. The Monitoring Officer is available for Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (eg. Standing Orders, Policy Framework, Terms of Reference, Scheme of Delegation).
14. To ensure the effective and efficient discharge of this Protocol, the City Treasurer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.

Sanctions for breach of Preston City Council's Code of Conduct Members and this protocol

15. Complaints about any breach of Preston City Council's Code of Conduct for Members must be referred to the Standards Committee. Complaints about any breach of this protocol by a Member will be referred to the Standards Committee and to the relevant Leader and/or Chief Whip of the Political Part Group. Complaints about any breach of this protocol by an Officer may be referred to the relevant Director and/or Chief Executive.

Appendix 1 - Monitoring Officer Protocol

Summary of Main Monitoring Officer Functions

Description	Source
1. Report on contraventions or likely contraventions of any enactment or rule of law.	Local Government and Housing Act 1989 Section 5, 5A.
2. Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Local Government and Housing Act 1989 Section 5, 5A.
3. Appointment of Deputy and power to delegate.	Local Government and Housing Act 1989 Section 5.
4. Report on resources.	Code of Conduct for Members' Employees' Code of Conduct.
5. The local resolution of complaints alleging breach of the Code of Conduct for Members without formal investigation, wherever practicable.	'Arrangements' adopted by the Authority under the Localism Act 2011 Section 28(6).
6. Receiving and assessing allegations alleging breach of the Code of Conduct for Members and Co-opted Members and referring relevant matters for assessment or hearing, as appropriate.	'Arrangements' adopted by the Authority under the Localism Act 2011 Section 28(6).
7. Investigation and reporting on any complaints alleging breaches of the Code of Conduct for Members	'Arrangements' adopted for dealing with standards allegations Localism Act 2011 Section 28(6).
8. Dealing with a direction for 'steps other than an investigation' alleging breaches of the Code of Conduct for Members.	'Arrangements' adopted for dealing with standards allegations Localism Act 2011 Section 28(6)
9. Act as 'Principal Authority' in relation to Parish Councils. Carry out similar duties and	Localism Act 2011 Section 29(9). Localism Act 2011 Section 28(6) (9).

powers in relation to allegations of breach of the Code of Conduct for all Parish/Neighbourhood Councils in the district as in numbers 5 to 8 above.	
10. Establish and maintain registers of Members' interests.	Localism Act 2011 Section 29(1) and Code of Conduct for Members'.
11. Removing entries from the registers of interests once the person is no longer a Member or Co-opted Member	Localism Act 2011 Section 29(3).
12. Making the register of interests available for public inspection and publication on the Council's website.	Localism Act 2011 Section 29(5).
13. Excluding the details of sensitive interests from the register of interests.	Localism Act 2011 Section 32(1).
14. Registering disclosable pecuniary interests which are notified pursuant to Section 31 of the Localism Act 2011 after arising and being declared at a meeting (if not on register or subject to pending notification).	Localism Act 2011 Section 31(9).
15. As Parish Council Monitoring Officer carry out similar duties and powers in relation to the register of interests for all Parish Councillors as within the district as in numbers 10 to 14 above including placing the Parish Register on the Council's website.	Localism Act 2011 Sections 29(4) and (6).
16. Advice to Members on the interpretation of Code of Conduct for Members.	Code of Conduct for Members'. Localism Act 2011 Chapter 7.
17. Key role in promoting and maintaining high standards of conduct through support to the Standards Committee.	Localism Act 2011 Section 27(1).

18. Advise on compensation for maladministration.	Local Government Act 2000 Section 92.
19. Advising on any indemnities and insurance issues for Members or Officers.	Local Government Act 2000. Local Authorities (Indemnities for Members and Officers) Order 2004.
20. Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members.	Department for Communities and Local Government and Local Government Ombudsman.
21. Receiving requests for dispensation from restrictions on participation in meetings and the granting of such dispensations to Councillors and Co-opted Councillors from requirements relating to interests set out in the Code of Members' Conduct.	Council's Delegation Scheme.
22. Dealing with such other functions as may be prescribed for the Monitoring Officer in regulations to be made by the Secretary of State.	Localism Act 2011 Section 30(3).

Protocol for Public Speaking at Planning Committee

This addendum to the Protocol is effective whilst Planning Committee meetings are being held remotely.

- 1) Any person directly affected by proposals including applicants, objectors or supporters (or their representatives) may request to speak at Planning Committee.
- 2) Ward Councillors whose wards are directly affected by proposals may also request to speak.
- 3) Each request will be considered by the Chair prior to the meeting, taking into account whether the proposals directly affect the speakers (or whom they represent) and the number requesting to speak.
- 4) A maximum of three speakers (not including ward councillors) will be allowed to address the Committee on each item. For example, two objectors and one applicant or agent, or one objector, one supporter and one applicant or agent.
- 5) Each speaker will be allowed a maximum of three minutes to address the Committee unless the Chair agrees a time extension in exceptional circumstances.
- 6) Ward Councillors are advised to speak for no longer than six minutes. Councillors who speak beyond this time limit may do so at the discretion of the Chair, taking into account the number of other people wishing to speak at the meeting.
- 7) Following the presentation of reports by officers, the order of speakers will be:
 - i) Objectors or supporters
 - ii) Applicants or agents
 - iii) Ward Councillors
- 8) Members of the Planning Committee may ask questions of objectors, supporters and applicants / agents but not ward councillors. This shall take place immediately after each address by a speaker.
- 9) Speakers will not be allowed to address the Committee other than in their allocated time or, in the case of objectors, supporters and applicants / agents, to answer questions by Committee members.
- 10) Anyone wishing to speak must give notification to the Council no later than 12noon 3 working days prior to the Planning Committee meeting together with a short summary of points they wish to make. Please

refer to the City Council's website for guidance on how to give notification of a request to speak using the online form - <https://selfservice.preston.gov.uk/service/planning/ApplicationSearch.aspx?cf=Home&Id1=20191030112945cd47f6c12644d129>.

Please note we cannot facilitate the presentation of photographs or plans from applicants, agents and other third parties during virtual Planning Committee meetings at the present time.

- 11) The decision as to whether someone is directly affected by a proposal and should be allowed to speak will be taken by the Chair of the Committee taking into account:
 - i) the proximity of the site to those affected;
 - ii) the size and nature of the development and its potential impact such as visual impact, noise and traffic generated;
 - iii) whether the objections or support relate to a perceived potential direct impact on the speakers (or in the case of ward councillors, their wards); and
 - iv) the number of people objecting or supporting who perceive a direct impact.

- 12) Those who have been accepted to speak will be called the day before the committee meeting (before 5pm) to speak to the moderator to agree terms of joining the virtual Planning Committee meeting via a Skype call. Before each application is presented to the Members of the Planning Committee by officers, the moderator will call each accepted speaker into the live meeting. The speakers will be muted on joining the live meeting to prevent interruption and will remain on mute until invited to speak by the Chair of the Planning Committee. Once a speaker has finished their three minute speech and answered questions from Members the speaker will be removed from the live meeting and will be able to watch the live stream for the decision. Streaming the live committee meeting on another device must be stopped or paused prior to joining the live meeting via telephone/mobile phone. Joining the live meeting on the phone and streaming the live meeting on another device

- 13) It is recommended that a speaker provides the Council with a copy of their speech/written representations. In the event that a speaker (i) cannot be entered into the live meeting or (ii) is deemed to have left the meeting because the conditions set out in the Addendum to the Council's Procedure Rules are not being met and cannot be re-established, the planning case officer will read the speech/written representations (if provided) to the Planning Committee. In such circumstances the Members of the Planning Committee will be unable to ask questions of the speaker. If remote attendance of a speaker cannot be established or re-established it will be at the discretion of the Chair of the Planning Committee to determine whether to adjourn or proceed with the determination of the planning application.

Social Media Protocol for Members

1. Purpose

Social Media is a useful tool which has changed the way many Members now engage and communicate with the public. It allows Members to open up new conversations with the people they represent, understand and respond swiftly to local concerns, coordinate campaigns, assist with casework and let constituents know what you are doing as their local Member, all at a fraction of the cost of more traditional means of communication.

There can, however, be pitfalls and to help minimise any risk this Protocol sets out some of the points you should keep in mind whenever you use social media in your official role as a Member of Preston City Council.

2. What is Social Media?

This is a term used to describe websites and applications for social networking. Popular social media platforms include Facebook, Twitter, LinkedIn, YouTube, Flickr, Instagram and blogs. On social media sites users share information, discuss opinions and build online communities and networks.

You may already use social media in a private capacity but you may want to consider creating a separate account for any Councillor related use. If you do this and it is obvious that you are a Preston City Councillor the Protocol and the Code of Conduct will both apply.

3. Social Media and the Code of Conduct for Members

The Code of Conduct for Members will apply to your online activity in just the same way as they do to any other written or verbal communication. **The key to whether the Code applies is whether you are (or even appear to be) acting in your capacity as a Member of Preston City Council rather than as a private individual.**

When using social media you should take particular care not to publish anything which might bring this role into disrepute.

The main areas of behaviour that should be adhered to when using social media that relate most closely to the Code of Conduct are:

Treating others with respect – do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.

Complying with equality laws – take care that you do not publish anything which might be considered to be sexist, racist, ageist, homophobic or anti faith.

Avoiding bullying or intimidation of anyone – do not say anything that might be construed as bullying or intimidation whether the comments relate to a Council employee, a fellow Member or anyone else.

Avoiding the disclosure of confidential information – refrain from publishing anything you have received in confidence.

4. **General or legal considerations**

There are no new or additional legal burdens when using social media but you are publishing to the web – it's written down and it's permanent so you need to bear the following in mind:

Libel – If you publish an untrue statement about a person which is damaging to their reputation then they may take a libel action against you. This may also happen if someone else publishes something libellous on your website which you know about and don't take prompt action to remove. A successful libel action can result in an award of damages against you.

Copyright – Publishing images or text on your site from a copyrighted source (e.g. photos or extracts from publications) without obtaining permission first is likely to breach copyright laws. Breaching copyright laws can result in damages being awarded against you.

Data Protection – Take care not to publish the personal data of individuals unless you have their specific permission.

Bias and Pre-determination – Whenever you are involved in making planning, licensing or other quasi-judicial decisions do not say anything on social media which suggests that you have already made up your mind before hearing all the evidence and arguments. Otherwise the decision may be at risk of being challenged and declared invalid.

Obscene material – Obviously you should not publish obscene material on social media. Publication of obscene material is a **criminal offence**.

Harassment – It is a **criminal offence** to repeatedly pursue a campaign against someone where this is likely to cause alarm, harassment, nuisance or distress.

Electoral Periods – The Electoral Commission requires that candidates provide a return of expenditure on any form of advertising or campaign literature and that includes web advertising. There are additional requirements, such as imprint standards for materials which can be downloaded from the website. Full guidance can be found at www.electoralcommission.org.uk.

5. **Use of Social Media During Council Meetings**

Use mobile devices sparingly, discreetly and with common sense at meetings.

Avoid using social media during quasi-judicial meetings or during confidential or exempt items of business.

6. **Hints and Tips**

Some hints and tips to help you stay out of trouble are set out in the following Appendix.

Staying out of Trouble – some Do's and Don'ts

Most pitfalls can be avoided if your online content is objective, balanced, informative and accurate.

Some Do's

- Look out for defamatory, obscene, or other inappropriate posts from others on your site and remove them as soon as possible to avoid any impression that you condone such comments.
- Be careful about any connection with service users who are vulnerable adults or children as this could be regarded as a safeguarding issue.
- Ensure that you seek permission to post information from a copyrighted source or any personal data.
- Consider your wider audience, online posts may be read by younger people who could be distressed at messages which had been intended for adults.

Some Don'ts

- Post in haste, particularly if your judgement might be impaired (for example if you have consumed alcohol).
- Post comments that you would not be prepared to make face to face.
- Publish confidential information which you have gained access to as a Preston City Member.
- Represent your personal views, or those of any political party or specialist interest group you belong to, as being those of the Council.
- Distribute any material which could be considered illegal or discriminatory.
- Remember, regardless of any disclaimers in a Twitter user's biography, retweets are considered endorsements of the original message and therefore offensive comments can constitute an offence under S127 Communications Act 2003.

Part 5

MEMBERS' ALLOWANCES

MEMBERS' ALLOWANCE SCHEME

2025/26

1. Introduction

1.1 The Council has established a scheme of allowances for Elected Members. The scheme is regulated by law and is based upon the recommendations of the Independent Remuneration Panel (IRP). The IRP meets annually to review the scheme and reports to full Council. The Council implements a new scheme each municipal year based upon those recommendations. The new scheme automatically revokes the previous scheme. The reports of the IRP and the current allowance scheme detailed below are available on the Council's website at www.preston.gov.uk.

1.2 Relevant Law

1.2.1 Members' Allowance Schemes are regulated by the Local Government Act 2000, the Local Authorities (Members' Allowances) Regulations 1991 and 1995, 2003 and 255.

2. The Allowance Scheme

2.1 The scheme operates upon a proposed multiplier of the Basic Allowance. The relative multiplier of each allowance and the amount of allowance payable is set out in Table 1.

2.2 Basic Allowance

2.2.1 A Basic Allowance will be paid to all Councillors (subject to Paragraph 2.5).

2.3 Special Responsibility Allowances

2.3.1 Special Responsibility Allowances will be paid to those Councillors who hold office as Members of the Executive, Chairs of a Council Committee and Leaders of Political Groups. In any case, where a Councillor holds more than two positions of special responsibility, he/she shall be entitled to claim the highest two allowances available.

2.4 Renunciation

2.4.1 A Councillor may, by notice to the Director of Resources elect to forego any part of their entitlement to an allowance under this scheme.

2.5 Part Year Entitlements

- 2.5.1 Where the scheme is amended or a Councillor commences or ceases to hold office in a year, the entitlement to a Basic and Special Responsibility Allowance shall be calculated in accordance with the number of days (inclusive of the first and last) in office proportionate on the number of days (calculated from the date of the last Annual Council pro-rata to the basis of a 365-day year).

2.6 Claims and Payments

- 2.6.1 Payments shall be made by twelve instalments on the 15th day of each month and as appropriate in proportion to the entitlement as set out in Paragraph 2.5.

2.7 Income Tax, National Insurance and Benefits

- 2.7.1 Entitlements to the Basic and Special Allowances are subject to Income Tax and National Insurance deductions. The Council is liable to pay employer's National Insurance contributions. Reimbursement of expenses (including fares, accommodation and subsistence) actually incurred have no liability for Tax and National Insurance provided that receipts are provided. It is necessary to declare the amount of allowance they receive if they are drawing any state benefit.

2.8 Travel and Subsistence Allowance

- 2.8.1 Members must observe the following conditions:-

- a) Public transport must be used on all appropriate occasions. Members will either have the cost of public transport reimbursed on production of a relevant ticket or may claim a bicycle allowance.
- b) If public transport is not to be used, then the rates in Table 2 apply to all travel whether inside or outside of Preston. Members are entitled to the equivalent of the cheapest second-class fare on the day of travel when using his/her car.
- c) Members will be reimbursed with one car parking pass, restricted for use on Council and Council relate business. If this is lost or misplaced, then the Member will be responsible for purchasing a replacement pass.
- d) At the time of a Members first claim a photocopy of the V5 document (logbook) appertaining to the vehicle for which a claim is being made, must be provided to the Payments and Payroll Manager.

Details of the current travel and subsistence rates are available on the Council's website (see below).

2.9 Childcare and Dependant's Allowance

- 2.9.1 Members are entitled to claim full costs of care of children and dependents in accordance with conditions (*see Table 2*).

2.10 Publicity

2.10.1 Details of payments made will be published annually on the Council's website www.preston.gov.uk.

2.11 In the case of a Councillor being suspended or formally suspended from his/her duties, allowances will be frozen until the matter is resolved. If the Member is subsequently cleared the allowances will be backdated and paid.

Table 1

Members Allowances Scheme 2025/26

		£
Basic Allowance	Proposed multiplier of basic	£4,825
Special Responsibility Allowances		
Leader of the Council and Cabinet Member	x2.22	£10,687
Deputy Leader and Cabinet Member	x1.61	£7,768
Cabinet Members (excluding Leader and Deputy Leader)	x1.26	£6,079
Chairs of Overview and Scrutiny Management Committee	x0.75	£3,618
Chair of Planning Committee	x0.90	£4,342
Leaders of Opposition Groups – minimum of 6 Members	x0.90	£4,342
Chairs of the following 5 Committees:		
Audit	x0.45	£2,170
Taxi and Miscellaneous Committee	x0.45	£2,170
Employment	x0.45	£2,170
Standards	x0.45	£2,170
Crime & Disorder	x0.45	£2,170
Chairs of ad hoc Scrutiny task and finish groups		£56.31 per half day* £112.63 whole day**
Vice-Chair of the Planning Committee	x0.43	£2,060
Vice-Chairs of the following Committees on a date rate only and only applicable when chairing the meeting due to the absence of the Chair for the entire meeting: (Licensing (and Chair))		
Audit		
Employment		
Overview and Scrutiny Management Committee		
Standards		
Taxi and Miscellaneous		
Crime & Disorder		
		£56.31 per half day* £112.63 whole day**
Mayor		£8,875
Deputy Mayor		£917

Member Champion for Armed Forces		} £3,600
Member Champion for Women		
Member Champion for Safeguarding		
Member Champion for Mental Health and Suicide Prevention		
Independent Persons on Audit Committee		£ 570
Independent Persons on Standards Committee		£ 570
Independent Persons on the Independent Panel established for the dismissal procedure for statutory officers		£ 570
Independent Persons on the Members Allowances Independent Remuneration Panel		£ 570
Co-opted Members of any other Committee/Panel etc. (if any)		£56.31 per half day* £112.63 whole day**
* half day not exceeding 4 hours		
** full day exceeding 4 hours		
NOTES:		
<ol style="list-style-type: none"> 1. <i>Mayoral allowances for 2023/24 were set on the recommendation of the Independent Remuneration Panel. These payments are for the full Mayoral year.</i> 2. <i>The Mayor's and Deputy Mayor's allowances are expenses payments which are not part of the Members' Allowances Scheme but they are paid to the post holder under Section 5 of the Local Government Act 1972.</i> 3. <i>All figures are rounded up to the nearest pound.</i> 		

Table 2

TRAVELLING, SUBSISTENCE AND CHILDCARE AND DEPENDANTS' ALLOWANCES

Appropriate rates are paid for travelling (dependent upon the total mileage claimed or cost of public transport) and for subsistence allowances (breakfast, lunch, tea and evening meal allowances and overnight absences). The rates relate to time spent away from the normal place of residence. A list of the current allowances is set out below. Travel, subsistence and childcare and dependants' allowances are to compensate Councillors for expenditure necessarily incurred when performing an Approved Duty.

Councillors are advised that if they use their personal vehicle for Council business, e.g. travel to and from meetings at the Town Hall or elsewhere; dealing with ward business or attending site visits or external meetings etc. they should ensure that they have **adequate business insurance**. Requirements can vary with insurance companies, and it is important to check. **Please note this applies even if you do not claim any travel allowance for those journeys.**

The obligation to adequately insure a vehicle which is used for Council business lies with each Councillor and if an accident was to happen when using a motor vehicle whilst on Council business the Councillor would have financial liability, not only to third parties but also for any damage to their vehicle and their person. There would be no cover by the Council's policy of public liability insurance.

Section 175 of the Local Government Act 1972 specifies that Attendance Allowance and subsistence may be paid for Members attending relevant conferences.

(a) Travel Allowances for attending meetings

These must be submitted in accordance with the parameters for vehicle use, claiming mileage and travel reimbursement as set out within the revised sections 26 and 27 of the Employee Handbook.

1. By Member's own solo motorcycle, rate per mile – *please see Table 3*.
2. By Member's own private motor vehicle or one belonging to a member of his/her family or provided for his/her use, rate per mile:
 - 46.9p per mile for first 8,500 miles and 13.7p per mile thereafter up to 999cc; and
 - 52.2p per mile for first 8,500 miles and 14.4p per mile thereafter over 999cc.
3. By Member's own private bicycle: 12p

These rates will be updated automatically in line with officers' official mileage rates.

(b) Subsistence Allowances

Please note that Subsistence Allowance may only be claimed for official Council duties, e.g. not group meetings. Please note also that when food is provided at a Council meeting, there may be no further subsistence claimed.

Where refreshments are not provided, the subsistence allowances claimable are as follows:-

1. Reimbursement for subsistence is payable to Members who are prevented by their official duties from taking a meal at their home, administrative centre, or establishment where they normally take their meals, and thereby incur additional expenditure on the provision of receipts.
2. If Members leave home before 6.00am to attend a location, they can claim a breakfast up to £5.00 (London £10.00) upon production of a receipt only.
3. Reimbursement of evening meals are payable if a full workday continues at a different location after 8.30pm. Members may claim an evening meal up to £10.00 (London £20.00) upon production of a receipt only.
4. Subsistence will not be paid where a suitable meal is provided at no cost to the Member.
5. The actual cost of accommodation will be met by the Council. Such accommodation should be booked through the Co-operative travel service. The Member is responsible for paying the hotel direct for any other meals or services provided and should then reclaim the relevant subsistence amounts with the production of receipts confirming the expenditure.

(c) Childcare and Dependants' Allowance

1. Childcare Allowance

The full cost of the childcare will be reimbursed provided that:-

- (a) receipts are produced;
- (b) the payment is for a registered child-minder, nursery or nanny;
- (c) that the cost is for the time of the specified duty plus up to one hour travelling time.

2. Dependants' Allowance

The full cost of the care will be reimbursed provided that:-

- (a) receipts are produced;
- (b) the payment is for a registered carer;
- (c) that the cost is for the time of the specified duty plus up to one hour travelling time.

Table 3**Travel Allowance for Attending Meetings**

By Member's own solo motorcycle, rate per mile:-

CC	Up to 1,500 miles	1,500 – 5,500 miles	5,500 – 11,000 miles	Over 11,000 miles
Up to 49	12.4p	10.3p	9.1p	7.1p
Up to 125	18.8p	15.2p	13.2p	9.8p
Up to 250	27.0p	21.0p	17.8p	12.1p
Up to 500	35.5p	27.1p	22.5p	14.5p
Over 500	39.2p	29.9p	24.8p	15.9p

Part 6

MANAGEMENT STRUCTURE

