

CONSTITUTION SUB-COMMITTEE

NOTICE AND AGENDA

For a virtual/remote meeting to be held on Wednesday, 6 September 2023 at 7.00 pm

Members of the sub-committee:-

Councillors:

Oliver Cooper
Stephen Cox
Stephen Giles-Medhurst
Tony Humphreys
Chris Lloyd

Debbie Morris
Sarah Nelmes
Ciaran Reed
Chris Whately-Smith

*Joanne Wagstaffe, Chief Executive
29 August 2023*

The Council welcomes contributions from Members of the public to its discussion on agenda items at its Committee/Sub-committee meetings.

Contributions will be limited to one person speaking for and one against each Part I item of business for not more than three minutes.

Details of the procedure are provided below: Members of the public wishing to speak will be entitled to register and identify which report they wish to speak on from the published agenda for the meeting.

Those who wish to register to speak should notify the Committee team by e-mail CommitteeTeam@threerivers.gov.uk before the meeting. This will allow the Committee Team to prepare the speaker sheet in advance of the meeting to forward to the Chair of the meeting.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part 1 business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance.

This will include the Human Rights Act, the Data Protection Legislation and the laws of libel and defamation.

1. APPOINTMENT OF THE CHAIR OF THE SUB-COMMITTEE

To appoint the Chair of the Constitution sub-committee for the Local Government year 2023/24

2. APPOINTMENT OF THE VICE-CHAIR OF THE SUB-COMMITTEE

To appoint the Vice-Chair of the Constitution sub-committee for the Local Government year 2023/24

3. APOLOGIES FOR ABSENCE

4. MINUTES

(Pages 5
- 6)

To confirm as a correct record the minutes of the Constitution sub-committee meeting held on 7 March 2023.

5. NOTICE OF ANY OTHER BUSINESS

Items of other business notified under Council Procedure Rule 30 to be announced, together with special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items.

6. DECLARATIONS OF INTEREST

To receive any declarations of interest.

7. AMENDMENTS TO THE COUNCIL CONSTITUTION

(Pages 7
- 234)

8. NOTICE OF OTHER BUSINESS - if agreed under item 5

9. EXCLUSION OF THE PRESS AND PUBLIC

If the sub-committee wishes to consider an item in private, it will be appropriate for a resolution to be passed in the following terms:-

“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined under paragraphs 1-7 of Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

10. NOTICE OF OTHER BUSINESS - if agreed under item 5

Livestreaming details:

To watch the meeting live please use the weblink below:

<https://aisapps.sonicfoundry.com/AuditeIScheduler/Player/Index/?id=74f8226a-aad5-4ea9-ad02-7daf3f280d92&presID=2e1fe166bafc4150bbacf4a7cf5c36d51d>

General Enquiries: Please contact the Committee Team at
committeeteam@threerivers.gov.uk

CONSTITUTION SUB-COMMITTEE

MINUTES

Of a virtual/remote meeting held on Tuesday 7 March 2023 from 7pm to 7.17pm

Members of the Constitution Sub-Committee:

Councillors

Stephen Giles-Medhurst (Chair)	Debbie Morris
Sarah Nelmes (Vice-Chair)	Ciarán Reed
Sara Bedford (for Cllr Chris Lloyd)	Roger Seabourne
Stephen Cox	Matthew Bedford (for Cllr Sokalski)
Abbas Merali (for Cllr Lisa Hudson)	

Also in attendance: Councillor Chris Mitchell

Officers: Kimberley Grout, Executive Head of Service
Sarah Haythorpe, Principal Committee Manager
Lorna Attwood, Committee Manager

CSC08/22 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Lisa Hudson, Dominic Sokalski and Chris Lloyd with the substitutes being Councillors Abbas Merali, Matthew Bedford and Sara Bedford.

CSC09/22 MINUTES

The minutes of the Constitution sub-committee meeting held on 7 March 2022 and the special meeting held on 6 July 2022 were agreed as a correct record and would be signed by the Chair.

CSC10/22 NOTICE OF OTHER BUSINESS

There was no other business.

CSC11/22 DECLARATIONS OF INTERESTS

None received.

CSC12/22 MINUTE WRITING STANDARDS

A report had been prepared for the sub-committee to consider on suggested/possible amendments for Members to consider on minute writing standards at TRDC, as detailed at Appendix 1 of the report.

The Principal Committee Manager introduced the report to the sub-committee highlighting details in the report with regard to the length of the Council minutes currently and the time taken to produce the minutes.

The Chair moved, duly seconded, that the guide on minute writing standards be recommended to the Policy and Resources Committee

Members of the sub-committee considered the guide and proposed the following amendments

That the word “normally” be taken out of the third Paragraph.

That for the minutes of the Planning Committee they would not name individual members of the public who speak on an application but if they are part of a body or organisation representing a group this can be minuted. For example, a residents association.

In the first line add “be an accurate” record of the meeting

The amendments were supported by the Chair.

RESOLVED:

Noted the issues raised in this report in relation to the production of formal minutes.

RECOMMEND:

That the Guide to Minute Standards for Council and Committees at Appendix 1 be recommended to P&R Committee with the suggested amendments made by the sub-committee.

CHAIR

Three Rivers District Council

Committee Report

Date 6 September 2023

**CONSTITUTION SUB-COMMITTEE – 6 SEPTEMBER 2023
SPECIAL POLICY AND RESOURCES COMMITTEE – 5 OCTOBER 2023
COUNCIL – 17 OCTOBER 2023**

PART I NOT DELEGATED

**7. AMENDMENTS TO THE COUNCIL CONSTITUTION
(ADL&D)**

1 Summary

1.1 This report is being presented to the Constitution sub-committee to consider suggested amendments and changes to the Council Constitution with regard to:

- The Summary and Explanation
- Part 2 - Articles of the Council Constitution
- Part 3 - General Principles Relating to Officer Delegation
- Part 4 – Rules of Procedure
- Part 5 – Codes and Protocols
- Part 6 – Member Allowances Scheme

2 Background

2.1 As detailed at Appendix 1 to this report, Paul Hoey Associates were commissioned by the previous Interim Monitoring Officer to consider revising and updating the Council Constitution. Details on the work the consultants have undertaken on behalf of the Council, the consultant’s background and the recommendations they are suggesting for the sub-committee to consider is included at Appendix 1.

2.2 Members will see a new section is proposed “General Principles Relating to Officer Delegation”, which would slot into Part 3 of the constitution before the ‘Scheme of Delegation to Officers’. The new section is based on the principle that specific high-level delegations and statutory duties are set out in the Constitution, but the Council approves a scheme where the Chief Executive and other officers can sub-delegate and the Chief Executive is allowed to make minor changes to the delegations without needing Full Council approval.

2.3 As part of the review of the Constitution the consultants set out some high-level objectives with regard to the purpose of the Constitution which were:

- Accountability – responsibilities and accountability about who does what should be clear, within the Council and to residents.
- Credibility – governance should assist good decision making, which involves proper and early scrutiny of policies and proposals.
- Transparency – the decision-making process should be open and transparent to Members and to the public.
- Collaboration - decision making should be collaborative across parties.

- Timeliness – decision making should be both quick and effective and, when necessary, allow for urgent decision-making.

2.4 Although amendments to the Constitution have been made since the Committee governance arrangements changed in 2014 from Executive/Cabinet to Committee there has not been a full review of the Constitution until now.

3 Options and Reasons for Recommendations

3.1 The Council needs to ensure that it has a constitution which provides accountability, credibility, transparency, collaboration and good decision making.

4. Policy/Budget Reference and Implications

4.1 The recommendations in this report are within the Council’s agreed budget.

5. Financial, Community Safety, Public Health, Customer Services Implications

5.1 There are no direct implications.

6. Legal Implications

6.1 Legal implications are contained in the main body of this report and in appendix 1.

7. Equal Opportunities Implications

7.1 Relevance Test

Has a relevance test been completed for Equality Impact?	No
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7.2 Impact Assessment

None specific.

8. Staffing Implications

8.1 None.

9. Environmental Implications

9.1 None.

10. Climate Change and Sustainability Implications

10.1 None.

11. Community Safety, Public Health and Customer Service Centre Implications

11.1 There are no direct implications.

12. Communications and Website Implications

12.1 Any amendments agreed by Council will be incorporated into the published Constitution on the website. When the website is updated Managers and Members will be advised.

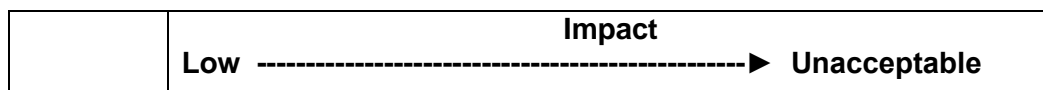
13. Risk and Health & Safety Implications

- 13.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.
- 13.2 The subject of this report is covered by the Committee service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response (tolerate, treat terminate, transfer)	Risk Rating (combination of likelihood and impact)
The Council's Constitution is the principal document setting out how the Authority operates, how decisions are made and the procedures which are followed. It is essential that the document is easy to follow, understand and interpret which this review seeks to achieve.	Not having a document which clearly sets out how the Authority operates in an easy to follow, understand and interpret document.	Improve aspects of the constitution and business conducted at meetings	Treat	2:1

- 13.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely Remote ↓ Likelihood	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4



Impact Score	Likelihood Score
4 (Catastrophic)	4 (Very Likely (≥80%))
3 (Critical)	3 (Likely (21-79%))
2 (Significant)	2 (Unlikely (6-20%))
1 (Marginal)	1 (Remote (≤5%))

13.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

14. Recommendation

14.1 That the sub-committee consider and comment on the proposed amendments to the Constitution (as contained in Appendices 2 to 7) and consider the following areas in particular where there have been significant changes:

- General Principles Relating to Officer Delegation
- Changes to the rules of procedure for meetings to bring them into line with best practice and ensure more efficient and effective running of meetings.
- Greater definition of the roles of Lead Members and Committee Chairs
- Revisions to the standards procedure to bring it in line with best practice as promoted by the Local Government Association (LGA).

The sub-committee's comments will be reported to the Policy & Resources Committee when it considers the proposed amendments.

Covering report prepared by: Sarah Haythorpe, Principal Committee Manager

Data Quality

Data sources: Council Constitution

Data checked by: Stephen Rix, Monitoring Officer

Data rating:

1	Poor	
2	Sufficient	x
3	High	

Background Papers – Council constitution

Appendices/Attachments

Appendix 1 – Key points from Paul Hoey Associates

Appendix 2 - The Summary and Explanation (with tracked changes)

Appendix 3 - Part 2 - Articles of the Council Constitution (with tracked changes)

Appendix 4 – Part 3 - Overview of General Principles for Officer Delegation
Appendix 5 - Part 4 – Rules of Procedure (with tracked changes)
Appendix 6 - Part 5 – Codes and Protocols (with tracked changes)
Appendix 7 - Part 6 – Member Allowances Scheme (with tracked changes)

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Hoey Ainscough Associates Ltd

Supporting Local Governance

Updating the constitution

Issue

1. Hoey Ainscough Associates Ltd were commissioned at the start of 2023 by the previous Monitoring Officer of Three Rivers District Council (TRDC) on revising and updating the Council's constitution. The work was largely carried out by our associate Miranda Carruthers-Watt.
2. This paper presents the final version to the Constitution Sub-Committee for their consideration prior to it being considered by Policy & Resources Committee and recommended to Full Council for their adoption. In preparing the revised Constitution we have consulted the Leader, Deputy Leader and Chief Executive as well as the former Monitoring Officer and the Associate Director, Legal and Democratic Services (Monitoring Officer). We are particularly grateful to the support from Sarah Haythorpe. The Constitution Sub-Committee is asked to consider this version, subject to any minor typos and final proofreading.

About us

3. Hoey Ainscough Associates Ltd was set up in April 2012 to support local authorities in managing their arrangements for handling councillor conduct issues and wider governance issues. The company was co-founded by Paul Hoey, who had been director of strategy at Standards for England from 2001 until its closure in 2013, and Natalie Ainscough who had worked as his deputy. Paul previously worked as a civil servant where he was responsible for overseeing work on council constitutions before joining the Standards Board.
4. We have now worked with over 400 authorities in one form or another through provision of training, investigative support and wider governance advice. We are also local government advisers to the Committee on Standards in Public Life and support the LGA and NALC on various governance issues relating to the standards framework.
5. We were supported in this project by our associate Miranda Carruthers-Watt. Miranda is a Solicitor who has long experience as a Monitoring Officer in Local Government. She was Chief Executive and Solicitor to the Lancashire Police Authority and Police and Crime Commissioner between 2008 and 2014, City Solicitor and Monitoring Officer at Salford City Council from 2015 to 2020 and is currently Interim MO at Rochdale Council.
6. In reviewing the Constitution we set some high-level objectives with regards to its purpose. These were:

Accountability – responsibilities and accountability about who does what should be clear, within the Council and to residents;

Credibility – governance should assist good decision making, which involves proper and early scrutiny of policies and proposals;

Transparency – the decision-making process should be open and transparent to Members and to the public;

Collaboration - decision making should be collaborative across parties;

Timeliness – decision making should be both quick and effective and, when necessary, allow for urgent decision-making.

Recommendations

7. The Sub-Committee are asked to consider the proposed amendments to the Constitution and to consider the following areas in particular where there have been significant changes:
 - Changes to the scheme of delegation arising from the restructure of SLT approved at the Annual Council meeting on 22 May 2023
 - Changes to the rules of procedure for meetings to bring them into line with best practice and ensure more efficient and effective running of meetings
 - Greater definition of the roles of Lead Members and Committee Chairs
 - Revisions to the standards framework to bring it in line with best practice as promoted by the LGA

Scheme of delegation

8. We have written as part of the proposed amendments to the Constitution a section entitled 'General Principles for Delegation to Officers'. This is based on the principles that specific high-level delegations and statutory duties are set out in the Constitution, but the Council approves a scheme whereby the Chief Executive and other officers can in turn sub-delegate and the Chief Executive is allowed sufficient leeway to make minor changes to delegations without needing Full Council approval where those prove necessary. **The Sub-Committee is asked to consider these General Principles.**
9. A more detailed scheme of delegation arising from the recent amendments approved at the AGM is then included, setting out the specific delegations and limits.

Rules of procedure

10. The Rules of Procedure (Part 4 of the Constitution) has been updated partly to reflect best practice elsewhere but specifically to ensure that there is more effective and efficient running of the meeting through seeking to strike a more appropriate balance between time allowed for questioning and time allowed for substantive business. In particular focus has

been put not just on the time allowed for an individual to speak and ask questions but for the overall time allowed for that part of the agenda. Key changes are highlighted in yellow. **The Sub-Committee is asked to consider these changes to the Rules of Procedure.**

Lead Members and Committee Chairs

11. Part 2 of the Constitution sets out, among other things, the role of Full Council, the role of Committees and the role of Lead Members. Under local government legislation, where councils are operating a 'committee system' as Three Rivers are, matters cannot be delegated to individual members. Nevertheless, in reality Three Rivers designates lead members to cover particular aspects of the Council's functions. Articles 6 and 7 deal with the roles of P&R and service committees and have attempted to make clear the roles of these committees, the chairs and lead members so that there is a clear understanding of the different roles and how appointments are made. **The Sub-Committee is asked to consider this clarification**

The standards framework

12. Article 9 of Part 2 covers the framework for handling complaints against members. Under the current constitution there was little detail and emphasis was put on the role of Group Leaders in being consulted by the Monitoring Officer on informally resolving complaints. The Local Government Association recently published some guidance on effective complaints handling. We were asked to benchmark your existing process against this guidance. We felt that the too-close involvement of group leaders formally in the process risked at least the perception that there could be political interference in the outcome of cases and did not align with the LGA guidance. We therefore recommend slightly modified arrangements to give the MO, in consultation with the Independent Person, greater autonomy in dealing with matters at an early stage, with a Panel of Members being reserved for final determination where there is a potential breach of the Code. **The Sub-Committee is asked to consider this revised framework.**

General approval

13. As well as the specific points above, the Sub-Committee is asked to consider the proposed new constitution as a whole with a view to recommending it be considered by P&R committee and adopted by Full Council at the next opportunity.

PAUL HOEY

MIRANDA CARRUTHERS-WATT

HOEY AINSCOUGH ASSOCIATES LTD

22 August 2023

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Appendix 2

Part 1 Summary and Explanation

DRAFT AUGUST 2023

Summary and Explanation

The Council's Constitution

Three Rivers District Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent, and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. Since June 2014, the Council has used the Committee System of Governance.

The Constitution is divided into 17 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

1. What's in the Constitution?

Article 1 of the Constitution commits the Council to provide informed community leadership in pursuit of the needs and aspirations of the wide diversity of individuals and communities it serves.

Articles 2 - 16 explain the rights of citizens and how the key parts of the Council operate. These are::

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Policy and Resources Committee (Article 6).
- Service Committees (Article 7)
- Regulatory and other committees (Article 8).
- The Standards Framework (Article 9).
- Area Forums (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision-making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

How the Council Operates

The Council is composed of 39 Councillors with one third elected three years in four.

Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but each has a special duty to all those in their Ward. An up-to-date list of Councillors can be viewed on the Council website www.threerivers.gov.uk and at the Council Offices.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints Committees each year to make all the decisions delegated to them.

The Leader and Deputy Leader are appointed at Annual Council. The Leader acts as Chair of the Policy and Resources Committee. The Leader may also be a Lead Member for an area of responsibility and will therefore be a Member of that Committee. The Deputy Leader will exercise the powers and functions of the Leader in their absence.

Policy and Resources Committee, Service Committees and other decision-making Committees

These Committees are responsible for taking decisions delegated to them. Any decision taken by them can only be overturned by Full Council, and even then, there will be special circumstances which would permit this.

[The full council structure is provided in appendix 1 to this summary.](#)

Local Area Forums

The Council has five Local Area Forums which meet as required.

The Local Area Forum is a consultative/advisory body which itself has no decision-making powers. It gives people the opportunity to raise matters of concern and interest and to express their views and to give the Council the opportunity to explain its position, policies and plans.

Elected Councillors chair the ~~meetings~~meetings, and the Chair and Vice Chair of the Forums are appointed at Annual Council. Ward Councillors appointed to each Forum represent the relevant wards within each area. County and Parish Councillors who represent the relevant areas can also attend. Officers don't generally attend as the Forums are intended to highlight the direct link between the public and Councillors although they can be asked to attend if there is something on the Agenda they need to be there for.

The Council's Staff.

The Council has people working for it (called officers) to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to make sure the council acts within the law and uses its resources wisely. The Member/Officer protocol governs the relationship between officers and members of the Council.

Citizens' rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights whilst others depend on the council's own processes. Local advice organisations can advise on an individual's legal rights.

Citizens have the right to:

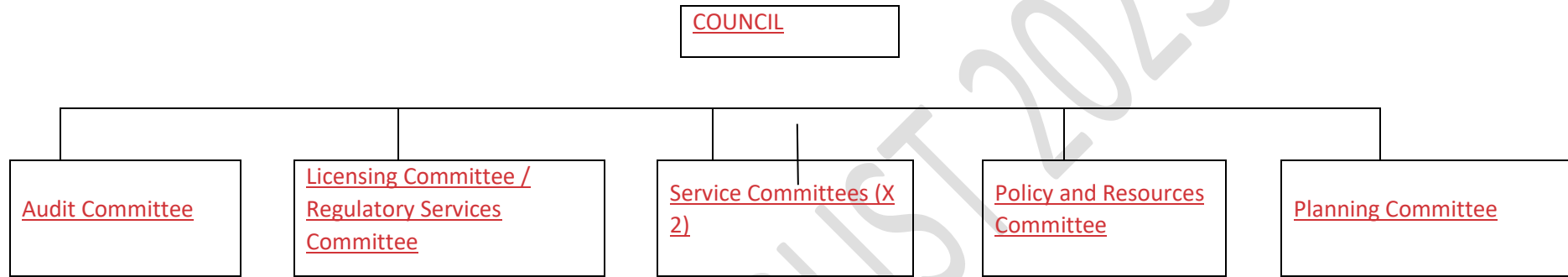
- vote at local elections if they are registered
- contact councillors about any matter of concern to them

- obtain a copy of the Constitution
- attend meetings of the council and its Committees except where, for example, personal or confidential matters are being discussed
- inspect agendas and reports except those which contain, for example, personal and confidential matters
- participate in Three Rivers District Council's Public Question Time
- see reports and background papers and any record of decisions made by the council, committees and sub-committees, or council officers in accordance with the council's Access to Information Procedure Rules
- exercise their rights under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 to obtain information held by the council
- complain to the council about any aspect of the service provided by the council and receive a response within the time period set out in the council's complaints procedures
- once they have exhausted the Council's own complaints procedure they can complain to the Ombudsman if they think the council has not followed its procedures properly.
- complain to the Monitoring Officer if they have evidence which they think shows that a Councillor has not followed its Code of Conduct for members; and
- inspect the council's accounts and make their views known to the external auditor.

The council welcomes participation by its residents in its work. For further information on your rights as a citizen please access the council's website. In addition, rights are set out in the Access to Information Procedure Rules at [Part 4 of this Section XX of Part XX of this Constitution](#).

Appendix 1

COUNCIL STRUCTURE OF THREE RIVERS DISTRICT COUNCIL



Page 21

<p><u>General Public Services and Economic Development</u></p> <p><u>Lead Member Economic Development and Planning Policy</u></p> <p><u>Economic Development Regeneration</u></p> <p><u>Infrastructure Town and Village town centre improvements</u></p> <p><u>Brownfield Register</u></p> <p><u>Building Control</u></p> <p><u>Conservation Areas and Local Listing</u></p> <p><u>Community Infrastructure Levy Development Management Policy</u></p> <p><u>Heritage Land Charges</u></p> <p><u>Land Drainage</u></p>	<p><u>Climate Change, Leisure and Community Committee</u></p> <p><u>Lead Member for Leisure</u></p> <p><u>Arts development and facilities</u></p> <p><u>Leisure grants</u></p> <p><u>Leisure development and facilities</u></p> <p><u>Open spaces</u></p> <p><u>Play areas and play development</u></p> <p><u>Sports development and facilities</u></p> <p><u>Leisure based health programmes</u></p> <p><u>Lead Member Sustainability and Climate</u></p>
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[Listed Buildings](#)

[Neighbourhood Planning](#)

[Right to Buy Register](#)

[Rickmansworth Town Project Board](#)

[Lead Member Public Services](#)

[Refuse and Recycling](#)

[Highways](#)

[Transport](#)

[Cycling](#)

[Parking](#)

[Lead Member for Housing, Public Health and Wellbeing](#)

[Housing Policy](#)

[Homelessness and Housing Advice](#)

[Housing and Disabled Facilities Grants](#)

[Management of Traveller sites](#)

[Private Housing and Houses in Multiple Occupation](#)

[Residential Environmental Health](#)

[Temporary accommodation](#)

[Air pollution and noise pollution](#)

[Animal and pest control](#)

[Cemeteries and crematorium](#)

[Environmental Forum Sustainability, climate change and energy efficiency](#)
[Woodlands](#)

[Tree Protection](#)

[Lead Member for Community Partnerships Community Safety:](#)

- [• To review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions \(it is the Crime and Disorder Committee for the purposes of the Police and Justices Act 2006\);](#)

- [• To make reports or recommendations to the Council with respect to the discharge of those functions;](#)

- [• The Committee will be able to co-opt members from the Responsible Authorities \(the Community Safety Partnership\) should it wish to when reviewing certain projects/decisions.](#)

[\(We are required by law to have a scrutiny committee to carry out this function\)](#)

[Equalities](#)

[Crime and Disorder](#)

[Community Safety Partnerships](#)

[Domestic Abuse](#)

[Community Safety](#)

[Public Health Strategy](#)

[Wellbeing Strategy](#)

[Disease Control](#)

[Food Inspection](#)

[Health and Safety Health and social care](#)

[Licensing activities covered by the Licensing Acts Licensing and Regulatory activities outside the Licensing Acts](#)

[Public Spaces Protection Orders](#)

[Traveller incursions](#)

Lead Member Resources

[Finance](#)

[Audit](#)

[Revenue and Benefits](#)

[Assets Policy and Corporate Support](#)

[ICT](#)

[Procurement and Contracts](#)

Other meetings: Appointments Committee, Constitution Sub-Committee, Council Tax Setting Committee, Environmental Forum, Internal Complaints Review, Local Area Forums, Local Plan Sub-Committee, Equalities sub-committee, Local Strategic Partnership Board, ~~Pensioners'~~ Seniors' Forum;

DRAFT AUGUST 2023

Part 2

Articles of the Constitution

DRAFT AUGUST 23

Article 1 – The Constitution

1.01 This part of the Constitution contains the remits of the Council, Committees, Sub-Committees, Forums and Panels. The Scheme of Delegation to Officers is contained in Part 3 of the Constitution. Appointments to Committees are made at the Annual Council Meeting or, when a vacancy occurs, at the next available meeting of the Council.

1.02 Powers of the Council

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

1.03 The Constitution

This Constitution, and all its appendices, is the Constitution of the Three Rivers District Council.

1.04 Purpose of the Constitution

The purpose of the Constitution for Three Rivers District Council is to:

1. enable the Council to provide clear leadership to all its communities in partnership with citizens, businesses and other organisations able to contribute;
2. support the active involvement of all citizens in the process of local authority decision making;
3. help councillors represent all their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to all parts of the community.

1.05 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.

DRAFT AUGUST 23

Article 2 – Members of The Council

2.01 Composition and Eligibility

- (a) **Composition.** The Council comprises 39 members, otherwise called Councillors. One or more Councillors will be elected by the Local Government voters of each ward in accordance with The Local Government, England The Three Rivers (Electoral Changes) Order 2014 SI 2014 No 243.
- (b) **Eligibility.** Only registered voters of the District or those living or working there will be eligible to hold the office of Councillor.

2.02 Election and Terms of Councillors

Election and Terms: The ordinary election of a third of all Councillors will be held on the first Thursday in May in each year except in the year when it is the County Council elections. 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.

2.03 Roles and Functions of all Councillors

. All councillors will:

- collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- effectively represent the interests of their ward and its constituents;
- respond to constituents' enquiries and representations, fairly and impartially;
- participate in the governance and management of the Council; and
- maintain the highest standards of conduct and ethics.

(b) Rights and duties

- Councillors will have the right of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- 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. Councillors should seek advice from the ~~Associate Director Legal and Democratic~~ (Monitoring Officer) before considering any disclosure.
- For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

2.04 **Conduct**

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

2.05 **Allowances**

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

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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 Procedure Rules in Part 4 of this Constitution:

- (a) **Voting and Petitions.** An individual over 18 who lives in the District and is qualified to be on the Register of Electors as a Local Government elector is entitled to vote for a Candidate at a Local Election. To register you have to contact the Electoral Registration Officer and ask to be placed on the register at the property in which you reside. An annual audit of voters is carried out by all Councils. You can apply for a postal vote at any time.

Citizens on the Register of Electors for the area have the right to vote and sign a Petition either electronically or in print to request a referendum for an elected Mayor form of Constitution.

- (b) **Information.** Citizens have the right to:
- (i) attend meetings of the Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) see reports and background papers, and any records of decisions made by the Council and its committees; and
 - (iii) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to participate at Council and Committee meetings and contribute by invitation to investigations by Committees. Council Procedure Rules 15 and 35(B) set out the procedure.
- (d) **Compliments, Comments and Complaints.** Citizens have the right to compliment, comment or complain to the Council under its adopted scheme. Citizens also have the right to complain to:
- (i) the Local Government Ombudsman after using the Council's own complaints scheme;
 - (ii) the ~~Associate Director Legal and Democratic~~ (Monitoring Officer) about a breach of the Members' Code of Conduct.

3.02 Citizens' Responsibilities

Citizens must not be violent, abusing or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.

Article 4 – The Full Council

The Full Council is a formal meeting of all Councillors. It is required by law to take certain important decisions including setting the Council's Budget, Council Tax and approving key plans and strategies which form the Policy Framework, These are listed below.

The full Council is a central forum for councillors to debate and ask questions about the Council or any matter which affects it. It will carry out some functions itself but delegates others to Service Committees or to named officers.

4.01 Meanings

(a) Policy Framework

The policy framework means the following plans and strategies as well as any other plans required by law to have the approval of the Council and any other plans or strategies which the council may decide should be adopted by the meeting as a matter of local choice.

- Community Strategy;
- The Council's Strategic Plan;
- Crime and Disorder Reduction Strategy;
- Plans and strategies which together comprise the Local Plan including draft policies and proposals in association therewith;
- Licensing Authority Policy Statement;
- Policies made under the Gambling Act;
- Asset Management Plan;
- Statement of Pay Policy.
- Housing and Homelessness Strategy

(b) Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds and balances, the council tax base, setting the council tax in relation to the district and parish council budgets, council tax support scheme and the setting of virement limits.

4.02 The Council Meeting – Functions

Only the Council Meeting will exercise the following functions;

- (a) Adopting and changing the constitutional arrangements; including terms of reference of committees, deciding their composition and appointing them;
- (b) Approving or adapting the policy and budget frameworks, and any application to the Secretary of State in respect of any housing land transfer;
- (c) Appointing representatives to outside bodies at the Annual Meeting; with appointments between Annual Meetings being dealt with by the Policy and Resources Committee;

- (d) Adopting a Members' allowances scheme under Article 2.5;
- (e) Changing the name of the area, conferring the title of honorary alderman or granting the freedom of the District;
- (f) Confirming the appointment of the Head of Paid Service (Chief Executive);
- (g) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills, and
- (h) All other matters which by law must be reserved to Council.

4.03 Council Meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 Responsibility for Functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions.

Note: For the avoidance of doubt the Full Council retains ultimate responsibility for the actions and decisions of all its Committees and also retains the ability to exercise all its powers whether or not they have been delegated to a Committee or Officer

However, the Council shall not overrule a power that has been delegated without first ensuring that such a step is in the best interest of the Council or its residents. The Council's ability to exercise its powers will not override or supersede any decision or action already taken by a Committee or Officer acting under delegated authority which has been enacted.

Further to the above, the Council can only overturn a delegated decision under the following exceptional circumstances (this list is not exclusive):

- The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ has deemed the decision *ultra vires*
- or
- The decision has not been enacted
 - No contracts have been exchanged
 - Any five Members, within five working days of the decision having been taken, write to the ~~Associate Director Legal and Democratic (Monitoring Officer)~~ or Chief Executive.

Discussion and decisions on Policy shall not go to Council unless legally required to do so and are only to be dealt with by the Policy and Resources Committee.

Dismissal of ~~Head of Paid Service~~Chief Executive, ~~Associate Director Legal and Democratic (Monitoring Officer)~~ or Director of Finance Section 151 Officer

The dismissal of the ~~Chief Executive~~Head of Paid Service, the ~~Associate Director Legal and Democratic (Monitoring Officer)~~ and the Director of Finance Section 151 Officer (the statutory officers) is reserved to Council.

Where the circumstances set out in regulation 6 and Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 apply any Panel (or Committee or Sub-Committee) advising the Council on dismissal of the 3 posts must appoint at least 2 independent persons to that Panel (Committee or Sub-Committee) – namely independent persons appointed under Section 27(8) of the Localism Act 2011.

The priority for selecting the independent persons is:

- i. Any person who is registered as a local government elector in the register of electors for the area of the authority in accordance with the Representation of the People Acts and has been appointed as an independent person by the Council
- ii. Any person who is not registered as a local government elector in the register of electors for the area of the authority in accordance with the Representation of the People Acts and has been appointed as an independent person by the Council
- iii. Any person appointed by another Council as an independent person.

The Panel (Committee or Sub-Committee) advising Council must be appointed at least 20 working days prior to the relevant meeting of the Council.

Where the circumstances set out in Regulation 6 and Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 apply, before the Council takes a vote on whether or not to dismiss any holder of one of the 3 posts it must take into account any advice, views or recommendations of the Panel, the conclusions of any investigation into the proposed dismissal and any representations from the relevant officer.

Any payments to the independent persons for their assistance to the Council must not exceed the sums payable to that person's role as an independent person for their work under the Localism Act 2011.

Article 5 – Chairing the Council

5.01 Role and function of the Chair

The Chair and Vice-Chair of the Council are elected at the Annual Council Meeting.

The person chairing the Council Meeting has the following responsibilities:

- (a) To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (b) To preside over meetings of the Council, so that its business can be carried out efficiently and with regard to the interests of the community and the rights of Councillors;
- (c) To ensure that the Council Meeting is a forum for the debate of matters of concern to the local community and the place at which all Members, who do not sit on Policy and Resources Committee or hold committee chairs, are able to hold the members of the Policy and Resources Committee and other chairs to account;
- (d) To promote public involvement in the Council's activities;
- (e) To be the conscience of the Council; and
- (f) To attend such civic and ceremonial functions as the Council and they determine appropriate
- (g) That the chain of office presented to the Chair of Council should be worn for civic and ceremonial functions. This would also apply to the Vice-Chair of the Council.

5.02 **Scheme for the Election of the Chair**

The Scheme for the Election of the Chair of the Council is contained in the Appendices to this Constitution.

Article 6 – Policy and Resources Committee

6.01 Introduction

The Policy Development and Review functions are undertaken by the Policy and Resources Committee.

6.02 Terms of Reference

Policy and Resources Committee

- (i) To set and co-ordinate all policy for itself and the service and other committees which have been delegated by Council:-
- (ii) To review and scrutinise the policies made or proposed to be made by the Council and to recommend appropriately to the Council:
 - (a) whether any new policies are required;
 - (b) whether any existing policies are no longer required;
 - (c) whether any changes are required to any existing policies;
 - (d) whether any action is required to make the policies more effective.
- (iii) To consider any matters which affect the Council's administrative area or the inhabitants of that area and to make recommendations or reports to the Council.
- (iv) To allocate resources to the other Committees to enable the Council functions to take place.
- (v) To be responsible for the following areas of concern and to review performance against the previous year's plans of the services within its remit:
 - Audit and Fraud including Audit Recommendations
 - Commercial Estate management
 - Committee/Member support
 - Communication
 - Customer Services Centre
 - Electoral registration and elections
 - Land and Property (PFM) and Office Services
 - Legal
 - Policy/Corporate support
 - Purchasing/procurement
 - Rent Account
 - Services provided jointly with other Local Authorities:
 - (Accountancy, Treasury, Income and Payments

- Benefits – Housing Benefit, Council Tax Benefit, discretionary NNDR relief
- Collection of Council Tax, National Non-Domestic Rate
- To undertake an annual review of the Council Tax Support Scheme and make recommendations to Council
- Information and Communications Technology
- Human Resources and Training)
- Themes / Strands allocated from the Council's Strategic Plan
- Resources and Finance including the development of Budget recommendations to Council
- Asset Management
- Major Projects
- Local Plan
- Community Infrastructure Levy
- Right to Build Register
- Requests for implementation of Public Spaces Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014.
- to authorise the purchase of property for investment.

6.03 **Membership**

- (i) Membership of the Committee will be determined in accordance with political balance rules under Section 15 to 17 of the Local Government and Housing Act 1989 and in accordance with methods of appointment set out in Council.
- (ii) The Leader of the Council shall Chair this Committee. The Lead Member for ~~Infrastructure and Planning Policy~~ Economic Development and Planning Policy shall be the Lead Member for the Local Plan. All the Lead Members designated as such by Council are *de facto* Members of this Committee. Lead Members are expected to oversee specific areas of work but do not have delegated authority for decisions
- (iii) Any delegations granted to the Leader of the Council may be delegated to the Deputy Leader in their absence.

6.04 **Lead Member for Resources and Shared Services**

	<p>Lead Member Resources and Shared Services – Finance Audit Revenue and Benefits Assets Policy and Corporate Support ICT Procurement and Contracts</p>
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Article 7 – Service Committees

7.01 There are two Service Committees. They are General Public Services and Economic Development and Climate Change, Leisure and Community

7.02 Their functions are:

- (i) To make all decisions in respect of their areas of responsibility (as set out in the tables below) provided these are within their allocated budgets and agreed policies.
- (ii) To consider any matter referred to them by the Council or the Policy and Resources Committee and recommend or report to the Council or the Policy and Resources Committee accordingly.
- (iii) To review performance against the previous year's plans of the services within their remit:
- (iv) To consider any matter identified by the Policy and Resources Committee for consideration within their remit.
- (v) To determine an annual Work Plan.
- (vi) To liaise and seek views of the local community and other interested parties in relation to the above matters.
- (vii) To consider any submitted Community or Councillor Calls for Action.

7.03 **Scope of Services within Service Committees' Remit**

The Council will appoint the Service Committees set out in the left-hand column of the table below to discharge the functions set out in the right-hand column of the same table.

Service Committees	Services Included
<p>General Public Services and Economic Development Committee</p>	<p>Themes / Strands allocated from the Council's Strategic Plan Reporting on allocated service plans</p> <p>Lead Member Economic Development and Planning Policy Economic Development Regeneration Infrastructure Town and Village town centre improvements Brownfield Register Building Control Conservation Areas and Local Listing Community Infrastructure Levy Development Management Policy Heritage Land Charges Land Drainage Listed Buildings Neighbourhood Planning Right to Buy Register Rickmansworth Town Project Board</p> <p>Lead Member Public Services Refuse and Recycling Highways Transport Cycling Parking</p> <p>Lead Member for Housing, Public Health and Wellbeing Housing Policy Homelessness and Housing Advice Housing and Disabled Facilities Grants Management of Traveller sites Private Housing and Houses in Multiple Occupation Residential Environmental Health Temporary accommodation. Public Health Strategy Wellbeing Strategy</p>

<p>Climate Change, Leisure and Community Committee</p>	<p>Themes / Strands allocated from the Council's Strategic Plan Reporting on allocated service plans</p> <p>Lead Member for Leisure Arts development and facilities Leisure grants Leisure development and facilities Open spaces Play areas and play development Sports development and facilities Leisure based health programmes</p> <p>Lead Member Sustainability and Climate Air pollution and noise pollution Animal and pest control Cemeteries and crematorium Environmental Forum Sustainability, climate change and energy efficiency Woodlands Tree Protection</p> <p>Lead Member for Community Partnerships Community Safety:</p> <ul style="list-style-type: none"> • To review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions (it is the Crime and Disorder Committee for the purposes of the Police and Justices Act 2006); • To make reports or recommendations to the Council with respect to the discharge of those functions; • The Committee will be able to co-opt members from the Responsible Authorities (the Community Safety Partnership) should it wish to when reviewing certain projects/decisions. <p>(We are required by law to have a scrutiny committee to carry out this function)</p> <p>Equalities Crime and Disorder Community Safety Partnerships Domestic Abuse Community Safety Disease Control Food Inspection Health and Safety Health and social care Licensing activities covered by the Licensing Acts Licensing and Regulatory activities outside the Licensing Acts Public Spaces Protection Orders Traveller incursions</p>
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7.04 **Proceedings of Service Committees**

The Committees will conduct their proceedings in accordance with the Council Procedure Rules as set out in Part 4 of this Constitution.

7.05. **Membership**

- (i) Membership of the Committees will be determined in accordance with political balance rules under Section 15 to 17 of the Local Government and Housing Act 1989 and in accordance with methods of appointment set out in Council.
- (ii) There are three lead members for each service committee and the chair of each committee will be decided ~~from the three.~~ by the Lead Members at the time of the meeting(s).
- (iii) Substitute Members are permitted in accordance with Council Procedure Rule 28.

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Article 8 – Regulatory and Other Committees

8.01 Regulatory and Other Committees

The Council will appoint the committees set out in the left-hand column of the table Responsibility for Council Functions in Part 3 of this Constitution to discharge the functions described in column 3 of that table.

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Article 9 – The Standards Framework

9.01 In accordance with the Localism Act 2011, the Council has made arrangements to deal with complaints against Members of the District Council or a parish council in respect of breaches of the Code of Conduct. These arrangements are set out in Part 4 of the Constitution.

9.02 The ~~Associate Director Legal and Democratic~~Monitoring Officer shall receive all complaints against Members of the District Council or Parish Council in respect of breaches of the Code of Conduct. They may refer certain matters to a Standards Panel for consideration and/or determination.

9.02 Composition

The Panel will consist of three Members appointed by the Monitoring Officer from the Policy & Resources Committee.

9.03 When dealing with complaints the following stages take place:-

Stage 1 - The ~~Associate Director Legal and Democratic~~ (Monitoring Officer) considers the complaint in consultation with an Independent Person appointed by the Council. The Monitoring Officer may decide not to take any further action, to seek to resolve the matter informally or to require a formal investigation.

Stage 2 - Where the complaint has not been dismissed or resolved informally the Monitoring Officer will appoint an investigator who will advise the Monitoring Officer if, in their opinion, there has been a breach of the Code of Conduct. If the Monitoring Officer, in consultation with an Independent Person, concludes there has been no breach they will close the case. Where they conclude there has been a breach they may seek to resolve the matter informally or refer the matter to a Hearings Panel for determination.

Stage 3 - If a formal Hearing is required, a Panel of 3 Members, will be appointed to consider a report from the Investigating Officer and determine the complaint. If the complaint involves a Parish Councillor, a representative of the relevant Parish Council, Chair or nominated representative —will be added to the membership of the Panel. In accordance with the statutory provision, the Panel will consult the Independent Person before it determines the complaint.

Article 10 – Area Arrangements

10.01 Local Area Forums

The Council has ~~several appointed five~~ area forums, ~~one for each of the District's parished areas and one for the unparished area.~~

Terms of Reference

Each Local Area Forum is a consultative/advisory meeting which itself has no decision-making powers. Its dual purpose is to provide an opportunity for the public to raise matters of concern and interest and to express their views and to provide the Council with a platform to explain its position, policies and plans.

Composition/Membership

The Chair and the Vice-Chair of the Forums are elected at Annual Council. The ~~particular~~ Ward Councillors appointed to each Forum are those that represent the relevant Wards within each parished (or unparished) area. Council Officers attend meetings as warranted by agenda items but officer attendance is kept to a minimum in order to maintain the emphasis on direct interaction between the public and Councillors.

Regularity of Meetings

The meetings ~~are organised as and when required dates are set out in the Council Calendar of meetings. How~~ the meeting is held ~~is left to the discretion of the Chair and can be held~~ either virtually, face to face or as a hybrid meeting. ~~There is no minimum number of meetings per year.~~

General Procedures

It is the responsibility of the Chair and Vice Chair in consultation with fellow Ward Members to formulate the agenda for a meeting. Agendas should be published on the Council website and circulated to all Councillors approximately two weeks in advance of the meeting.

There are no formal notes of the meeting: Members might note any actions they have agreed to pursue, but these are not distributed.

Publicity

A wide range of methods of advertising meetings may be employed including the following:-

- Website and social media
- Local noticeboards (arranged via Council staff)
- Details provided to the relevant Local Parish/Community Council to publicise the meeting
-

Attendance at the meetings

Through the Council website at [MyServices - Three Rivers District Council](#) it is possible for residents to register to receive details on their Local Area Forum

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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:

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

11.02 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise any functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee or advisory panel with these other local authorities.
- (b) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegations in Part 3 of this Constitution.

11.03 Access to Information

The Access to Information Procedure Rules in Part 4 of this Constitution apply.

11.04 Delegation to and from Other Local Authorities

- (a) The Council may delegate functions to another local authority or the executive of another local authority.
- (b) 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 under the Deregulation and Contracting Out Act 1994

The Council and/or one of its Committees may contract out to another body or organisation functions which may be exercised by an officer within any legislative constraints.

Article 12 – Officers

12.01 Management Structure

- (a) **General.** The full Council authorises the engagement of such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Statutory Chief Officers.** The full Council will engage persons for the following posts, who will be designated statutory chief officers:

Post	Functions and Areas of Responsibility
Chief Executive	<p><u>Head of Paid Service</u></p> <p>To lead the Corporate Management TeamBoard and assume overall responsibility for corporate and operational management of the Council including the provision of impartial professional advice to all parts of the political management structures.</p> <p>Together with the Associate Director Legal and Democratic (Monitoring Officer), responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Corporate and Advisory Role: To serve as a member of the Corporate Management TeamBoard and contribute to the corporate management of the Council including the provision of impartial professional advice to all parts of the political management structure.</p> <p>To have a general power of competence in cases of urgency or emergency.</p>
Shared Director of Finance	<p><u>Chief Financial Officer</u></p> <p>Corporate and Advisory Role: To serve as a member of the Corporate Management TeamBoard and contribute to the corporate management of the Council including the provision of impartial professional advice to all parts of the political management structure.</p> <p>Service Role: Strategic oversight of corporate services within the Lead Authority Agreement, currently</p> <ul style="list-style-type: none"> • To contribute to the Corporate Management of the Council • Finance and Accountancy; • Revenues and Benefits • Procurement

Post	Functions and Areas of Responsibility
	Direct operational management responsibility for the following service areas:- <ul style="list-style-type: none"> • Finance and Accountancy, • Revenues and Benefits •
	<ul style="list-style-type: none"> • •

- (c) ~~Head of paid service~~**Chief Executive, Associate Director Legal and Democratic (Monitoring Officer)** and ~~chief financial officer~~**Director of Finance**. The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))	Associate Director Legal and Democratic (Monitoring Officer)
Shared Director of Finance	Chief Finance Officer

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

The ~~head of paid service~~**Chief Executive, Associate Director Legal and Democratic (Monitoring Officer)** and ~~chief financial officer~~**Director of Finance** may nominate a member of staff as a deputy to act in their absence or illness. The following nominations have been made:

Post	Designation
Director/ Associate Director (to be nominated by the Chief Executive)	Deputy Head of Paid Service
Principal Lawyer	Deputy Associate Director Legal and Democratic (Deputy Monitoring Officer)
Shared Director of Finance	Deputy Chief Finance Officer

- (d) **Structure.** ~~Chief Executive~~**Chief Executive** ~~The head of paid service~~ will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.02 **Functions of the Head of Paid Service**

- (a) **Discharge of functions by the Council.** The ~~Chief Executive 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.
- (b) **Restrictions on functions.** The ~~Chief Executive Head of Paid Service may not may not~~ be the ~~Associate Director Legal and Democratic (Monitoring Officer)~~ but may hold the post of ~~Director of Finance chief finance officer~~ if a qualified accountant.

12.03 **Functions of the ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~**

- (a) **Maintaining the Constitution.** The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and procedural fairness of decision making.** The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ will advise whether the decisions of the Committees and Sub-committees are in accordance with the Council's budget and policy framework.

After consulting with the ~~Chief Executive, Director of Finance Head of Paid Service and Chief Finance Officer and~~, the ~~Associate Director Legal and Democratic (Monitoring Officer)~~ will report to the full Council if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (c) **Overseeing the Standards Regime.** The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ will contribute to the promotion and maintenance of high standards of conduct overseeing and supporting the Standards Regime.
- (d) **Conducting investigations.** The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ will conduct investigations into relevant complaints and make reports or recommendations in respect of them to the Panel and/or the Council.
- (f) **Proper officer for access to information.**
- (g) **Providing advice.** The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (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.

- (h) **Restrictions on posts.** The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ cannot be the Director of Finance or Chief Executive ~~Chief Finance Officer or the Head of Paid Service~~.

12.04 **Functions of the Director of Finance**~~Chief Finance Officer~~

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the ~~Associate Director Legal and Democratic (Monitoring Officer)~~, the ~~chief finance officer~~ will report to the full Council and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Director of Finance ~~chief finance officer~~ will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Director of Finance ~~chief finance officer~~ will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The ~~Director of Finance chief finance officer~~ will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Director of Finance ~~chief finance officer~~ will provide financial information to the media, members of the public and the community.

12.05 **Duty to Provide Necessary Resources to the Chief Executive**~~Head of Paid Service, Associate Director Legal and Democratic (Monitoring Officer) and Director of Finance~~Chief Finance Officer

The Council will provide the Chief Executive, ~~Head of Paid Service, Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ and Director of Finance ~~Chief Finance Officer~~ with necessary resources to allow their duties to be performed.

12.06 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 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 4 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 3 of this Constitution.

13.02 Principles of Decision making

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

- (a) The action must be in proportion to the desired outcome;
- (b) There should be due consultation and the taking of professional advice from officers;
- (c) There should be respect for human rights;
- (d) There should be a presumption in favour of openness;
- (e) There should be clarity of aims and desired outcomes;
- (f) There should be legality; and
- (g) There action should be in accordance with the key aims and objectives of the Council, meaning that where more than one decision is available to achieve a desired outcome, the Council will make the decision which is most likely to advance the Council's key aims and objectives, provided it is within its resources.

The reports presented to Council or Committees will explain what options were considered and give the reasons for the decision and the recommendation. A record of decisions made will be taken.

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.

13.04 Decision making by the Full Council

Subject to Article 13.06, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by Committees and Sub-Committees established by the Council

All the Committees will follow the Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.06 **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.

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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 out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.03 Legal Proceedings

The ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ considers that such action is necessary to protect the Council's interests.

14.04 Authentication of Documents

Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Chief Executive unless any enactment otherwise requires or authorises, or the Council otherwise authorises some other person through the scheme of delegation to officers (as contained in Part 3 of this Constitution), or the Council gives the necessary authority to some other person for the purposes of such proceedings.

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 ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ should be sealed. The affixing of the Common Seal will be attested by the Chief Executive, Director of Finance, ~~Director of Community and Environmental Services~~ or the ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~.

Any of the following officers are also authorised to attest the seal:

A Principal Solicitor, Principal Lawyer of the Council, Data Protection and Resilience Emergency Planning and Risk Manager

Article 15 – Review and Revision of the Constitution

15.01 Duty to Monitor and Review the Constitution

The ~~Associate Director Legal and Democratic~~ (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.

Protocol for Monitoring and Review of Constitution by Associate Director Legal and Democratic (Monitoring Officer)

Terms of Reference for Committees

A key role for the ~~Associate Director Legal and Democratic~~ (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 ~~Associate Director Legal and Democratic~~ (Monitoring Officer) may:

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

15.02 Changes to the Constitution

- (a) **Approval** Changes to the constitution will only be approved by the full Council after consideration of the proposal by the ~~Associate Director Legal and Democratic~~ (Monitoring Officer).
- (b) **Change from a Committee system to a Leader and Cabinet form of Executive or to a Mayoral 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 and must hold a binding referendum in accordance with legislation.

C Minor changes to the constitution are delegated to ~~Associate Director Legal and Democratic~~ (Monitoring Officer) ~~and will be reported to the next meeting of the Constitutional Sub-Committee.~~ will be undertaken under Part 3 of the Council Constitution, Section 8, Point 8.4. Any changes made will be reported in the Members' Information Bulletin and an annual report presented to Full Council in February each year.

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least two-thirds of the whole number of Councillors are present. The extent and duration of suspension will be in proportion to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 16.01:
 - Council Procedure Rules
 - Financial Procedure Rules
 - Contracts Procedure Rules

16.02 Interpretation

The ruling of the Chair of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

- (a) The Committee Team will give a copy of the Rules of Council to each member of the authority upon delivery to themselves of that individual's declaration of acceptance of office on the member first being elected to the Council. In addition links to the full Constitution and all the Parts which make up the Constitution are provided
- (b) The Committee Team will ensure that one copy is available for inspection at the Council offices, or can be viewed online at [Council constitution | Three Rivers District Council](#) and can be purchased by members of the local press and the public on payment of a reasonable fee.

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Draft General Principles Relating to Officer Delegation

1. The Chief Executive will establish a scheme of sub-delegations that specifies the functions, names of the post which may carry out that sub-delegated function, and the limits, if any, on the sub-delegation. The Chief Executive will periodically review sub-delegations and whenever necessary ~~and~~ may change sub-delegations as they see fit. The limits on sub-delegation may include the obligation to consult, record and/or refer back to the Chief Executive or other Officers in certain circumstances and are made subject to relevant policies. ~~The Associate Director Legal and Democratic (Monitoring Officer)~~ will maintain the current version of the Council's scheme of officer delegations.
2. This scheme gives the power for the Director of Finance, Associate Directors and Monitoring Statutory Officers to take decisions in relation to all the functions in their areas of responsibility

except where:

- i. a matter is prohibited by law from being delegated to an officer, or
 - ii. a matter has been specifically excluded from delegation by this scheme, by a decision of the full Council, a Committee or Sub-Committee.
3. The Director of Finance (Chief Financial Officer), Associate Directors and Statutory Monitoring Officers may not take decisions unless specifically provided for within the constitution or specifically delegated by a Committee or Sub-Committee.
 4. The cascade principle under which this scheme operates means that any officer given powers under this scheme can further delegate those powers to other officers through a Local Scheme of Delegation (which sets out all the standing delegations given to specific officers in defined areas of the Council's service areas). Officer decisions must be evidenced in writing using the agreed standard form, dated and signed by the officer exercising the delegated authority.
 5. All Local Schemes of Delegation (and any changes to them) must be agreed by the relevant Member of the Senior Leadership Team (SLT) and the ~~Associate Director, Legal and Democratic (Monitoring Officer)~~.
 6. Where a function has been delegated to an officer (including where subdelegated through the cascade principle), the person or body making the delegation may at any time take back responsibility for the function and may therefore exercise the function (make the decision) despite the delegation.
 7. In cases which may be considered novel or contentious or bring recurring obligations, the officer to whom a power has been delegated should consider a matter to be of such importance or sensitivity that their delegated authority should not be exercised. In these circumstances they may refer the matter back to the delegator for determination or for a Committee resolution.
 8. Any power delegated or cascaded under this Scheme can be exercised by the relevant Director of Finance, Associate Directors or Monitoring Statutory Officer and in all cases by the Chief Executive personally, with the exception

of those statutory functions delegated exclusively to the Director of Finance (~~Council's Chief Finance Officer~~) or the ~~Associate Director Legal and Democratic~~ (Monitoring Officer).

9. The powers of this scheme are delegated to the officers referred to by title within this Scheme of Delegation. The delegations apply to whoever holds that post title at any time – not to the individual person. The powers are automatically transferred to any successor officer, to whom the functions are allocated following any reorganisation of the Council's management arrangements, irrespective of a change in the title/name of the officer post. Nominated Deputies are able to exercise all functions of the person delegating the functions.

Officer Delegations

10. Delegations relate to all provisions for the time being in force under any applicable legislation and cover functions of the Council and all powers and duties incidental to that legislation.
11. Any delegation must be exercised:
 - a. In compliance with the Budget and Policy Framework, all the Council's Procedure Rules, the Pay Policy Statement approved annually and the Officer Code of Conduct
 - b. In accordance with the decision-making requirements set out in the Constitution, including requirements for decision-records and access to information
 - c. Having identified and managed appropriate strategic and operational risks within the officer's area of responsibility
 - d. Within the approved Budget and Policy Framework approved by the Council (or separate approval must be sought)
 - e. Following any appropriate legislative, regulatory, consultation, equalities or procedural requirements that may be required.
12. An officer, in exercising delegated powers may consult the relevant Committee Chair if they consider it appropriate to do so and shall consult other appropriate officers for professional advice including legal, financial and technical officers and shall have regard to any views and advice received.
13. Whenever legislation is amended or replaced by new provisions, then the relevant delegated authority in this scheme applies to those new provisions. Whenever new legislation relevant or related to the functions exercised by the Director of Finance or Associate Directors is introduced, that officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as the full Council, a Committee or the Chief Executive decides to whom to allocate responsibility for the new legislation.
14. The Chief Executive, Director ~~of Finance and~~ Associate Directors may appoint another officer as their deputy and such deputy shall have all the powers of the Director and Associate Directors as set out in this Constitution. A deputy may be appointed in relation to all the areas of service delegated to the Chief Executive, Director of Finance or Associate Directors under this Constitution or in relation to a particular area of service only. A deputy may be

appointed for a specific period of time (for example to cover the absence of a Chief Officer) or without time limitation. The appointment of a deputy shall not prevent the exercise by the Director of any delegation set out in this Constitution.

15. If there is any dispute or lack of clarity as to the Director or Associate Director who has power to make decisions on specific areas of service, the Chief Executive shall have power to determine where the delegation should be exercised.

General Delegations to the all Director of Finance and Associate Directors

16. The following delegations shall apply to all Directors (and to any appointed deputies).

Urgent action

17. To act on behalf of the Council in cases of urgency in the discharge of any function of the Council for which their Directorate or Service has responsibility, other than those functions which by law can be discharged only by the Council or a specific Committee. A decision will be urgent where any delay would seriously prejudice the legal or financial position of the Council or the interests of the residents of Three Rivers. This delegation is subject to the conditions that any urgent action:

- a. shall be reported to the appropriate Committee in the Members' Information Bulletin once agreed with an annual report reported to Council in February each year.

- b. Undertaken under Part 3 of the Council Constitution, Section 8, Points 8.1 to 8.3

- ~~b-c.~~ shall take account of advice of the ~~Associate Director Legal and Democratic (Monitoring Officer)~~ and the Director of Finance ~~(the Council's Chief Finance Officer)~~

- ~~e-d.~~ shall be exercised in consultation with the Group Leaders of the Council and will whenever possible be by unanimous agreement. The Leader of the Council will at their discretion determine at what point agreement has not been possible having regard to the urgency of the matter. The Chief Executive will give effect to any urgent decision reached by unanimous agreement.

- ~~d-e.~~ Where agreement has not been reached under the above paragraphs, proportionality will be applied to the decision of each group leader to the effect that their decision reflects the number of seats held by their party on the Council and the Chief Executive will act in accordance with the decision of the group.

Implementation of decisions

18. To take all necessary actions (including the letting of contracts, undertaking statutory processes and incurring expenditure) to implement decisions of Council a Committee, Sub-Committee, or an Officer.

General operational

19. To have overall responsibility for the operational management of the relevant area of service and for bringing forward such strategic plans and policies, and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to exercise the functions for which the service is responsible.

Consultation

20. To undertake and consider the outcome of statutory and non-statutory consultations on service provision.
21. To respond to Government Consultations and consultations from other bodies, in consultation with the relevant Committee Chair.
22. To undertake all steps required to complete Government Statistical Returns.

Finance

23. To manage the finance of their departments to ensure value for money and the development of budget policy options with a detailed assessment of financial implications.
24. To enter into contracts and incur expenditure.
25. To determine a Pricing Strategy that articulates the level of fees or charges payable in respect of any goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery.
26. To submit applications for grant funding that align with the Council Budget and Policy Framework, in accordance with the approvals required under the Financial Procedure Rules.

Staffing

27. To deal with the full range of employment and staff management issues, below Director level including but not limited to appointments, terms and conditions (other than those negotiated nationally) training, discipline, dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances, sick pay, leave, equal opportunities and health and safety in accordance with approved policies and the Employment Procedure Rules.
28. To implement changes to staffing structures subject to prior consultation with all appropriate parties affected by the decision, including any Trades Union, except where the restructure:
 - a. involves the loss of more than one post not currently vacant
 - b. involves re-grading of posts or the grading of new posts
 - c. involves changes to existing National or Local Agreements and policies
 - d. cannot be achieved within the delegated powers in respect of budgets.
29. To enter into reciprocal arrangements for the authorisation and appointment of officers to facilitate cross-border co-operation in the discharge of delegated functions with any other council or enforcement authority.

Land and assets

30. To manage land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture appliances and uniforms necessary for the provision of services.
31. To administer the supply of goods and services to other public authorities and bodies under the Local Authorities (Goods and Services) Act 1970 and all other enabling legislation.
32. To make application for planning permission and any other necessary applications for other consents required for the development of land.

Legal authorisation and enforcement

33. To act as “duly authorised officers” (for the purposes of all relevant legislation) and to enforce/administer the requirements of all relevant regulatory legislation which shall (for the avoidance of doubt) include (but not be limited to) taking the following action (and all actions reasonably necessary, expedient or ancillary in order to facilitate or enable the same):
 - a. Applying for warrants, carrying out investigations, inspections or surveys, entering land and premises, taking samples and seizing property
 - b. issuing (or declining to issue) licences, certificates or certified copies of documents, approvals, permissions, consents, notices, orders, directions or requisitions for information.
34. With the approval of the Monitoring Officer, to authorise the institution, defence or participation in civil and criminal proceedings and quasi-judicial proceedings (which for the avoidance of doubt shall include but not be limited to all court hearings, tribunal, inquiry and appeal processes), administer cautions and/or take any other action considered necessary to protect the interests of the Council.
35. To exercise the role of authorising officer and designated person under the Regulation of Investigatory Powers Act 2000. ~~(The Associate Director Legal and Democratic (The Monitoring Officer) is excluded from this provision as they have the formal ‘reviewer’ role.)~~

Safeguarding children and vulnerable adults

36. To ensure that arrangements are in place to discharge the responsibilities of the Council within their functional responsibilities in respect of the need to safeguard and promote the welfare of children and of vulnerable adults.

Delegations to the Chief Executive/Head of Paid Service

37. The Chief Executive is the most senior officer in the Council. It is their role to support the Councillors and to provide leadership for the Council.
38. The Chief Executive is empowered to operate all the services of the Council and except where powers, duties and functions are delegated to a Councillor decision-making body, to exercise all powers, duties and functions of the Council, including those delegated to other officers with the exception of those statutory functions delegated exclusively to the Director of Finance ~~(Council's Chief Finance Officer)~~ or the ~~Associate Director Legal and Democratic (Monitoring Officer)~~.

39. Every Council has to, by law, appoint one of its officers as the Head of Paid Service. The Chief Executive is also the Council's Head of Paid Service. their responsibility in this role is to make proposals to the Council about the manner in which the discharge of the Council's functions is co-ordinated and the numbers, grades and organisation of staff required and the proper management of those staff.
40. The Chief Executive is given delegated power to undertake the following roles and responsibilities and to take the following decisions subject to the terms of this Constitution:
- a. To be the Council's principal officer representative and to promote its good image and reputation
 - b. To lead and direct the strategic management of the Council
 - c. To appoint other officers as Proper Officers for the purposes of any specific Council service area or function
 - d. Unless another officer is appointed as Proper Officer, to act as Proper Officer for the Council for the purposes of all Council service areas and functions
 - e. To maintain an up-to-date Proper Officer Register showing who is appointed to act as the Proper Officer for all Council service areas and functions
 - f. To discharge emergency planning and civil protection functions;
 - g. To take such steps (including the incurring of expenditure where necessary) as may be required in the event of any national or local emergency requiring immediate action by the Council
 - h. To sign settlement agreements for employees/ex-employees, in consultation with the Chair of the Policy and Resources Committee
 - i. To approve the pay, terms and conditions of service and training of any employee except where approval would be contrary to the provisions of the annual Pay Policy Statement which is reserved to full Council or where an approval falls within the responsibilities of the Policy and Resources Committee or would be contrary to the employment policies of the Council
 - j. To make decisions affecting the remuneration of any post graded MG5 or above in consultation with the Leader as Chair of the Policy and Resources Committee, provided the remuneration for the post remains within the Council approved Pay Policy Statement.
 - k. To undertake the communications, marketing and media functions of the Council with regard to policy and strategic direction (operational responsibility rests with the relevant member of SLT.

Minor Changes to the Council Constitution

[To be carried out under Part 3, section 8, point 8.4 of the Council Constitution.](#)

Part 4
Rules of Procedure

Part 4 – Council Procedure Rules

COUNCIL PROCEDURE RULES

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Appendix 1 – Minute writing standard

THREE RIVERS DISTRICT COUNCIL

PROCEDURE RULES THE PROCEEDINGS AND BUSINESS OF THE COUNCIL

RULE 1

MEETINGS OF THE COUNCIL

- (1) 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 meeting will take place during March, April or May.
- (2) Ordinary meetings of the Council will take place in accordance with a programme decided at the December Full Council meeting~~Council's annual meeting~~
- (3) Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:
 - (i) the Council by resolution;
 - (ii) the Chair of the Council;
 - (iii) ~~(iii) the Associate Director Legal and Democratic~~ (Monitoring Officer);
 - (iv) ~~(iv)~~ any five members of the Council if they have signed a requisition presented to the Chair of the Council and they/he/she has have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- (4) No business shall be transacted at a meeting of the Council other than that specified in the Agenda, except as required by an enactment or as a matter of urgency in accordance with these Rules.
- (5) Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for three hours, or at the Chair's discretion, a shorter period, will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair or at the next ordinary meeting., if there is a quorum present and in the opinion of the Chair the matters remaining to be considered are either of such importance that it's in the interest of the Council that the consideration should then take place or that the extension of time required is minimal, councillors may consent to the continuation of the meeting. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

RULE 2

TIME AND PLACE AND NOTICE OF SUMMONS TO MEETINGS

- (1) The time and place of meetings will be determined by the Chief Executive and notified in the summons.

- (2) The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Executive will issue a summons, signed by them, to every Member of the Council. 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.

RULE 3

CHAIR AND VICE-CHAIR

- (1) **Chair.** The first business to be transacted at the annual meeting of the Council shall be the election of the Chair who shall, unless they resign or becomes disqualified, hold office until their successor becomes entitled to act as Chair at the next annual meeting of the Council.
- (2) **Vice-Chair.** The Council shall at the annual meeting appoint a Vice-Chair who shall, unless they resign or becomes disqualified, hold office until immediately after the election of a Chair at the next annual meeting of the Council.

RULE 4

CHAIR OF MEETING

- (1) The Chair, if present, shall preside at meetings of the Council.
- (2) If the Chair is absent from a meeting of the Council the Vice-Chair, if present, shall preside.
- (3) If both the Chair and Vice-Chair are absent from a meeting of the Council, another Member chosen by the Members present shall preside. This Member shall not be the Leader or a Lead Member.
- (4) The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to committee and sub-committee meetings, references to the Chair also include the Chair of committees and subcommittees.
- (5) The Chair may postpone or adjourn a meeting to a later date with less than the required notice period of five working days with the agreement of Group Spokespersons or with the consent of the Council as appropriate, for example if an item on a published agenda is not available for consideration.
- (6) This Rule shall, with any necessary modification, apply to Committee and Sub-Committee meetings.
- (7) ___ The Chair is entitled to a briefing by officers on the business of the meeting. (addition)

RULE 5

QUORUM - COUNCIL MEETINGS

- (1) No business shall be transacted at a meeting of the Council unless at least one quarter of the whole number of Members is present.
- (2) During any meeting if the Chair counts the number of members present and declares there is not a quorum present, the meeting will adjourn immediately. Remaining

business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

RULE 6

ORDER OF BUSINESS AT COUNCIL MEETINGS

- (1) The Order of Business at every ordinary meeting shall be:
 - (a) To choose a Member to preside if the Chair and Vice-Chair are absent.
 - (b) Apologies for absence.
 - (c) Receive any declarations of interest
 - (d) Approve the Minutes of the previous meeting of the Council
 - (e) Chair's announcements.
 - (f) Receive any petitions under procedure Rule 18.
 - (g) Questions from the public under procedure Rule 15
 - (h) Business required by statute to be dealt with before any other business.
 - (i) To deal with any other business specifically required by law.
 - (j) To receive questions to the Leader and Lead Members under Rule 13(1)
To receive reports from the Leader and Lead Members and to receive any questions on the written reports under Rule 13(5).
 - ~~(k) To receive reports from the Council's Committees and receive questions and answers on any of those reports;~~
 - (l) To deal with any other business specified in the Summons.
 - (m) To consider notices of motions (Rule 11).
- (2) The order of business can be changed by the Chair or by a resolution passed on a motion (which need not be in writing) duly moved and seconded and put to vote without discussion. The Chair may move without discussion any items required to be considered under Section 100A of the Local Government Act 1972 with the press and public excluded to any stage of the meeting after item (g) to ensure that such business is concluded before the close of the meeting.
- (3) If in accordance with Rule 1 the above business (a) to (l) and any items under Section 100A of the Local Government Act 1972 are not concluded by the set time, that business shall be adjourned to a time fixed by the Chair at the time the meeting is adjourned, or, if they do not fix a time, to the next ordinary meeting of the Council. Item (k) will be taken as read and added to the minutes but items (l and m) shall fall and not be considered.

RULE 7

ORDER OF BUSINESS AT ANNUAL COUNCIL MEETINGS

The order of business at the Annual Council meeting shall be:-

- (a) to elect the Chair of the Council for the forthcoming municipal year;
- (b) to elect the Vice-Chair of the Council for the forthcoming municipal year;
- (c) to deal with any item of business required by law to be transacted before any other item;
- (d) to approve the Minutes of the last meeting of the Council;
- (e) to receive any announcements from the Chair and/or Chief Executive~~Head of Paid Service~~;
- (f) to appoint the Leader, Deputy Leader, and Lead Members.
- (g) to establish, subject to Articles 6 and 9 of Part 2 of the Constitution, the Policy and Resources and Service Committees for the municipal year;
- (h) to establish, subject to Article 8 of Part 2 of the Constitution, such regulatory and other Committees as the Council considers appropriate to deal with matters which by law or by the Constitution are not reserved to full Council;
- (i) to determine, subject to Articles, 6, 8 and 9 of Part 2 of the Constitution the size and terms of reference of the Committees referred to in paragraphs (g) and (h) above;
- (j) to determine the allocation of seats to political groups in accordance with Sections 15 to 17 inclusive of the Local Government and Housing Act 1989 (the political balance rules);
- (k) to receive nominations of Councillors to serve on each Committee and appoint the Members of those Committees;
- (l) to appoint the Chairs and Vice-Chairs of the Committees;
- (m) to receive nominations of Councillors to serve on outside bodies and appoint to those bodies;
- (n) to approve, if necessary, a scheme of allowances for the municipal year having regard to the reports and recommendations of the Independent Panel on Members' allowances established by the Council to advise in this respect;
- (o) to approve, if necessary, the appointment and terms of reference of the Independent Panel on Members' Allowances for such term as it thinks fit;
- ~~(p) to approve, if necessary, a programme of ordinary meetings of the Council for the municipal year; and~~
- (q) To receive an annual report from the Chair of the Audit Committee and receive any questions on the report

(re) to consider any other items of business set out in the summons concerning the meeting.

RULE 8

MINUTES OF THE COUNCIL

- 1.** Minutes of the proceedings of Council Meetings will be presented at the next ordinary meeting of Council to be signed by the Chair. The minutes will be a record of the meeting, detailing the attendance and any decisions made. They will be prepared in accordance with the Council's agreed minute writing standards (Appendix ~~12~~ to the procedure rules) but will not be a verbatim record of the meeting.
- 2.** Minutes of the previous meeting shall be taken as read and no motion shall be put, or discussion take place, except on their accuracy.
- 3.** This Rule also applies to Committee and Sub-Committee Meetings, with the necessary modification.

RULE 9

RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting will be registered in attendance by the Committee Team and recorded in the minutes.

RULE 10

EXCLUSION OF PUBLIC

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

RULE 11

NOTICES OF MOTION

- 1.** Notice of every motion to be moved at an ordinary meeting of the Council, other than a motion under Rule 12, shall be given in writing, by the mover and seconder and delivered not later than noon 8 working days before the publication of the summons to the Chief Executive. The notice shall state for which meeting of the Council the notice is given. The notice shall be dated and numbered on receipt in the order in which it is received and entered onto a public register which shall be open to inspection by every Member of the Council.
- 2.** All motions received must have a proposer and seconder.
- 3.** The Chief Executive shall set out in the Agenda for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the Members giving such a notice intimated in writing, when giving it, that they proposed to move it at some later meeting or have since withdrawn it in writing.

- 4 If a motion thus set out in the Agenda be not moved and seconded either by the Members who gave notice thereof or by some other Members on their behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (5) The Chief Executive and ~~Associate Director Legal and Democratic~~ Monitoring Officer shall, in consultation with the Chair of the Council, decide without discussion or debate, that the motion should be more appropriately referred to a Committee in which event it shall be placed on the agenda for the next available meeting of that Committee. Details of motions so referred will be included on the summons as a record. Otherwise, motions will be dealt with at the Council meeting to which they are submitted.
- (6) If a motion includes a proposal for the Council to take any significant policy decision which is contrary to the Budget and Policy Framework or incur any expenditure in excess of £10k it shall only be considered in principle to the extent that the matter is noted by Council and is referred to the relevant Committee for consideration. The motion shall not be moved or debated. The minutes of the meeting will record the motion being received. The decision on the motion will be reported back to Council at a future meeting to note. Any expenditure will be reported in the budget monitoring reports recommended to Council from the Policy and Resources Committee.
- (7). The Policy and Resources Committee may issue guidance on the application of Rule 11(6) with regards to the levels of any expenditure.
- (8) Every notice of motion shall be relevant to some matter in relation to which the Council has powers or duties, or which affects the District.
- (9) A substantive motion which seeks to prevent or postpone the debate of another motion which has already been accepted for inclusion for debate in a future Council agenda shall not be considered for debate by Council. The Chief Executive and ~~Associate Director Legal and Democratic~~ ~~(Associate Director Legal and Democratic~~ (Monitoring Officer)) will in consultation with the Chair of the Council decide if this Rule applies.
- (10) A motion of which notice has been duly given in accordance with the foregoing shall not be amended or varied at any time except in accordance with the following:-

A Member who had given notice of the motion may, with the consent of the Council signified without discussion –

 - (a) alter the motion; or
 - (b) with the further consent of their seconder alter a motion which they have moved;

provided (in either case) the alteration is one which could be made as an amendment thereto.
- (11) A Member of the Council who has proposed and seconded a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion. They shall have the right to attend the meeting and if they attend shall have an opportunity of explaining the motion.
- (12) The rules of debate, contained in Rule ~~156~~ shall, with any necessary modification, apply to this Rule.

RULE 12

MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

- (1) Appointment of a Chair of the meeting at which the motion is moved.
- (2) Motion relating to the accuracy of the Minutes.
- (3) That an item of business specified in the Agenda has precedence.
- (4) To refer back to a Committee a matter dealt with under delegated powers but only when additional material facts, not available at the meeting, were forthcoming.
- (5) Appointment of a Committee or Members thereof, occasioned by an item mentioned in the Agenda for the meeting.
- (6) Adoption of recommendations of the Committees or officers.
- (7) That leave be given to withdraw a motion.
- (8) Extending the time limit for speeches.
- (9) Amendments to motions.
- (10) That the Council proceed to the next business.
- (11) That the question be now put.
- (12) That the debate be now adjourned.
- (13) That the Council do now adjourn.
- (14) Suspending Council Procedure Rules, in accordance with Rule 33.
- (15) Motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public.
- (16) That a Member named under Rule 21 be not further heard or do leave the meeting.
- (17) Giving the consent of the Council where the consent of the Council is required by these Rules.
- (18) Paragraphs (1)-(3), (7)-(13), (15)-(16) of this Rule shall, with any necessary modification, apply to the Committee and Sub-Committee meetings.
- (19) Paragraph (5) of this Rule shall, with any necessary modification, apply to the Committee meetings.

Rule 134

WRITTEN REPORTS FROM AND QUESTIONS TO LEADER OF THE COUNCIL AND LEAD MEMBERS

- (1) Any Member wishing to submit a question to the Leader of the Council ~~and~~ Lead Member ~~or a Committee Chair~~ shall submit it in writing to the ~~Monitoring Officer~~ ~~Proper Officer~~ not later than noon 8 working days before the publication of the Council

summons. Questions must be directly related to the area of responsibility of the relevant Member

- (2) A written answer from the relevant Member will, where practicable be published with the summons. In exceptional circumstances a written answer will be circulated at the meeting. If the matter is particularly complex, a written answer may be circulated to all Members as soon as practicable after the meeting and a record kept with the minutes of the meeting.
- (3) If a Member has an urgent question that has arisen subsequent to the deadline set out in Rule 14(1) above then the question may be submitted to the Monitoring Proper Officer in writing not later than noon on the day of the meeting. The Chief Executive and ~~Associate Director Legal and Democratic (Associate Director Legal and Democratic (Monitoring Officer))~~ will in their absolute discretion determine whether the question constitutes an urgent question such that it may be accepted under this rule. No question shall be accepted as an urgent question where the issue was in the public domain or known to the Member asking the question before deadline set out in Rule 14(1) above. Any urgent question accepted under this Rule shall be answered within 5 working days or as soon as practicable thereafter and the response circulated to all members. A record of the question and response shall be kept with the minutes of the meeting.
- (4) A Member shall be entitled to ask only one supplementary question in response to the written answer on their original question provided that this must be relevant to the subject matter of the original question. The Member who the supplementary question has been provided to will have ~~two~~2 minutes to reply or may provide a written response. The Member shall have a time limit of one minute to put the supplementary question. In the event of a written response being given, this shall be provided within 5 working days or as soon as practicable thereafter and circulated to all Members. If an urgent question is accepted and answered at the meeting then a supplementary question will be permitted on the response.
- (5) At all ordinary meetings of the Council, the Leader of the Council and Lead Members will give a written report on matters relevant to their areas of responsibility, which have arisen since their last report. The written report will be published with the Council summons for the meeting and will be taken as read. An oral report will also be given at the meeting on any matters which have arisen since the written report was published. The oral report shall be limited to three minutes.
- (6) Any Member of the Council may ask one questions on the written and/or oral report followed by one supplementary question to the Member presenting the report. Such questions should directly relate to the contents of the report. The Chair of Council will have the discretion to direct any question to the appropriate Member for response. The Member shall have a time limit of one minute to put the question. The Member who the question has been provided to will have two minutes to reply or may provide a written response. In the event of a written response being given, this shall be provided within 5 working days or as soon as practicable thereafter and circulated to all Members. If an urgent question is accepted and answered at the meeting then a supplementary question will be permitted on the response.
- (7) Questions (written or oral) will be asked and answered without discussion but the Chair of Council, at their discretion, may, in exceptional circumstances and where they consider it to be in the public interest, permit a debate on the issue in question. A Member who has been asked a question may decline to answer, or may name an appropriate person to answer on their behalf.

- (8) Written questions not dealt with at the meeting will not be carried over to the next meeting. The written question and answer will be provided in the minutes. At the next meeting the Member whose question was not dealt with may ask one supplementary question on the written answer provided. The time limits in Rule ~~134~~(65) will apply.

RULE 145

QUESTIONS FROM THE PUBLIC

- (1) Members of the public may ask questions at Ordinary Meetings of the council.
- a. A question may only be asked if it notice has been given by delivering it in writing to the, Chief Executive 8 working days before the publication of the Council summons Each question must give the name and address of the questioner and the name of the member of the council to whom it is to be put..
 - b. Questions will be asked in the order in which they are received, except that the Chair may group together similar questions.
 - ~~b.c.~~ No person or organisation may submit more than one question and no more than two such questions may be asked on the same subject at the same meeting.
 - ~~c.d.~~ The time allocated for questions by the public and replies to them shall not exceed 15 minutes. Each questioner shall be allowed one minute to put their question.
 - ~~d.e.~~ The Chair shall normally reject a question if it
 - Is not about a matter for which the Council has a responsibility, or which affects the district
 - Is defamatory, frivolous or offensive,
 - Is substantially the same as a question which has been put at a previous meeting of Council in the last 6 months or
 - Requires the disclosure of confidential information.
- (2) The ~~Council~~ Chair will determine which questions are to be accepted for answers at Council and which will be dealt with in other ways. The Chief Executive will notify intending questioners whether or not their question has been selected. All questions will be included on the agenda for Council along with the written response. The agenda will also indicate how questions not being dealt with at Council will be progressed.
- (34) A maximum of fifteen minutes for questions will be allowed at each meeting. Only one question can be asked by each member of the public. Questioners may put their question themselves or ask that it be read out by the Chair. ~~With the Chair's permission, I~~ the questioner may ask a supplementary question about the answer.
- (45) Answers will be given by the Leader or by the Lead Member or by a Member nominated by the Leader. An answer may be:-
- (a) an oral answer lasting no more than three minutes; or
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
 - (c) where the information required can more conveniently be given in writing, a written answer; or

- (d) a combination of the above.

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 Councillor to whom it was to be put, will be dealt with by a written answer.

(5)410.11 Reference of question to a Committee

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

- (66) ____ A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds in Rule 10.6 above. Except in extraordinary circumstances notified to the Chair of Council prior to the meeting, other members of the public may not ask supplementary questions.

RULE 156

RULES OF DEBATE FOR COUNCIL MEETINGS

- (1) Unless notice of the motion has already been given, the Chair may require it to be written down and handed to them before it is discussed. There are to be no speeches until the motion is seconded. When seconding a motion or amendment, a Member may reserve their speech until later in the debate. Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech by the proposer of a motion may exceed 5 minutes and no other speech may exceed 3 minutes without consent of the Chair.
- (2) When a councillor speaks at a Council meeting, they must, unless they are unable, stand and address the meeting through the Chair. If more than one councillor stands, the Chair will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or give a personal explanation. This rule will apply at Council and at other meetings at the discretion of the Chair of the meeting.
- (3) A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:-
- (a) to speak once on an amendment moved by another Member;
 - (b) if the motion has been amended since they last spoke, to move a further amendment;
 - (c) if their first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which they spoke was carried;
 - (d) in exercise of a right of reply given by paragraph (11) or (13) of this Rule;
 - (e) on a point of order; and
 - (f) by way of personal explanation.

(46) An amendment shall be relevant to the motion and shall be either:-

- (a) to refer a subject of debate to a Committee for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others;
- (d) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

(57) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of, providing that the Chair of Council may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.

(68) If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

(79) A Member may, with the further consent of their seconder and with the consent of the Council, alter a motion which they have moved provided the alteration is one which could be made as an amendment thereto.

(84) A motion or amendment may be withdrawn by the mover with the consent of their seconder and of the Council, which shall be signified without discussion, and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

(94) The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote but such reply shall be time limited to three minutes. If an amendment is moved, the mover of the original motion shall also have the right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on their amendment.

(104) When a motion is under debate no other motion shall be moved except the following:-

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) that a Member be not further heard;
- (g) by the Chair of Council under Rule 21(2) that a Member do leave the meeting;

- (h) a motion under Section 100(A)(4) of the Local Government Act 1972 to exclude the public;
- (i) to postpone consideration of the motion.

(113) Subject to the provisions of paragraph (5) of this Rule and paragraph (3) of Rule 33, a Member may move without comment at the conclusion of a speech of another Member, “That the Council proceed to the next business”, “That the question be now put”, “That the debate be now adjourned”, or “That the Council do now adjourn”, on the seconding of which the Chair of Council shall proceed as follows:-

- (a) on a motion to proceed to next business; if in the opinion of the Chair the matter before the meeting has been insufficiently discussed, they may refuse to accept the motion; if in the opinion of the Chair, the matter has been sufficiently discussed they shall put the motion to the vote but shall first allow the proposer of the original motion to speak briefly to the closure motion. If the closure motion is carried, the original motion shall be deemed withdrawn.
- (b) on a motion that the question be now put; if the Chair is of the opinion that the matter before the meeting has been insufficiently discussed, they may refuse to accept the motion: if they accept the motion they shall first put to the vote the motion that the question be now put and if it is passed then proceed in accordance with paragraph (11) of this Rule;
- (c) on a motion to adjourn the debate or the meeting; if in their opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be adequately discussed at the meeting, they shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply if the Chair is satisfied that the motion has been sufficiently discussed or that it can be sufficiently discussed at the meeting, they shall announce what further speakers they will call to conclude the debate.

(124) A point of order is a request from a councillor to the Chair to rule on an alleged irregularity in the procedure of the meeting. A councillor may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of the Council Rules of Procedure or the law. The councillor must indicate the specific rule or law and the way in which they consider it has been broken without which the alleged breach shall be disregarded. The ruling of the Chair on the matter will be final and shall not be open to debate. A councillor may rise to give a personal explanation at any time and will be heard immediately. A personal explanation must be confined to some material part of a former speech either by or relating to the Member, at the same meeting which may have been misunderstood..

(135) The ruling of the Chair of Council on a point of order or on the admissibility of a personal explanation is final and not be open for discussion.

~~(16)~~

(148) This Rule, except those parts which relate to standing and speaking more than once, shall, with any necessary modification, also apply to Committee and Sub-Committee meetings.

RULE 167

PROCEDURE RULES FOR BUDGET SETTING

- (1) The budget shall be proposed by a member of the Administration who will be allowed a maximum of 15 minutes to present the budget.

(Electronic copies of the budget proposal and of any related visual presentation must be circulated electronically to all Councillors 5 working days before the meeting. The proposal must be accompanied by a statement from the Council's Chief Financial Officer as to the robustness of any estimates used and the adequacy of the financial reserves resulting from the budget proposal, in accordance with Section 25 of the Local Government Act 2003. The proposals must also be agreed by the Chief Executive or relevant Director to ensure that they are deliverable and that any associated risks are identified. Electronic Copies of all budget proposals must have been supplied to the Chief Financial Officer 10 working days prior to the meeting.

- (2) The Leaders of other parties (or nominated Member) or any individual Member may each propose an alternative budget and will be allowed a maximum of 15 minutes to present their budget. These proposals will be circulated electronically to all Councillors 5 working days prior to the meeting and must be accompanied by a statement from the Council's Chief Financial Officer as to the robustness of any estimates used and the adequacy of the financial reserves resulting from the budget proposal, in accordance with Section 25 of the Local Government Act 2003. The proposals must also be agreed by the Chief Executive or relevant Director to ensure that they are deliverable and that any associated risks are identified. Electronic Copies of all budget proposals must have been supplied to the Chief Financial Officer 10 working days prior to the meeting.
- (3) Each budget will be seconded and the seconder may reserve the right to speak later in the debate for up to five minutes.
- (4) After all budgets have been proposed, there will be one debate covering all the propositions,
- (5) All other Members may have the opportunity to comment/ask questions but they may only speak once during the debate and for no longer than five minutes, apart from points of order.
- (6) The proposer of each budget may sum up/answer questions for no more than ten minutes each, in the reverse order of being proposed.
- (7) A vote will be taken in reverse order of being proposed until a majority of Members present vote in favour of one budget.”
- (8) In accordance with regulations, voting on resolutions setting the budget, Council Tax and Special Expenses shall be by means of recorded vote.

RULE 178

PETITIONS

- (1) Any member of the public may ask to present a petition, either electronically or in paper form, signed by at least 25 residents other than Members of the Council (a proforma is provided e-petitions/petitions page on the website providing details of the information that the Council requires for a paper petition). It must be relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority

or part of it, or the inhabitants of that area or some of them. Subject to the provisions of the Petitions Scheme governing responses to ordinary petitions, the Monitoring Officer~~Proper Officer~~ shall determine which ordinary petitions shall be presented to a Committee or to Council. A petition which asks for the Chief Executive, Director of Finance or Associate Director~~or a Director~~ to give evidence to a public meeting of a Committee must have a minimum of 100 signatures. A planning or licensing objection signed by more than 25 residents should not be deemed a petition for the purpose of this Rule. The Chair and Spokespersons of Planning or Licensing Committee (as appropriate) shall be notified of its receipt and can exercise their right to require the matter to be determined by the appropriate Committee.

- (2) The terms of the petition and signatures shall be submitted in writing by noon on the Monday of the week prior to the meeting.
- (3) A maximum of three petitions shall be received at any meeting. Petitions shall be taken in the order of receipt.
- (4) The Monitoring Officer will determine which petitions should be presented to a Committee and will have discretion over where a petition should go, to ensure that it goes to the most appropriate committee. Exceptionally, a petition might be referred to Council. The title and subject matter of every petition received will be included on the agenda for the relevant Committee. The agenda will also indicate how petitions not being received at that meeting will be progressed.
- (5) One representative of the petitioners shall be allowed to address the meeting for not more than three minutes.
- (6) Petitions shall be presented without debate.
- (7) Except in extraordinary circumstances notified to the Chair prior to the meeting, members of the public may not ask questions or make statements in relation to the subject matter of the petition. No member of the public may speak more than once and no speech shall last longer than three minutes.
- (8) A decision will be made by the Monitoring Officer on how to respond to the petition and a written reply with details of any action proposed will be sent to the representative of the petitioners.
- (9) No petition shall be considered within six months of a petition with the same or likewise
- (10) **E-Petitions**
 - (a) E-Petitions, should be created and submitted through the Council's website, and shall follow the same guidelines as paper petitions, as above. Any e-petition not submitted via the portal must contain sufficient information to allow officers to verify the identity and address of the person who has signed the form
 - (b) _____ The petition organiser shall provide their name, postal address and email address.
 - ~~(c)~~ ~~(e)~~ The E-Petition shall remain open for a maximum of three months.

RULE 189

MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If at a meeting of the Council (or a Committee or Sub-Committee) to which Sections 100A to 100D of the Local Government Act 1972 apply, any question arises as to the staff employed by the Council, such question shall not be the subject of discussion until the Council or Committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 100A(4) of the Local Government Act 1972 shall be exercised.

RULE 1920

DISORDERLY CONDUCT

- (1) When the Chair stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.
- (2) If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, either during their speech or at any point during the meeting, the Chair may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion. If the motion is carried the Councillor concerned may still vote on the matter under debate.
- (3) If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- (4) If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.
- (54) This Rule shall, with any necessary modification, apply to all meetings of the Committees and Sub-Committees.

RULE 201

DISTURBANCE BY MEMBERS OF THE PUBLIC

- (1) If a member of the public interrupts the proceedings at any meeting, the Chair shall warn them. If they continue the interruption the Chair shall order their removal from the Council Chamber. In cases of general disturbance in any part of the Chamber open to the public, the Chair shall order that part to be cleared.
- (2) This Rule shall, with any necessary modification, apply to all meetings of the Committees and Sub-Committees.

RULE 212

RESCISSION OF PRECEDING RESOLUTION BY COUNCIL

- (1) No motion to rescind any resolution of Council or a Committee within the preceding six months and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed at a meeting of the Council unless -

- (a) due notice has been given in accordance with Rule 11 and such Notice bears the names of at least ten Members of the Council; or
 - (b) it is moved as a report or recommendation of a Committee.
- (2) In submitting a motion within the terms of part (1)(a) of this Rule, the Member shall enclose a written assurance that the consent of the Members listed has been obtained.
 - (3) Once a motion or amendment under (1)(a) above has been determined by the Council, it shall not be open to any Member to propose a similar motion or amendment within a further period of six months, notwithstanding the foregoing provisions of this Rule.

RULE 223

VOTING

- (1) Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put. Only those councillors who have been present for the entirety of the debate on the item in question are entitled to vote.
 - (2) If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.
 - (3) Unless this Constitution provides otherwise, or a recorded vote is demanded under Rule 22(4), the Chair will at their ~~his or her~~ discretion take the vote by electronic vote, show of hands or, if there is no dissent, by the affirmation of the meeting.
 - (4) There shall be a recorded vote if:
 - (a) the majority of Councillors present at the meeting demand it,
 - (b) The law so requires it, including in relation to the adoption of the annual budget for the Council Where there is a recorded vote the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- (53) This Rule shall also apply to meetings of the Committees and Sub-Committees, save that a recorded vote shall be taken upon the requisition of not less than two Members.
 - (64) Where any Member requests it ~~immediately~~ after a vote is taken their vote will be so recorded in the minutes whether they voted for the question or against the question or whether they abstained from voting.

RULE 234

VOTING ON APPOINTMENTS

Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes will be taken off the list and a fresh vote shall be taken, and so on until there is ~~a~~ majority of votes for ~~one~~ person.

RULE 245

DISCLOSABLE PECUNIARY and NON-PECUNIARY INTERESTS

The Three Rivers District Council Code of Conduct (appended) defines pecuniary and non-pecuniary interests which Members are required to declare. Normally, where a pecuniary interest in a matter is declared, a Member is unable to participate in the meeting when the item is under discussion.

RULE 256

APPOINTMENT OF COMMITTEES ETC

The Council shall at the annual meeting appoint such Committees as it is required to appoint by or under any statute and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory provisions in that behalf:-

- (a) shall not appoint any Member of a Committee so as to hold office later than the next annual meeting of the Council;
- (b) may at any time dissolve a Committee or alter its membership.

RULE 267

PROCEEDINGS OF COMMITTEES ETC TO BE CONFIDENTIAL

All agenda, reports and other documents and all proceedings relating to Part II of the Committee and Sub-Committee agenda shall be treated as confidential unless and until they become public in the ordinary course of the Council's business, or the Council or Committee authorises their publication.

RULE 278

CONSTITUTION OF COMMITTEES ETC

- (1) The number of seats on each Committee will be allocated in accordance with the Local Government (Committees and Political Groups) Regulations 1990.
- (2) Membership of a Committee dealing with staff negotiations is subject to the restrictions imposed by Section 12 of the Local Government and Housing Act 1989 designed to prevent conflict of interest.
- (3) The appointment of substitute members on Committees will be as follows:-
 - (a) If a member is not able to attend a meeting, their group may arrange a substitute, by the Group Leader giving appropriate notice to the Committee Manager or their representative at the meeting in writing or email, including the name of the member to be appointed in their place. The original member will regain their place on the Committee immediately after the meeting unless otherwise notified.
 - (b) The notice should be given by the appropriate Group Leader to the Committee Manager at the meeting by 12 noon on the day of the meeting; with exception of the Planning Committee whereby notice should be given by the appropriate Group

Leader to the Committee Manager at the meeting by 12 noon on the Monday before the Planning Committee (i.e. 72 hours).

- (c) Members appointed as substitutes are in the same position in terms of responsibilities and duties as any other member, for example in relation to the declaration of any interest they may have.
- (d) A valid notice of substitution, once given in respect of a meeting of a Committee may not be revoked in respect of such meeting or any adjournment of it.
- (f) The Committee Manager (or their representative) shall announce the appointment of any substitute members made in accordance with this procedural rule at the commencement of the meeting.
- (g) In the event of the Chair or the Vice-Chair of a Committee being substituted, the substitute member may only act as an ordinary member.

The normal rules as to the Vice-Chair taking the chair will apply. In the absence of both the Chair and Vice-Chair from a meeting, the meeting shall appoint a Chair for that meeting who shall be drawn from any members present and with voting rights, including any substitute members.

RULE 289

CHAIRS AND VICE-CHAIRS OF COMMITTEES ETC

- (1) The Chair and Vice-Chair of the Committees and the Chair of all standing Committees shall be appointed at the annual meeting of the Council unless, owing to special circumstances, the Council decides otherwise.
- (2) In the absence from a meeting of the Chair and Vice-Chair, a Chair for that meeting may be appointed from those Members present at the meeting.
- (3) In the event of a casual vacancy occurring in the Chair of a Committee, an appointment shall be made at the next ordinary meeting of the Council.

RULE 2930

MEETINGS OF COMMITTEES ETC

- (1) Ordinary meetings of the Committees shall be held in each year on such days as the Council shall determine unless amended by the Chief Executive with agreement of the appropriate Chair. ~~— and the nominated representatives of each of the minority groups.~~
- (2) Ordinary meetings shall normally commence at 7.30pm unless altered in special circumstances by the Chief Executive with the agreement of the Chair of the appropriate Committee. The Chair shall draw to the attention of Members both before the meeting commences and before 10.00pm that the meeting must close no later than 10.00pm.
- (3) The Agenda for the meeting shall set out the business to be considered thereat and no other business shall be considered at that meeting unless notice thereof shall have been given to the Chief Executive no later than noon on the day of the meeting and which the Chair of the meeting may agree is an urgent matter within the terms of Section 100B(4) of the Local Government Act 1972.

- (4) In the case of urgency the Chief Executive may call a special meeting of a Committee at any time. In consultation with the Chief Executive and subject to this Procedure Rule, the Chair of the Council, the Chairs of a Committee or of a Sub-Committee may call a special meeting of that body at any time. A special meeting shall also be called on the requisition of no fewer than four Members of a Committee or three Members of the Sub-Committee delivered to the Chief Executive. The Agenda for the special meeting shall set out the business to be considered and other business can be added at the discretion of the Chair. Should the Chairs of two or more bodies consider that it would be in the best interest of the Council that a joint meeting of these respective bodies be held, they may, after informing the Chair of the Council, instruct the Chief Executive to convene such a joint meeting. The business to be transacted shall only be such as specified on the Agenda.
- (5) Paragraphs (2) and (3) of this Rule shall, with any necessary modification, apply to Sub-Committee meetings.

RULE 301

QUORUM - COMMITTEES ETC

- (1) Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one-third of the whole number is present, provided that in no case shall the quorum be fewer than three Members.
- (2) Business shall not be transacted at a Sub-Committee unless at least one-third of the whole number of the Sub-Committee is present, provided that in no case shall the quorum of a Sub-Committee be less than two Members.

RULE 312

SUSPENSION AND AMENDMENT OF RULES AT COUNCIL MEETINGS

- (1) Subject to paragraph (2) of this Rule, any of the preceding Rules, except for those parts comprising statutory requirements, may be suspended so far as regards any business at the meeting where its suspension is moved.
- (2) A motion to suspend Rules shall not be moved without notice (ie under Rule 12) unless there shall be present at least two-thirds of the whole number of the Members of the Council.
- (3) A Member who has spoken in a debate shall not be permitted to move the suspension of Rules in relation to that motion nor to move a motion under Rule 18(13).
- (4) Rules can be suspended only at Council meetings.
- (5) 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.

RULE 323

INTERPRETATION OF RULES

- (1) The ruling of the Chair as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall be final, without setting any precedent.

- (2) In these Rules, "the Chair" means the Chair of the Council for the time being. Any power or duty assigned to the Chair in relation to the conduct of a meeting may be exercised by the Member presiding at the meeting.
- (3) In computing time under these Rules, Saturday and Sunday shall be counted as ordinary days.
- (4) Paragraphs (1)-(2) of this Rule shall, with any necessary modification, apply to Committee and Sub-Committee meetings.

RULE 334

VALIDITY OF PROCEEDINGS

The proceedings of the Council or of a Committee or Sub-Committee shall not be invalidated by an inadvertent contravention or non-compliance with the provisions of these Rules relating to the convening of meetings and the constitution and terms of reference of Committees or Sub-Committees.

RULE 345

(A) COUNCILLORS AND OTHER ELECTED REPRESENTATIVES MAY ATTEND COMMITTEE OR SUB-COMMITTEE MEETINGS

Any Member of the Council is entitled to attend a Committee, or Sub-Committee of which they are not a Member but they shall not be entitled to vote, they shall not take part in the consideration or discussion of any business, save by leave of the Chair of the body and their comments will be recorded only on the direction of the Chair.

This Rule also applies to –

Members of Parish Councils within the District

Members of the Hertfordshire County Council representing Divisions within the District

Members of Parliament for the residents of the District

(B) REPRESENTATIONS AT COMMITTEES ETC

Members of the public wishing to address a Committee or Sub-Committee on Part I reports contained within the agenda for the meeting shall be given the opportunity to do so subject to:-

- (a) the opportunity being extended to one person to speak in support of each agenda item and one person to speak against each agenda item when called to do so by the Chair;
- (b) an indication of the desire to speak on the agenda item being made by the person wishing to address the Committee or Sub-Committee just prior to the meeting and the name supplied to the Committee Manager in attendance (by means of the register), the first person registering to have precedence in the event of more than one person wishing to speak either for or against the agenda item;
- (c) each person addressing the Committee or Sub-Committee being limited to **three minutes' speech**;

- (d) an opportunity being provided for an expression of a contrary view, even though no prior notice has been given, when a member of the public has spoken for or against the item;
- (e) in the event of the person having registered to speak on an agenda item not wishing to take up their right to speak on the agenda item because it was deferred, that person will automatically be given the right to speak on the agenda item at the next meeting of the Committee or Sub-Committee;
- (f) the Chair of the meeting having discretion to increase the number of speakers and to rule that a person wishing to address the meeting shall not be heard if, in their opinion, that issue or the organisation or the person wishing to make representation on that issue has received an adequate hearing.

RULE 356

EXTERNAL FILMING OF COUNCIL AND COMMITTEE MEETINGS

In accordance with the provisions of the Openness of Local Government Bodies Regulations 2014, any person attending a Council meeting which is open to the public may report on proceedings and publish or disseminate the results. “Reporting” includes filming, recording and providing comments on proceedings and the 2014 Regulations allow for the use of a wide range of methods including social media, in accordance with the protocol and guidance set out in Appendix 1.

RULE 367

APPLICATION TO COMMITTEES AND SUB-COMMITTEES

- (1) All of the Council Rules of Procedure apply to meetings of full Council.
- (2) Rules 2, 4, 5, 8, 9, 10, 11, 12, 16, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 30, 31, 33, 34, 35 and 36 of these Procedural Rules apply to meetings of Committees and Sub-Committees of the Council.

Appendix 1 – Minute Writing Standard

Guide to Minute standards for Council and Committee meetings in Three Rivers District Council

Introduction

Three Rivers District Council Minutes are the formal records of decisions taken at Council, Committee and sub-committee meetings and an accurate record of the proceedings at those meetings.

The minutes are produced in accordance with a range of legislative requirements and case law with seven main pieces of legislation that affect how the meetings are recorded:

- Local Government Act 1972;
- Access to Information Act 1985;
- Standing Order Regulations 1993;
- Local Government Act 2000;
- (Access to Information) (England) Regulations 2012;
- Freedom of Information Act 2000;
- Standing Order (Amendment) Regulations 2014

Requirements Common to all minutes

All minutes of Council, Committee and sub-committee meetings will include the following:

- The name of the body, date, start and end times and venue
- A record of attendance and apologies
- Declarations of interest
- The order of business
- The decisions taken, the reasons for those decisions and relevant points considered in reaching those decisions
- Where proposals are moved and seconded, this will be recorded along with any vote and the decision.
- Recorded votes required by law will be recorded along with any requests.
- Minutes are not designed to be a verbatim record of discussions and will not include every point raised during a discussion.
- The minutes will not name individual Members or name who raised what point.
- Where a petition is received at a meeting it will only be recorded as received in the minutes with the key points in the Member response.
- Short notes on general discussion and points raised will be included.
- Officers will seek to capture the relevant points considering during a debate but not as a verbatim record.
- Members do have the opportunity to suggest amendments to minutes before they are approved at the next meeting of a particular body.

Requirements relating to regulatory committees including the planning committee and licensing committee also have slightly different requirements

- Minutes of these meetings will include: - Summaries of public and ward member representations - A note of late written submissions that the Committee took into consideration - A summary of additional advice provided by officers
- Minutes of the Planning Committee need to include sufficient detail to justify the decision that is made and the planning reasons/justification for that decision. This

is because the minutes of the meeting would be the sole source of explanation or justification used to defend any legal challenge against how a decision is made, or defending any planning appeal which results from Members coming to a decision which differs from the officer recommendation.

- Minutes of the Planning Committee will not name individual members of the public who speak on an application but if they are part of a body or organisation representing a group this can be minuted. For example, a residents association.

Standard for Exempt minutes

- Where matters are considered in part ii every effort will be made to draft the minute in such a way that it can included in the public minutes of that meeting.
- Where this is not possible, a set of part B minutes will be produced that are subject to the same conditions of confidentiality as a part B report.

Publication and retention of minutes

- Following approval of a set of minutes, they will be signed by the chair.
- The Committee Team will destroy their notes of the meeting at this point.
- The minutes will be available for inspection on the council website for a period of six years and the signed copy retained in perpetuity.

Delegated Decisions

- For all Council and Committee decisions which are delegated to a Member of the Senior Leadership Team or Corporate Management Team a record of that delegated decision will be provided in the Members' Information Bulletin

Part 4 - Access to Information Procedure Rules

1. **Scope**

These rules apply to all meetings of the Council, the Regulatory and Planning Committees and other Council Committees or Sub-Committees (together called meetings).

2. **Additional Rights to Information**

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

3. **Rights to Attend Meetings**

Members of the public may attend all meetings subject only to the exceptions in these rules

4. **Notices of Meeting**

The Council will give at least five clear days' notice of any meeting by publishing details of the meeting on the Council website and at the District Council Offices, Three Rivers House, Northway, Rickmansworth, Herts WD3 1RL.

5. **Access to Agenda and Reports Before the Meeting**

The Council will make a copy of the agenda and reports which are open to the public available for inspection at the Designated Office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been published, the designated officer shall make each such report available to the public as soon as the report is completed and sent electronically to councillors) will be open to inspection from the time the item was added to the agenda.

6. **General Rights**

6.1 In addition to the above rights of access to material and documents, all Members of the Council shall have the following rights:

- (i) to inspect any documents or have access to other information of the following description:
 - (a) any Member of the Council or other Member (whether voting or not) of any Committee or Sub-Committee may have access to:
 - (1) any document in the possession, or under the control of the Council which relates to any matter in relation to which a Committee or Sub-Committee of which they are a member may discharge a function of the Council or advise the body which appointed them;
 - (2) any other recorded information, not in the form of a document, in the possession, or under the control, of the Council which is necessary for the proper discharge of

their functions as a member of such a Committee or Sub-Committee.

- (b) any Member of the Council may have access to any document or other recorded information in the possession of, or under the control of the Authority, access to which is necessary for the proper discharge of their functions as a member of the Council;

Provided that:

- (1) no person shall be entitled to inspect any document or have access to any information relating to a matter in which they have a disclosable pecuniary interest;
- (2) a person may be refused the right to inspect a document within paragraph (a) (i) which is not necessary for them to inspect for the purposes of the proper discharge of their functions as a Member of the Committee or Sub-Committee in question if there is good reason why such inspection should be refused;
- (3) access to information not in the form of a document need not be given where the cost of providing the access is unreasonably high, or during such period as the giving of access would unreasonably disrupt the work of the Council.

6.2 In the case of any document other than a document to which the rights under Section 100F of the 1972 Act apply, and in any case of information which is not in the form of a document, if the Proper Officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a Member of the Council or as a Member of a Committee or Sub-Committee, as the case may be) of the person requesting such access, and there is good reason why access should be refused, they may refuse the person concerned access to the document or information in question.

6.3 Where a person inspects a document under the rights conferred by Section 100F of the 1972 Act or this paragraph, and the Council may lawfully make a copy of that document, they shall be entitled, on request, to be given a copy of that document provided that:

- (a) a reasonable charge shall be made for the copy unless the Proper Officer otherwise directs;
- (b) a copy may be refused if the Proper Officer considers that it is impracticable to make a copy.

6.4 If any Member of the Council or any other Member of a Committee or Sub-Committee is dissatisfied with any determination of the Proper Officer under Section 100F of the 1972 Act or under this paragraph, they may refer the question to the Council, who shall, after considering any representations that that person or the Proper Officer may wish to make, determine whether or not to uphold the Proper Officer's determination.

6.5 No Member of the Council and no other Member (whether voting or non-voting) of a Committee or Sub-Committee shall have any claim by virtue of their position:

- (a) to enter any land or buildings occupied by the Council to which the public do not have access or to which Members of the Council do not regularly have access except with the permission of the Head of Service ~~Chief Officer~~ responsible for the services of the Council for which the land or buildings are occupied;
- (b) to exercise any power of the Council to enter or inspect other land or buildings, except where specifically authorised to do so by the Council;
- (c) to exercise any other power of the Council;
- (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the Authority, or with respect to any goods or services which are being, or might be, purchased by the Authority.

6.6 The Proper Officer for the purposes of Section 100F (2) of the 1972 Act and for the purposes of the paragraph is the Chief Executive.

6.7 For the purposes of this paragraph a person has a disclosable pecuniary interest in a matter if, on the assumption that they were a Member of the Council, and that the matter were to be considered by the Council, they would have to declare the interest under the Local Code of Member Conduct.

6.8 Where any information is given to any person (including a Member of the Council or any other Member of a Committee or Sub-Committee) by the Council or by one of its employees in the course of transacting any business of the Council, and it is made clear (in whatever way) that the information is given in confidence, that person is not entitled to make that information public without the consent of the Council.

7. **Supply of Copies**

The Council will supply electronic copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Executive thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

8. **Access to Minutes etc after the Meeting**

8.1 The Council will make available copies of the following after a meeting:

- (a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record without disclosing the exempt information;

For six years following a meeting, the Council will also make available:

- (a) the agenda for the meeting; and
- (b) reports relating to items when the meeting was open to the public.

8.2 Recording of Meetings

That recordings of the meetings of Council and its Committees (so far as they are open to the public) be made available on the Council website for a period of 12 months from the date of the meeting, following which, recordings of the meetings of council and its Committees be archived for a period of 6 years therefore being retained for a total of 7 years, after which they be destroyed, in the absence of a specific reason to retain them.

8.3 Livestreaming of meetings

Public meetings of the Council will be livestreamed when held in the Council offices and sub-committee meetings when held remotely/virtually will be livestreamed. A protocol on the livestreaming of the meetings can be viewed [here](#)

9. Background Papers

9.1 *List of background papers*

The Chief Executive will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) 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 10).

9.2 *Public inspection of background papers*

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

10. Summary of Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Designated Office. These rules constitute such written summary.

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 **Meaning of confidential information**

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

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 **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.

11.4 **Meaning of exempt information**

Exempt information means information falling within the following 7 categories (subject to qualifications as set out below after the listed categories):

1. information relating to any individual
2. information which is likely to reveal the identity of an individual
3. information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and Employees of, or officer holders under, the Authority
5. information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
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
- (7) information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Qualifications/Public Interest Test

Before deciding if any item can be dealt with in Part II under one of the seven paragraphs above there are some Qualifications and a Public Interest Test that will need to be considered.

Qualifications

Information under Paragraph 3 above will not be exempt information if is required to be registered under:-

The Companies Act 1985
The Friendly Societies Acts 1974 and 1992
The Industrial and Provident Societies Acts 1965 to 1978
The Building Societies Act 1986
The Charities Act 1993

Information will not be exempt if it relates to proposed development for which the local planning authority may grant itself planning permission.

Public Interest Test

Information under 1-7 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.

Each report will be looked at on its merits and the more answers Yes to the following the more likely that the report should be open to the public:-

Does or would the information:-

Further the understanding of and participation in the public debate of issues of the day?

Promote the accountability and transparency of the Council's decisions?

Promote accountability and transparency in the spending of public money?

Help individuals understand the Council's decisions affecting their lives and/or assist to challenge such a decision?

Relate to Public Health and Safety?

Relate to Government information which the Public would want to see?

Disclose reasons for a decision made by the Council?

Enhance scrutiny of the government decision-making process?

Some relevant factors against the disclosure of information could include

Distinguishing between things which are of public interest from things which merely interest the public.

Situations where the information includes details of third parties:-

If disclosure would affect the Public Authority's commercial interests, this would cover Council contracts

Impact of the European Convention on Human Rights, principally the right to a private life.

Factors which should not be taken into account

Possible embarrassment of the authority/other organisations
Possible loss of confidence in public authorities
The seniority of persons involved
The risk of the applicant misinterpreting the information

Committee Resolution

When a Committee etc wishes to consider an item in Part II the following resolution will need to be passed:-

That under Section 100A of the Local government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined under paragraphs (1-7) of Part I of Schedule 21A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

12. **Exclusion of Access by the Public to Reports**

If the Chief Executive thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

13. **Record of Decisions**

After any meeting of a Committee or Sub-Committee, whether held in public or private, the Proper Officer or, where no such officer was present, the Chair at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting, as well as particulars of any conflict of interest declared and any dispensation granted.

Part 4 – Budget and Policy Framework Procedure Rules

1. The Framework for Decision-Making

- 1.2 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 Policy & Resources Committee to implement it.

2. Process for Developing the Budget and Policy Framework

- 2.1 The process by which the budget and policy framework shall be developed is:-

- 2.2 Each year the Policy & Resources Committee will agree the budget & policy framework for the following year. The purpose of the framework is to establish the process whereby the Council will determine its three-year medium-term strategic plan, the related service plans, and the allocation of financial resources to achieve them.

2.3 ***The process for agreeing the strategic, service and financial plans relies upon the principles that:***

- The Policy & Resources Committee concentrates at a strategic level on how the council allocates resources between its key objectives, the level of council tax to be set, and the financial reserves to be held.
- Service committees formulate recommendations to the Policy and Resources Committee on the provision and level of services within their remit and validate the details of the budget to achieve this.
- Officers prepare savings & growth proposals for consideration by the service committees.

- 2.4 The Policy & Resources Committee will recommend the policy & budget framework to Council for approval as part of the budget setting process.

- 2.5 The Council will approve the Policy & Resources Committee recommendation subject to any amendments it agrees upon.

3. The Budget Setting Process

- 3.1 Officers will formulate their budgets and resources based on the strategic and individual service plans and submit a revised budget for the current year and draft budgets for the next 3 years for consideration by the Policy & Resources Committee in January in accordance with the policy and budget framework.

- 3.2 The Policy & Resources Committee may agree and recommend to Council the revised budget and the draft revenue estimates for the forthcoming 3 years.

Or

- 3.3 The Policy & Resources Committee notes that the Administration will present its recommendations on strategic, service and financial planning to the Council meeting in February.

4. Legal Issues

- 4.1 The Council is required to set its budget before 11 March each year.

- 4.2 The Council's Director of Finance (Chief Finance Officer) ~~(Director of Finance)~~ has a statutory duty to report to the Council if it is likely to incur expenditure that is unlawful or likely to exceed its resources. Section 25 of the Local Government Act 2003 places a duty on the ~~m~~ ~~Chief Finance Officer~~ to report on the robustness of the estimates and the adequacy of the financial reserves.

Part 4 - Financial Procedure Rules

Introduction

- 1.1 To conduct its business efficiently, the Council needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of Financial Procedure Rules that set out the financial policies of the Council. As a Council we are committed to innovation, within the regulatory framework, providing that the necessary risk assessment and approval safeguards are in place.
- 1.2 These Financial Procedure Rules provide clarity about the financial accountabilities of individuals – Policy and Resources Committee Members, the Chief Executive (Head of Paid Service), the ~~Associate Director Legal and Democratic~~ (Monitoring Officer), the Director of Finance (Chief Financial Officer) and Associate Directors ~~and Chief Officers~~.
- 1.3 The Council's governance structure is laid down in its constitution, which sets out how the Council operates, how decisions are made and the procedures that are followed.

Financial Procedure Rules

- 2.1 The following pages set out how we intend to interpret these Financial Procedure Rules. Both Members and the Chief Executive, Director of Finance and Associate Directors ~~Chief Officers~~ may have delegated powers and functions mentioned in this document.
- 2.2 Each section of the financial procedures follows the format set out below:-
- **why is this important?**
this sets the context for the financial procedures and accountability
 - **key controls**
this explains the key internal controls that set the framework for ensuring Financial Procedure Rules are operating effectively
 - **responsibilities of the Chief Financial Officer**
 - **responsibilities of Associate Directors** ~~Chief Officers~~.

Status of Financial Procedure Rules

- 2.3 Financial Procedure Rules provide the framework for managing the Council's financial affairs. They apply to all services, every member and officer of the Council and anyone acting on its behalf.
- 2.4 The Rules identify the financial responsibilities of the Council, Council Committees and ~~Chief Officers, the Head of Paid Service~~ (Chief Executive) (Head of Paid

~~Service), the Associate Director Legal and Democratic (Monitoring Officer) (Solicitor to the Council) and the Director of Finance the Ch(Chief Financial Officer (Shared Director of Finance). These officers Chief Officers~~ should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers, references to the ~~se Chief Officer in the~~ Rules should be read as referring to them.

- 2.5 All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 2.6 The Council's detailed financial procedures, setting out how the Rules will be implemented, are contained in separate guidance and do not form part of the Constitution.
- 2.7 The Director of Finance (Chief Financial Officer) is responsible for issuing advice, guidance and accounting instructions to underpin the Financial Procedure Rules that members, officers and others acting on behalf of the Council are required to follow.

Financial Roles and Responsibilities

Introduction

- 3.1 The roles and responsibilities of Members and Officers are set out in the Council's Constitution. The purpose of Financial Procedure Rules is to provide an overview of the respective roles and responsibilities of Members and Officers within the Council. Specific financial responsibilities are set out in more detail throughout the subsequent sections.

The Council

- 3.2 The Council is responsible for adopting the Council's Constitution and Members' Code of Conduct and for approving the policy framework and budget within which the Policy and Resources Committee and other Council Committees operates. It is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control. The framework is set out in its constitution. The Council is also responsible for monitoring compliance with the agreed policy and related Committee decisions.
- 3.3 The Council is responsible for approving procedures for recording and reporting decisions taken. This includes decisions taken by Committees. These delegations and details of who has responsibility for which decisions are set out in the Constitution.

Policy and Resources Committee

- 3.4 The Policy and Resources Committee is responsible for proposing the policy framework and budget to the Council,

Committees

- 3.5 All functions are exercised through relevant Committees under powers delegated by the Council. The Council has appointed the following Committees: Audit, Planning, Regulatory Services, Licensing and Service Committees.

The Statutory Officers

Chief Executive (Head of Paid Service) ~~(Chief Executive)~~

3.6 The ~~Chief Executive Head of Paid Service~~ is responsible for the corporate and overall strategic management of the Council as a whole. They must report to and provide information for the Council, the Policy and Resources Committee and other Committees. They are responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The ~~Chief Executive Head of Paid Service~~ is also responsible, together with the ~~Associate Director Legal and Democratic (Monitoring Officer)~~, for the system of record keeping in relation to all the Council's decisions (see below).

Associate Director Legal and Democratic (Monitoring Officer) ~~(Monitoring Officer)~~

3.7 The ~~Associate Director Legal and Democratic (Monitoring Officer)~~ is responsible for promoting and maintaining high standards of conduct. The ~~Associate Director Legal and Democratic (Monitoring Officer)~~ is also responsible for reporting any actual or potential breaches of the law or maladministration to the Council

3.8 The ~~Associate Director Legal and Democratic (Monitoring Officer)~~ is responsible for advising all Councillors and officers about who has authority to take a particular decision.

3.9 The ~~Associate Director Legal and Democratic (Monitoring Officer)~~ (together with the Chief Financial Officer) is responsible for advising Council and Committees about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- initiating a new policy
- committing expenditure in future years to above the
- budget level
- transfers above virement limits
- causing the total expenditure financed from Council tax,
- grants and corporately held reserves to increase.

3.10 The ~~Associate Director Legal and Democratic (Monitoring Officer)~~ is responsible for maintaining an up-to-date constitution.

Director of Finance (Chief Financial Officer) ~~(Director of Finance)~~

3.11 The Director of Finance, as the Council's Chief Finance Officer, has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations 1996 (as amended)

3.12 The Chief Financial Officer is responsible for:

- the proper administration of the Council's financial affairs
- setting and monitoring compliance with financial management standards, advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
- providing financial information
- preparing the revenue budget and capital programme
- treasury management.

3.13 Section 114 of the Local Government Finance Act 1988 requires the Chief Financial Officer to report to the Council, Policy and Resources Committee and external auditor if the Council or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council
- is about to make an unlawful entry in the Council's accounts

Section 114 of the 1988 Act also requires:

- the Chief Financial Officer to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under section 114 personally
- the Council to provide the Chief Financial Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

Heads of Service? Chief Officers (for discussion or leave as chief officer)

3.14 Chief Officers are individually responsible for the proper financial management of resources allocated to their services through the budget process and for the identification of and accounting for income which falls due within their area. This includes control of staff and the security, custody and control of all other resources including plant, buildings, material, cash, stores and equipment.

3.15 Chief Officers shall ensure that their staff receive sufficient training to enable them to be aware of and comply with the requirements of these Financial Procedure Rules and The Constitution.

3.16 Chief Officers are responsible for ensuring that members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Financial Officer

3.17 It is the responsibility of Chief Officers to consult with the Chief Financial Officer and seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.

Financial Regulations A

Financial Planning and Financial Management

- 4.1 The Council is responsible for agreeing the Council's policy and budget, which will be proposed by Policy and Resources Committee. In terms of financial planning, the key elements are: the corporate plan · the budget · the capital programme.
- 4.2 The Council is responsible for approving policy and budget. The policy comprises those statutory plans and strategies set out in the Council's Constitution.
- 4.3 The Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Such decisions should be referred to the Council by the ~~Associate Director Legal and Democratic~~ (Monitoring Officer) or Chief Financial Officer.
- 4.4 The Council is responsible for setting the level at which the Policy and Resources Committee may reallocate budget funds from one service to another. The Policy and Resources Committee is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.
- 4.5 The ~~Chief Executive Head of Paid Service~~ is responsible for proposing the corporate plan to the Policy and Resources Committee for consideration before its submission to the Council for approval.

Financial Regulations B

Risk Management and Control of Resources

- 4.6 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.
- 4.7 Internal control refers to the systems of control devised by the Council's Senior Leadership Team to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
- 4.8 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.
- 4.9 The Council is responsible for determining how officer support for Committee roles within the Council will be organised.
- 4.10 The ~~Chief Executive Head of Paid Service~~ is responsible for providing overall management to staff. They are also responsible for ensuring that there are agreed systems for determining the remuneration of a job.

4.11 Heads of Service ~~Chief Officers~~ are responsible for controlling total staff numbers by:

- advising the Policy and Resources Committee on the budget necessary in any given year to cover estimated staffing levels.
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs.
- the proper use of appointment procedures.

Financial Regulations C

Financial Systems and Procedures

4.12 Sound financial systems and procedures are essential to an effective framework of accountability and control.

Financial Regulations D

External Arrangements

4.13 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion and improvement of the economic, social or environmental well-being of its area.

Financial Procedure Rules

A: Financial Management and Planning

1 Financial management standards

- (a) The Chief Financial Officer is responsible for maintaining a continuous review of the Financial Procedure Rules and submitting any additions or changes necessary to the Council for approval. The Chief Financial Officer is also responsible for reporting, where appropriate, breaches of the Financial Procedure Rules to the Policy and Resources Committee and/or Council.
- (b) Chief Officers are responsible for ensuring that all staff in their departments are aware of the existence and content of the authority's Financial Procedure Rules and that they comply with them.

Context

All staff and members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

Key Controls

The key control and control objective for financial management standards are that they are promoted throughout the Council

Responsibilities of the Chief Financial Officer

To ensure the proper administration of the financial affairs of the Council.

To set the financial management standards and to monitor compliance with them.

To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the Council.

To advise on the key strategic controls necessary to secure sound financial management.

Responsibilities of Chief Officers

To promote the financial management standards in their services and to monitor adherence to the standards and practices, liaising as necessary with the Chief Financial Officer.

To promote sound financial practices in relation to the standards, performance and development of staff in their services.

2. Budgeting – Budget Format

- (a) The Council's capital and revenue budgets shall be prepared in a form consistent with the requirements of Local Government Act 2003 and CIPFA's Service Reporting –

Code of Practice. The budget should include allocation to different services and projects, proposed taxation levels, balances and reserves.

Context

The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, and sets the level at which funds may be reallocated within budgets.

Key controls

The key controls for the budget format are:

- (a) the format complies with all legal requirements
- (b) the format complies with CIPFA's *Service Reporting – Code of Practice*
- (c) the format reflects the accountabilities of service delivery.

Responsibilities of the Chief Financial Officer

To advise the Policy and Resources Committee on the format of the budget that is approved by the Council.

Responsibilities of Chief Officers

To comply with accounting guidance provided by the Chief Financial Officer.

3. Budgeting – resource allocation

- (a) The Chief Financial Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's policy framework.

Context

A mismatch often exists between available resources and required resources. Available resources are not always adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

Key controls

The key controls for resource allocation are:

- (a) resources are acquired in accordance with the law and using an approved authorisation process
- (b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for
- (c) resources are securely held for use when required
- (d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities of the Chief Financial Officer

To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.

To assist in the allocation of resources to cost centre managers.

Responsibilities of Chief Officers

To work within budget limits and to utilise resources allocated in the most efficient, effective and economic way.

To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

4. Budgeting – budget preparation – revenue budget

The Policy and Resources Committee is responsible for issuing guidance on the general content of the budget in consultation with the Chief Financial Officer as soon as possible following approval by the Council.

- (a) Reports to Members must include, where appropriate, any revenue and capital implications, including any longer-term financial commitments at current prices, of the recommendation or options upon which decisions are sought.
- (b) Each Chief Officer shall consult the Chief Financial Officer with respect to any matter which is liable to materially affect the Council's finances before any provisional or other commitment is incurred or before reporting thereon to Members.
- (c) As near as possible to the 30 September each year the Chief Financial Officer shall submit to the Policy and Resources Committee a financial review of the prospects for the ensuing year.
- (d) The Chief Financial Officer shall submit to the Policy and Resources Committee before the end of December in each year an estimate of the Council's revenue budget for the ensuing financial year and a medium term (three year) financial plan. The Policy and Resources Committee shall recommend to the Council its statutory 'Budget Requirement' having sought the views of the Committees.

Context

The Council is responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the Council's plans and policies.

Any report on new proposals should explain the full financial implications. Unless the Council has agreed otherwise, Chief Officers must plan to contain the financial implications of such proposals within existing budgets.

The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Council. Budgets are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for a Council to budget for a deficit.

Medium-term planning (a four year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the Council is always preparing for events in advance. An entry in the MTFP does not automatically mean that a decision has been agreed and it is imperative that officers ensure that they have followed the correct governance process.

Key Controls

The key controls for budgets and medium-term planning are:

- (a) specific budget approval for all expenditure
- (b) cost centre managers are responsible for the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Policy and Resources Committee for their budgets and the level of service to be delivered
- (c) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Responsibilities of the Chief Financial Officer

To prepare and submit reports on budget prospects for the Policy and Resources Committee including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate.

The Chief Financial Officer is responsible for ensuring that a revenue budget is prepared on an annual basis and a general revenue plan on a three-yearly basis as part of the financial strategy for consideration by the Policy and Resources Committee, before submission to the Council . The Council may amend the budget or ask the Policy and Resources Committee to reconsider it before approving it.

To prepare and submit reports to the Policy and Resources Committee on the aggregate spending plans of departments and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council tax to be levied.

To advise on the medium-term implications of spending decisions.

To encourage the best use of resources and value for money by working with Chief Officers to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

Responsibilities of Chief Officers

To prepare estimates of income and expenditure, in consultation with the Chief Financial Officer, to be submitted to the Policy and Resources Committee.

To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.

In consultation with the Chief Financial Officer and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the Policy and Resources Committee and other Committees .

It is the responsibility of Chief Officers to ensure that budget estimates reflecting agreed service plans are submitted to the Policy and Resources Committee and to the relevant Committees and that these estimates are prepared in line with guidance issued by the Policy and Resources Committee .

When drawing up draft budget requirements, to have regard to:

- (a) spending patterns and pressures revealed through the budget monitoring process

- (b) legal requirements
- (c) policy requirements as defined by the Council in the approved policy framework
- (d) initiatives already under way.

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5. Budgeting - budget preparation – capital investment programme

- (a) The officers shall submit to the Policy and Resources Committee before the end of December in each year a prioritised programme of the Council's proposed capital investment for the ensuing four financial years.
- (b) The Policy and Resources Committee, having sought the views of the other Committees shall recommend to the Council those schemes that should be included in the capital investment programme for the ensuing years at the meeting of the Council called for the consideration of the Council's Budget Requirement. The Policy and Resources Committee shall also, at that time, recommend to the Council the method of financing the capital investment programme.

Context

Capital expenditure involves acquiring or enhancing fixed assets with a long-term value, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

Capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key Controls

The key controls for capital programmes are:

- (a) specific approval by the Council for the programme of capital expenditure
- (b) a scheme and estimate, progress targets and associated revenue expenditure is prepared for each capital project, for approval by the Policy and Resources Committee.
- (c) the development and implementation of an asset management plan
- (d) accountability for each proposal is accepted by a named manager
- (e) monitoring of progress in conjunction with expenditure and comparison with approved budget.

Responsibilities of the Chief Financial Officer

To prepare capital estimates jointly with Chief Officers and to report them to the Policy and Resources Committee. The Policy and Resources Committee will make recommendations on the capital estimates and on any associated financing requirements to the Council.

To prepare and submit reports to the Policy and Resources Committee on the projected income, expenditure and resources compared with the approved estimates.

To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Chief Financial Officer, having regard to government regulations and accounting requirements.

Responsibilities of Chief Officers

To ensure that all capital proposals have undergone a project appraisal.

To prepare regular reports reviewing the capital programme provisions for their services.

To ensure that adequate records are maintained for all capital contracts.

To proceed with projects only when there is adequate provision in the capital programme.

To prepare and submit reports, jointly with the Chief Financial Officer, to the Policy and Resources Committee, of any variation in contract costs greater than the approved limits

To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Chief Financial Officer and, if applicable, approval of the scheme through the capital programme.

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6. Managing expenditure - budget monitoring and control

- (a) The Chief Financial Officer shall ensure that each Chief Officer has access to information showing, for the cost centres for which that officer is responsible, the sums specified in the approved budgets, the income receivable, and the payments actually made against those budgets.
- (b) Each Chief Officer shall make arrangements for regularly reviewing the progress of income and expenditure, including commitments, against the approved budgets/latest approved estimates and shall report thereon to the Policy and Resources Committee together with projections of the out-turn figures.

Context

Budget management ensures that once the budget has been approved by the full Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the budget allocated to it.

For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the Chief Officer.

Key controls

The key controls for managing and controlling the revenue budget are:

- (a) budget managers should be responsible only for income and expenditure that they can influence
- (b) there is a nominated cost centre manager for each cost centre heading
- (c) cost centre managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities
- (d) cost centre managers follow an approved certification process for all expenditure
- (e) income and expenditure are properly recorded and accounted for
- (f) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

Responsibilities of the Chief Financial Officer

To establish an appropriate framework of budgetary management and control that ensures that:

- (a) budget management is exercised within budgets unless the Council agrees otherwise

- (b) each Chief Officer has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
- (c) expenditure is committed only against an approved budget head
- (d) all officers responsible for committing expenditure comply with relevant guidance, and the financial procedure rules
- (e) each cost centre has a single named manager, determined by the relevant Chief Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
- (f) significant variances from approved budgets are investigated and reported by budget managers regularly.

To submit reports to the Policy and Resources Committee and to the Council, in consultation with the relevant Chief Officer, where a Chief Officer is unable to balance expenditure and resources within existing approved budgets under their control.

To prepare and submit reports on the authority's projected income and expenditure compared with the budget on a regular basis.

Responsibilities of Chief Officers

To maintain budgetary control within their departments, in adherence to the principles above, and to ensure that all income and expenditure is properly recorded and accounted for.

To ensure that an accountable cost centre manager is identified for each item of income and expenditure under the control of the Chief Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.

To ensure that spending remains within the service's overall budget, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.

To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.

To prepare and submit to the Policy and Resources Committee reports on the service's projected expenditure compared with its budget, in consultation with the Chief Financial Officer.

To ensure prior approval by the Council or Policy and Resources Committee (as appropriate) for new proposals, of whatever amount, that:

- (a) create financial commitments in future years
- (b) change existing policies, initiate new policies or cease existing policies
- (c) materially extend or reduce the Council's services.

To agree with the relevant Chief Officer where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Chief Officer's level of service activity.

7. Managing expenditure – virement and carry forward of underspends

- (a) The full Council is responsible for agreeing procedures for virement of expenditure between budget headings.
- (b) Both revenue and capital accounts shall be analysed and reported to the Policy and Resources Committee by cost centre. If a projection of net income or expenditure to the year end is likely to vary from an approved budget/latest approved estimate by more than the tolerances set by the Council, then the Chief Officer shall provide an explanation. Reports must include significant items of unbudgeted income and underspends and may make requests for their utilisation. Whenever possible equivalent savings should be identified to avoid a projected overspend.
- (c) If the Policy and Resources Committee, having considered the report of a Chief Officer under this Rule, identifies a likely overspend in the total revenue budget, for which no corresponding saving can be identified, it shall recommend a supplementary revenue estimate for approval by the Council.
- (d) If the Policy and Resources Committee, having considered the report of a Chief Officer under this Rule, identifies a likely underspend in the total revenue budget, it may, if it so wishes, agree additional items of expenditure up to the amount of such underspend, providing the Council's budget in future years would not be increased.
- (e) If the Policy and Resources Committee, having considered the report of a Chief Officer under this Rule, identifies a likely overspend in the total capital investment programme, for which no corresponding saving can be identified, it shall recommend a supplementary estimate for approval by the Council.
- (f) If the Policy and Resources Committee, having considered the report of a Chief Officer under this Rule, identifies a likely underspend in the total capital investment programme, it may, if it so wishes, agree additional items of capital expenditure up to the amount of such underspend, providing the Council's budget in future years would not be increased.
- (g) The Chief Financial Officer shall prepare for the Policy and Resources Committee immediately prior to each Council meeting a summary of the Council's overall financial position.
- (h) A change to the Council's budget agreed in accordance with this Financial Procedure Rule shall become the "Latest Approved Estimate" against which, for the purposes of this Rule, all further variations must be compared. The Latest Approved Estimate agreed as a result of the meeting of the Council for the consideration of the Budget Requirement shall be termed its "Revised Budget" for the current year.
- (i) If a motion is moved at Council which would increase the net revenue or capital budget of the Council, it shall when proposed and seconded stand adjourned without discussion to the next meeting of the Policy and Resources Committee -(if appointed) unless either:-
 - (i) there is a new statutory obligation to incur expenditure; or
 - (ii) the Policy and Resources Committee has already considered the matter and the recommendations are before the Council.

Context

The scheme of virement is intended to enable the Policy and Resources Committee, chief officers and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and therefore to optimise the use of resources.

Key controls

Key controls for the scheme of virement are:

- (a) it is administered within guidelines set by the Council. Any variation from this scheme requires the approval of the Council
- (b) the overall budget is recommended by the Policy and Resources Committee and approved by the Council. Policy and Resources Committee may approve variations within the overall budget only if they have no affect on the plans and strategies approved by the Council within its policy framework (see Article 4). Chief officers and cost centre managers are authorised to incur expenditure in accordance with the estimates that make up the budget. These Financial Procedure Rules cover virement; that is, switching resources between cost centres. For the purposes of this scheme, a cost centre is considered to be a line in the approved estimates report, equivalent to the standard service subdivision as defined by CIPFA's Service Expenditure Analysis
- (c) virement does not create additional overall budget liability. Chief officers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Chief officers must plan to fund such commitments from within their own budgets.
- (d) no underspend or overspend is carried forward to the following year.

Responsibilities of the Chief Financial Officer

To prepare jointly with the chief officers regular reports to the Policy and Resources Committee detailing changes in cost centre budgets.

Responsibilities of chief officers

A chief officer or delegated cost centre manager may exercise virement within cost centres under their control.

Virements between cost centres require the approval of the Policy and Resources Committee, following a joint report by the Chief Financial Officer and the chief officer, which must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year. Proposals to increase overall expenditure require approval of the Council on recommendation of the Policy and Resources Committee.

Where an approved budget is an amount intended for allocation during the year, its allocation will not be treated as a virement, provided that the amount is used in accordance with the purposes for which it has been established.

8. The annual statement of accounts

- (a) The 'Annual Statement of Accounts' shall be prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom*
- (b) The Chief Financial Officer is responsible for selecting accounting policies and ensuring that they are applied consistently.
- (c) As soon as it is practicable after the end of the financial year, and before 1 July, the Chief Financial Officer shall prepare the 'Annual Statement of Accounts' for the preceding year.

Context

The Council has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. The Audit Committee is responsible for approving the audited statutory annual statement of accounts.

Key controls

The key controls for the annual statement of accounts are:

the Council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this Council, that officer is the Chief Financial Officer

the Council's statement of accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom*.

The accounting policies are set out in the statement of accounts and cover such items as:

- (a) separate accounts for capital and revenue transactions
- (b) the basis on which debtors and creditors at year end are included in the accounts
- (c) details on substantial provisions and reserves
- (d) fixed assets
- (e) depreciation
- (f) work in progress
- (g) stocks and stores
- (h) government grants
- (i) leasing

Responsibilities of the Chief Financial Officer

To select suitable accounting policies and to apply them consistently.

To make judgements and estimates that are reasonable and prudent.

To comply with the *Code of Practice on Local Authority Accounting in the United Kingdom*.

To prepare and publish the audited accounts of the Council for each financial year, in accordance with the statutory timetable and with the requirement for the Audit Committee to approve the statement of accounts before 30 September.

To sign and date the statement of accounts, stating that it presents fairly the financial position of the Council at the accounting date and its income and expenditure for the year ended 31 March 20xx.

To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

Responsibilities of Chief Officers

To comply with accounting guidance provided by the Chief Financial Officer and to supply the Chief Financial Officer with information when required.

9. Maintenance of reserves

- (a) The Chief Financial Officer shall advise the Policy and Resources Committee and the Council on prudent levels of reserves for the Council.

Context

The Council must decide the level of general reserves it wishes to maintain before it can decide the level of Council tax. Reserves are maintained as a matter of prudence. They enable the Council to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items. The Use Earmarked Reserves is covered in Part 4 – Budget and Policy Rules.

Key controls

To maintain reserves in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom* and agreed accounting policies.

For each reserve established, the purpose, usage and basis of transactions should be clearly identified.

Authorisation and expenditure from reserves by the Council.

Responsibilities of the Chief Financial Officer

To advise the Policy and Resources Committee and the Council on prudent levels of reserves for the Council, and to take account of the advice of the external auditor in this matter.

Responsibilities of Chief Officers

To ensure that when reserves are likely to be required to meet unforeseen expenditure, decisions are taken in accordance with these Financial Procedure Rules.

B: Risk Management and Control of Resources

10. Risk management

- (a) The Chief Financial Officer is responsible for preparing the Council's risk management policy statement, for promoting it throughout the Council .The Chief Financial Officer is responsible for advising the Policy and Resources Committee on proper insurance cover where appropriate.
- (b) The Chief Financial Officer shall negotiate and effect all insurances by the Council and they shall maintain a register of all insurances effected by the Council, showing the property and/or risks covered. Chief Officers shall notify the Chief Financial Officer of:-
 - (i) New risks which come to their knowledge with estimates of value in the case of property, vehicles, plant or other tangible assets.
 - (ii) Information coming to their knowledge which can have a bearing on existing risks.
- (c) Any accident or other incident which may result in a claim against the Council, or by the Council under a policy of insurance or otherwise shall be notified to the Chief Financial Officer.
- (d) All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.
- (e) Chief Officers shall consult the Chief Financial Officer in respect of the terms of any indemnity which the Council is requested to give.
- (f) The Chief Financial Officer shall annually, or at such other period as they may consider necessary, review all insurances in consultation with other Chief Officers as appropriate.
- (g) If any question arises as to the operation of the Council's insurances or as to taking out a new or amended policy which requires a decision of the Council, it shall be reported to the Policy and Resources Committee.
- (h) All officers who use private cars on the Council's business shall produce current Insurance Policies and/or renewal receipts as required by the Chief Financial Officer.

Context

All organisations face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.

It is the overall responsibility of the Chief Financial Officer to approve the Council's risk management strategy, and to promote a culture of risk management awareness throughout the authority.

Key controls

The key controls for risk management are:

- (a) procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the Council
- (b) a monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis
- (c) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives
- (d) provision is made for losses that might result from the risks that remain
- (e) procedures are in place to investigate claims within required timescales
- (f) acceptable levels of risk are determined and insured against where appropriate
- (g) the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

Responsibilities of the Chief Financial Officer

To prepare and promote the Council's risk management policy statement.

To develop risk management controls in conjunction with other Chief Officers.

Responsibilities of the Chief Financial Officer

To include all appropriate employees of the Council in a suitable fidelity guarantee insurance.

To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where necessary.

Responsibilities of Chief Officers

To notify the Chief Financial Officer immediately of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Chief Financial Officer or the Council's insurers.

To take responsibility for risk management, having regard to advice from the Chief Financial Officer and other specialist officers (eg crime prevention, fire prevention, health and safety).

To ensure that there are regular reviews of risk within their departments.

To notify the Chief Financial Officer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.

To consult the Chief Financial Officer and the ~~Solicitor to the Council~~ Monitoring Officer on the terms of any indemnity that the Council is requested to give.

To ensure that employees, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

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11. Internal controls

- (a) The Chief Financial Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- (b) It is the responsibility of Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Context

Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

The Council is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.

The Council has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.

The Council faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.

The system of internal controls is established in order to provide measurable achievement of:

- (a) efficient and effective operations
- (b) reliable financial information and reporting
- (c) compliance with laws and regulations
- (d) risk management.

Key controls

The key controls and control objectives for internal control systems are:

- (a) key controls should be reviewed on a regular basis and the Council should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively
- (b) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities
- (c) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems

- (d) an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Public Sector Internal Audit Standards issued by CIPFA and with any other statutory obligations and regulations.

Responsibilities of the Chief Financial Officer

To assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

Responsibilities of Chief Officers

To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.

To review existing controls in the light of changes affecting the Council and to establish and implement new ones. Chief Officers should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.

To ensure staff have a clear understanding of the consequences of lack of control.

12. Audit requirements

- (a) An adequate and effective internal audit, as specified by the Chief Financial Officer, shall be maintained to carry out an examination of accounting, financial and other operations of the Council.
- (b) The Chief Financial Officer or their authorised representative shall have authority to:-
 - (i) enter at all reasonable times on any Council premises or land;
 - (ii) have access to all records, documents, and correspondence relating to any financial and other transactions of the Council;
 - (iii) require and receive such explanations as are necessary concerning any matter under examination; and
 - (iv) require any employee of the Council to produce cash, stores, or any other Council property under their control.
- (c) The Chief Financial Officer shall make such arrangements as are necessary to enable the external auditors to carry out their responsibilities.

Context

The Accounts and Audit Regulations 2011 issued by the Secretary of State for the Communities and Local Government require every local authority to undertake an adequate and effective internal audit of its accounting records and its systems of internal control.

Accordingly, internal audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

Each local authority is required to appoint an External Auditor. The basic duties of the external auditor are governed by statute

Key controls

The key controls for internal audit are:

- (a) that it is independent in its planning and operation
- (b) Internal audit has direct access to the Chief Executive, all levels of management and directly to elected members
- (c) the internal auditors comply with the Public Sector Internal Audit Standards.

Responsibilities of the Chief Financial Officer

To manage the internal audit contract and ensure that the quality of the contractor's work is monitored.

To ensure that internal auditors have the authority to:

- (a) access Council premises at reasonable times
- (b) access all assets, records, documents, correspondence and control systems
- (c) receive any information and explanation considered necessary concerning any matter under consideration
- (d) require any employee of the Council to account for cash, stores or any other Council asset under their control
- (e) access records belonging to third parties, such as contractors, when required
- (f) directly access the Chief Executive and, where appropriate, the Policy and Resources Committee

To approve the strategic and annual audit plans prepared by Internal Audit, which take account of the characteristics and relative risks of the activities involved.

To make proper arrangements for the audit of the Council's accounts in accordance with the Accounts and Audit Regulations 2011.

Responsibilities of Chief Officers

To ensure that auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.

To ensure that auditors are provided with any information and explanations that they seek in the course of their work.

To consider and respond promptly to recommendations in audit reports.

To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

To notify the Chief Financial Officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources. Pending investigation and reporting, the Chief Officer should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

13. Preventing and detecting fraud and corruption

- (a) The Chief Financial Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption and money laundering policies.
- (b) The Chief Executive or the Chief Financial Officer shall be informed immediately of any irregularity or suspected irregularity affecting cash, stores, or other property of the Council. The Chief Executive or the Chief Financial Officer shall determine who shall conduct the investigation and report on the matter to them. If sufficient evidence of fraud or irregularity has been obtained, the Chief Executive or Chief Financial Officer shall, where necessary, inform the Police or if they have reasonable suspicion that Money Laundering the Chief Financial Officer (as Money Laundering Reporting Officer) will make a report as required under the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2003 has or could take place, the Money Laundering Reporting Officer.
- (c) The Chief Financial Officer is the appointed Money Laundering Reporting Officer pursuant to the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2003.

Context

The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.

The Council's expectation of propriety and accountability is that members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

The Council also expects that individuals and organisations (eg suppliers, contractors, service providers) with whom it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

Key controls

The key controls regarding the prevention of financial irregularities are that:

- (a) the Council has effective anti-fraud, anti-corruption and Money Laundering policies and maintains a culture that will not tolerate fraud or corruption
- (b) all members and staff act with integrity and lead by example
- (c) senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council or who are corrupt
- (d) high standards of conduct are promoted amongst Members
- (e) the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded
- (f) whistle blowing procedures are in place and operate effectively
- (g) legislation including the Public Interest Disclosure Act 1998 is adhered to.

Responsibilities of the Chief Financial Officer

To develop and maintain an anti-fraud ,anti-corruption and Money Laundering policies.

To maintain adequate and effective internal control arrangements.

To ensure that all suspected irregularities are investigated.

To receive and consider any report that gives rise to reasonable grounds for knowledge or suspicion of Money Laundering and to determine whether a report needs to be made to the National Criminal Intelligence Service.

Responsibilities of Chief Officers

To ensure that all suspected irregularities are reported to the Chief Financial Officer, or Chief Executive.

To instigate the Council's disciplinary procedures where the outcome of an investigation indicates improper behaviour.

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14. Assets - Security

- (a) Each Chief Officer is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash etc under their control. They shall consult the Chief Financial Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed. Chief Officers should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.
- (b) Maximum limits for cash holdings shall be agreed with the Chief Financial Officer and shall not be exceeded without their express permission.
- (c) Keys to safes and similar receptacles are to be stored securely: the loss of any such keys must be reported to the Chief Financial Officer.
- (d) The Head of Corporate Strategy and Client Services shall be responsible for maintaining proper security and privacy in respect of information held in computer installations, or for its use.

Context

All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

The Council holds assets in the form of property, vehicles, equipment, furniture and other items. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Key controls

The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:

- (a) resources are used only for the purposes of the Council and are properly accounted for
- (b) resources are available for use when required
- (c) resources no longer required are disposed of in accordance with the law and the regulations of the Council so as to maximise benefits
- (d) an asset register is maintained for the Council, assets are recorded when they are acquired by the Council and this record is updated as changes occur with respect to the location and condition of the asset
- (e) all staff are aware of their responsibilities with regard to safeguarding the Council's assets and information, including the requirements of the Data Protection Act, the Information Security Policy and software copyright legislation
- (f) all staff are aware of their responsibilities with regard to safeguarding the security of the Council's computer systems, including maintaining restricted access to the information

held on them and compliance with the Council's computer and internet security policies.

Responsibilities of the Chief Financial Officer

To ensure that an asset register is maintained in accordance with good practice. The function of the asset register is to provide the Council with information about fixed assets so that they are:

- safeguarded
- used efficiently and effectively
- adequately maintained.

To receive the information required for accounting, costing and financial records from each Chief Officer.

To ensure that assets are valued in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom*.

Responsibilities of Chief Officers

To ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Chief Officer in consultation with the ~~Solicitor to the Council~~ Monitoring Officer, has been established as appropriate.

To ensure the proper security of all buildings and other assets under their control.

Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the Chief Officer and the Chief Financial Officer.

To pass title deeds to the ~~Solicitor to the Council~~ Momitoring Officer who is responsible for custody of all title deeds.

To ensure that no Council asset is subject to personal use by an employee without proper authority.

To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Council.

To ensure that the service maintains an inventory of moveable assets in accordance with arrangements defined by the Chief Financial Officer.

To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.

To consult the Chief Financial Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

To ensure cash holdings on premises are kept to a minimum.

To ensure that keys to safes and similar receptacles are stored securely; loss of any such keys must be reported to the Chief Financial Officer as soon as possible.

To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the Chief Financial Officer, the Policy and Resources Committee agrees otherwise.

To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Chief Financial Officer.

To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way.

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15. Assets - inventories

- (a) Chief Officers shall maintain an inventory in a form and to the extent agreed with the Chief Financial Officer wherein shall be recorded transport, moveable plant and machinery, furniture, office machinery and equipment and any other similar property belonging to the Council. The care and custody of such property shall be the responsibility of the Chief Officer concerned.

Responsibilities of Chief Officers

To maintain inventories that record an adequate description of furniture, fittings, equipment, plant and machinery and their estimated value.

To carry out an annual check of all items on the inventory in order to verify location, review, condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Council.

To make sure that property is only used in the course of the Council's business, unless the Chief Officer concerned has given permission otherwise.

16. Assets – stocks and stores

- (a) Each Chief Officer shall be responsible for the proper care and custody of all stocks and stores, tools, plant and other equipment in their service.
- (b) Stocks shall not be in excess of normal requirements except in special circumstances with the approval of the Chief Financial Officer.
- (c) The Chief Financial Officer shall be responsible for stores accounting procedures.
- (d) At 31 March in each year, or as near to that date as is practicable, a complete stock-taking of all stores shall be carried out by the service concerned, in consultation with the Chief Financial Officer. A complete stock-taking may be waived or modified after consultation with the Chief Financial Officer where a system of continuous stock-taking is in full operation. Stock sheets shall be certified by the Chief Officer concerned as to quantities and by the Chief Financial Officer as to prices and values.

Responsibilities of Chief Officers

To make arrangements for the care and custody of stocks and stores in the service.

To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.

To investigate and remove from the Council's records (ie write off) discrepancies as necessary, having obtained approval from the Chief Financial Officer.

To authorise the disposal of redundant stocks and equipment by competitive quotations or auction, unless, following consultation with the Chief Financial Officer, the Policy and Resources Committee decides otherwise in a particular case.

To seek Policy and Resources Committee approval to the write-off of redundant stocks and equipment.

17. Assets – intellectual property

- (a) Staff must not carry out private work in Council time. The Council will exercise its rights with regard to intellectual property.

Context

Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.

Certain activities undertaken within the Council may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

Responsibilities of the Chief Financial Officer

To develop and disseminate good practice regarding establishing appropriate intellectual property procedures.

Responsibilities of Chief Officers

To ensure that controls are in place to ensure that staff do not carry out private work in Council time and that staff are aware of an employer's rights with regard to intellectual property.

18. Asset Disposal

- (a) Each Chief Officer shall arrange that at 30 September each year, all items on their inventories are checked. Any surplus or deficiency, or items surplus to requirements or obsolete, shall be notified to the Chief Financial Officer who shall submit a co-ordinated list of such surpluses or deficiencies to the Policy and Resources Committee.
- (b) The Director of Finance to have authority to dispose of vehicles which are obsolete and surplus to requirements obtaining the best possible terms for their disposal, following consultation with the Chief Financial Officer.
- (c) 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 except in accordance with specific directions issued by the Chief Officer concerned.
- (d) Any surplus or deficiency revealed at the annual stock-take of stocks and stores or at any other time shall be reported by the Chief Financial Officer to the Policy and Resources Committee. Stores deemed to be surplus to requirements or obsolete in the opinion of the Chief Officer responsible shall likewise be reported.

Context

It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the Council.

Key controls

Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the Council, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.

Using such procedures protect staff involved in the disposal from accusations of personal gain.

Responsibilities of the Chief Financial Officer

To ensure appropriate accounting entries are made to remove the value of disposed assets from the Council's records and to include the sale proceeds if appropriate.

Responsibilities of Chief Officers

To seek advice on the disposal of surplus or obsolete materials, stores or equipment.

To ensure that income received for the disposal of an asset is properly banked and coded.

19. Treasury management

- (a) The Council has adopted CIPFA's *Code of Practice for Treasury Management in Public Services 2011*.
- (b) The Council is responsible for approving the treasury management strategy and policy statement which shall be proposed to it by the Policy and Resources Committee. The Chief Financial Officer has delegated responsibility for implementing and monitoring the statement.
- (c) All money in the hands of the Council is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the Chief Financial Officer.
- (d) All decisions on borrowing, investment or financing shall be delegated to the Chief Financial Officer, who is required to act in accordance with CIPFA's *Code of Practice for Treasury Management in Public Services*.
- (e) The Audit Committee is responsible for ensuring effective scrutiny of the treasury management strategy and policies

Context

Many millions of pounds pass through the Council's books each year. Management of the Council's investments and cash flows, banking, money market and capital market transactions; the effective control of risks associated with those activities, and the pursuit of optimum performance consistent with those risks. The Code of Practice provides assurances that the Council's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Council's capital sum.

Key controls

Treasury management activities, borrowings and investments are performed in accordance with the treasury management strategy, policies and practices and comply with the CIPFA Code of Practice on Treasury Management.

Responsibilities of the Chief Financial Officer

Reporting to the Policy and Resources Committee a proposed treasury management strategy for the coming financial year at or before the start of each financial year to include a policy statement on treasury management objectives, the approach to risk management of treasury management activities.

Reporting to the Policy and Resources Committee and Council treasury management policies, practices and activities including a mid-year review and an annual report following the close of the year.

The selection of treasury management practices setting out the manner in which the Council will seek to achieve policies and objectives and prescribing how it will control and manage those activities.

Responsibilities of Chief Financial Officer – treasury management and banking

To arrange the borrowing and investments of the Council in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the Council's treasury management policy statement and strategy.

To report annually on treasury management activities to the Policy and Resources Committee and Audit Committee.

To operate bank accounts as are considered necessary – including the opening or closing any bank account.

All arrangements with the Council's bankers concerning the Council's banking account shall be approved by the Policy and Resources Committee and shall be managed by the Chief Financial Officer.

All computer-printed cheques shall bear the computer generated signature of the Chief Financial Officer.

Cheques for £50,000 and over require an additional signature

Cheques below £50,000 do not require any additional signature.

The approved signatories are: -

Chief Executive
Chief Financial Officer
Head of Finance
Head of Revenues and Benefits
Benefits Manager
Recovery Team Leader
Revenues Manager
Finance Business Partner
Finance Managers
Senior Accountants
Solicitor to the Council
Monitoring Officer

Responsibilities of Chief Officers – treasury management and banking

To follow the instructions on banking issued by the Chief Financial Officer.

Responsibilities of Chief Financial Officer – investments and borrowing

To ensure that all securities that are the property of the Council or its nominees and the title deeds of all property in the Council's ownership are held in the custody of the appropriate Chief Officer.

To effect all borrowings in the name of the Council.

To act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council.

Responsibilities of Chief Officers – investments and borrowing

To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Policy and Resources Committee, following consultation with the Chief Financial Officer.

Responsibilities of Chief Officers – trust funds and funds held for third parties

To 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 with the Chief Financial Officer, unless the deed otherwise provides.

To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Chief Financial Officer, and to maintain written records of all transactions.

To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

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C: Financial Systems and Procedures

20. Systems and accounting records

- (a) The Chief Financial Officer is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes to the existing financial systems or the establishment of new systems must be approved by the Chief Financial Officer.
- (b) Chief Officers should ensure that their staff receive relevant financial training that has been approved by the Chief Financial Officer.
- (c) Chief Officers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Chief Officers must ensure that staff are aware of their responsibilities under Freedom of Information, Data Protection and Environmental Information legislation.
- (d) The Chief Financial Officer shall ensure as far as practicable that:-
 - (i) The duty of calculating, checking and recording the monies due to or from the Council shall be separated from the duty of collecting or disbursing those monies; and;
 - (ii) Officers charged with the duty of examining or checking the accounts of cash transactions shall not themselves be engaged in any of those transactions.

Context

Sound systems and procedures are essential to an effective framework of accountability and control.

Information must be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.

The Chief Financial Officer has a professional responsibility to ensure that the Council's financial systems are sound and should therefore be notified of any new developments or changes.

Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources.

Key controls

The key controls for systems and accounting records are:

- (a) basic data exists to enable the Council's objectives, targets, budgets and plans to be formulated
- (b) performance is communicated to the appropriate managers on an accurate, complete and timely basis
- (c) early warning is provided of deviations from target, plans and budgets that require management attention

- (d) operating systems and procedures are secure.
- (e) all members, finance staff and cost centre managers operate within the required accounting standards and timetables
- (f) all the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis
- (g) procedures are in place to enable accounting records to be reconstituted in the event of systems failure
- (h) reconciliation procedures are carried out to ensure transactions are correctly recorded
- (i) prime documents are retained in accordance with legislative and other requirements.

Responsibilities of the Chief Financial Officer

To make arrangements for the proper administration of the Council's financial affairs, including to:

- (a) issue advice, guidance and procedures for officers and others acting on the Council's behalf
- (b) determine the accounting systems, form of accounts and supporting financial records
- (c) establish arrangements for audit of the Council's financial affairs
- (d) approve any new financial systems to be introduced
- (e) approve any changes to be made to existing financial systems.

To determine the accounting procedures and records for the Council.

To arrange for the compilation of all accounts and accounting records.

To comply with the following principles when allocating accounting duties:

- (a) separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums from the duty of collecting or disbursing them
- (b) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

To ensure that all claims for funds including grants are made by the due date.

To ensure the proper retention of financial documents and maintain a document retention schedule.

Responsibilities of Chief Officers

To ensure that accounting records are properly maintained and held securely.

To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Chief Financial Officer.

To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.

To incorporate appropriate controls to ensure that, where relevant:

- (a) all input is genuine, complete, accurate, timely and not previously processed
- (b) all processing is carried out in an accurate, complete and timely manner
- (c) output from the system is complete, accurate and timely.

To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.

To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.

To ensure that systems are documented and staff trained in operations.

To consult with the Chief Financial Officer before changing any existing system or introducing new systems.

To establish a scheme of delegation identifying officers authorised to act upon the Chief Officer's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.

To supply lists of authorised officers, with specimen signatures and delegated limits, to the Chief Financial Officer, together with any subsequent variations.

To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.

To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.

To ensure that relevant standards and guidelines for computer systems issued by the Chief Officer are observed.

To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc

To comply with the copyright, designs and patents legislation and, in particular, to ensure that:

- (a) only software legally acquired and installed by the Council is used on its computers
- (b) staff are aware of legislative provisions
- (c) in developing systems, due regard is given to the issue of intellectual property rights.

To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Chief Financial Officer.

21. Income

- (a) Where any money is receivable on behalf of the Council by any Officer, they shall account to the Chief Financial Officer for the same in such manner as the Chief Financial Officer shall reasonably require; and all money received by any officer on behalf of the Council shall be passed to the Head of Revenues and Benefits to enable it to be paid into a bank account of the Council as soon as possible.
- (b) All accounts for debts due to the Council shall be rendered by the Head of Revenues and Benefits and for this purpose other Chief Officers shall furnish the Head of Revenues and Benefits with particulars of all charges that ought to be made for work done, services rendered, or goods supplied by or on behalf of the Council and as soon as possible after the amount of any such charge is ascertained. All individual debts due to the Council shall be only be written off if approved in accordance with the scheme for write off as approved from time to time by the Policy and Resources Committee.
- (c) All forms of receipt and tickets shall be in a form approved by the Chief Financial Officer and shall be used and issued by employees of the Council in accordance with the Chief Financial Officer's reasonable requirements. A register shall be maintained for this purpose.
- (d) The Chief Officer who is responsible for the Council entering into any lease, tenancy, contract, or other instrument whereby any payment does or will become due to or from the Council shall as soon as possible after the execution thereof furnish the Head of Revenues and Benefits and the Chief Financial Officer with sufficient particulars of the contents of the document to enable the setting up of adequate financial records relating to such payment and when such document is determined or ceases to have effect in any other way (otherwise than by the passage of time) the Chief Officer in question shall notify the Head of Revenues and Benefits and the Chief Financial Officer as soon as possible.

Context

Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cashflow and also avoids the time and cost of administering debts.

Key controls

The key controls for income are:

- (a) all income due to the Council is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed
- (b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery
- (c) all money received by an employee on behalf of the Council is paid without delay to the Council's bank account, and properly recorded. The responsibility for cash collection should be separated from that:

for identifying the amount due

for reconciling the amount due to the amount received

- (d) effective action is taken to pursue non-payment within defined timescales
- (e) formal approval for debt write-off is obtained
- (f) appropriate write-off action is taken within defined timescales
- (g) appropriate accounting adjustments are made following write-off action
- (h) all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule
- (i) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

Responsibilities of the Chief Financial Officer

To agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection.

To order and supply to services all receipt forms, books or tickets and similar items and to satisfy themselves regarding the arrangements for their control.

To ensure an appropriate write off policy is in place and reviewed from time to time

To ensure that appropriate accounting adjustments are made following write-off action.

Responsibilities of Chief Officers

To levy charges for the supply of goods or services, including the appropriate charging of VAT, in accordance with the charging policy approved by the Policy and Resources Committee.

To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.

To hold securely receipts, tickets and other records of income for the appropriate period.

To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.

To ensure income is not used to cash personal cheques or other payments.

To supply the Head of Revenues and Benefits and the Chief Financial Officer with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Head of Revenues and Benefits to record correctly the sums due to the Council and to ensure accounts are sent out promptly. To do this, Chief Officers should use established performance management systems to monitor recovery of income and flag up areas of concern to the Chief Financial Officer. Chief Officers have a responsibility to assist the Head of Revenues and Benefits in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf. Only up to approved levels of cash can be held on the premises.

Responsibility of the Head of Revenues and Benefits

To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.

To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.

To issue official receipts or to maintain other documentation for income collection.

To ensure that income is paid fully and promptly into the appropriate Council bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.

To keep a record of every transfer of money between employees of the Council. The receiving officer must sign for the transfer and the transferor must retain a copy.

To comply with the Council's write off policy when writing off bad debts

To notify the Chief Financial Officer of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Chief Financial Officer.

22. Expenditure – orders and payment for works, goods and services

- (a) All official orders shall be issued in a manner approved by the Chief Financial Officer and the contract or agreed prices shall be specified on issued orders. Telephone or oral orders shall be confirmed by written order as soon as practicable. Orders should show the relevant expenditure code and the cost, or estimated cost, of the goods or works or services.
- (b) Invoices and accounts shall be sent direct to Accounts Payable. Invoices will be registered on the accounts payable system and certification by the spending department will be as regularly as practicable. The Chief Financial Officer shall examine such invoices and accounts and the certifying officer shall supply such further information or explanation as the Chief Financial Officer may reasonably require.
- (c) If upon examining any such invoices or accounts it appears to the Chief Financial Officer that the expenditure incurred is not authorised by or under Contracts Procedure Rules or Financial Procedure Rules or that these Rules have otherwise not been complied with, they shall inform the certifying officer of the fact and after giving the Chief Officer a reasonable opportunity to investigate and comment upon the defect and unless the defect can be and is remedied they shall report to the Policy and Resources Committee.
- (d) The Chief Officer issuing the order for the purchase of goods, materials, works or services shall be responsible for examining, verifying, and certifying for payment the invoice for the goods, materials, works or services so ordered.

Certification for payment means that:-

- (i) the goods and materials have been received, examined and approved as to quality and quantity and entry has been made in the appropriate inventory, stores record, where applicable; or
- (ii) the work or services ordered have been done or rendered satisfactorily; and
- (iii) the payment certified is within the limitation in expenditure provided for and otherwise complies with the Contracts Procedures Rules and the Financial Procedure Rules; and
- (iv) prices, arithmetic and codings are correct; and
- (v) the items have not previously been paid for.

A Chief Officer may delegate any of the matters specified in items (i) to (v) above provided that invoices and accounts shall be finally certified by them personally or by their section heads or nominated managers.

- (e) Each Chief Officer shall, as soon as possible after 31 March and not later than 15 April year, notify the Chief Financial Officer of all outstanding expenditure relating to the previous year.

- (f) Where contracts provide for payment to be made by instalments, the Chief Officer concerned shall arrange for the keeping of a Contract Register or Registers to show the state of account between the Council and the Contractor, together with any other payments and the related professional fees.
- (g) The Chief Financial Officer shall be informed of all contracts, agreements and instruments involving the payment or receipt of money on behalf of the Council.
- (h) Payments to contractors on account of contracts shall be made only on a certificate signed by the Chief Officer or other authorised Officer of the appropriate service, or by any architect, engineer, surveyor or other consultant (not being an officer of the Council) who is responsible to the Council for the supervision of a contract on its behalf, showing the total value of the contract, the value of work executed to date, retention money, amount paid to date, and the amount now certified.
- (i) Subject to the provisions of the contract every variation order or extra works order shall be authorised in writing and priced by the responsible Chief Officer. Every variation or extra works order necessitating an increase in the contract sum shall be reported to the Chief Financial Officer and to the Policy and Resources Committee as provided for in the Contract Procedures Rules.
- (j) The final certificate of completion of any contract shall not be issued by the responsible Chief Officer until satisfied on the accuracy of the detailed statement of account and the completeness of supporting vouchers and documents.
- (k) The Chief Financial Officer shall to the extent they consider necessary, examine interim and final accounts for contracts and they shall be entitled to make all such enquiries and receive such information and explanations as they may require in order to satisfy themselves as to the accuracy of the accounts.

Context

Public money should be spent with demonstrable probity and in accordance with the Council's policies. Councils have a statutory duty to achieve best value in part through economy and efficiency. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the Council's Contracts Procedures Rules.

General

Every officer and member of the Council has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council, in accordance with appropriate codes of conduct.

Official orders must be in a form approved by the Chief Financial Officer. Official orders must be issued for all work, goods or services to be supplied to the Council, except for exceptions specified by the Chief Financial Officer.

Apart from petty cash, the normal method of payment from the Council shall be by cheque or BACS, drawn on the Council's bank account by the Chief Financial Officer. The use of direct debit shall require the prior agreement of the Chief Financial Officer.

Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Council contracts unless the contract was expressly entered into for that purpose.

Key controls

The key controls for ordering and paying for work, goods and services are:

- (a) all goods and services are ordered only by appropriate persons and are correctly recorded
- (b) all goods and services shall be ordered in accordance with the Council's Contracts Procedures Rules
- (c) goods and services received are checked to ensure they are in accordance with the order
- (d) payments are not made unless goods have been received by the Council to the correct price, quantity and quality standards
- (e) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method
- (f) all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule
- (g) all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected
- (h) in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

Responsibilities of the Chief Financial Officer

To ensure that all the Council's financial systems and procedures are sound and properly administered.

To approve any changes to existing financial systems and to approve any new systems before they are introduced.

To approve the form of official orders and associated terms and conditions.

To make payments from the Council's funds on the Chief Officer's authorisation that the expenditure has been duly incurred in accordance with these Financial Procedure Rules.

To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.

To make payments to contractors on the certificate of the appropriate Chief Officer, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.

To provide advice and encouragement on making payments by the most economical means.

To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

Responsibilities of Chief Officers

To ensure that unique pre-numbered official orders are used for all goods and services, other than the exceptions specified above.

To ensure that orders are only used for goods and services provided to the service. Individuals must not use official orders to obtain goods or services for their private use, unless specifically authorised by a Council policy e.g vouchers for eye tests.

To ensure that only those staff authorised by them sign orders and to maintain an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best value principles should underpin the Council's approach to procurement. Value for money should always be achieved.

To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the order. Appropriate entries should then be made in inventories or stores records.

To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:

- (a) receipt of goods or services
- (b) that the invoice has not previously been paid
- (c) that expenditure has been properly incurred and is within budget provision
- (d) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices
- (e) correct accounting treatment of tax
- (f) that the invoice is correctly coded
- (g) that discounts have been taken where available
- (h) that appropriate entries will be made in accounting records.

To ensure wherever possible that two authorised members of staff are involved in the ordering, receiving and payment process. If possible, a different officer from the person who signed the order, and in every case, a different officer from the person checking a written invoice, should authorise the invoice.

To ensure that the service maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Chief Financial Officer.

To ensure that payments are not made on a photocopied or faxed invoice, statements or other document other than the formal invoice. Any instances of these being rendered should be reported to the Chief Financial Officer.

To encourage suppliers of goods and services to receive payment by the most economical means for the Council. It is essential, however, that payments made by direct debit have the prior approval of the Chief Financial Officer.

To ensure that the service obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the best practice guidelines, which are in line with best value principles and contained in the Council's Contracts Procedures Rules.

To utilise any central purchasing procedures established in putting purchases, where appropriate, out to competitive quotation or tender. These will comply with the Contracts Procedures Rules and will cover:

- (a) authorised officers and the extent of their authority
- (b) advertisement for tenders
- (c) procedure for creating, maintaining and revising a standard list of contractors
- (d) selection of tenderers
- (e) compliance with UK and EC legislation and regulations
- (f) procedures for the submission, receipt, opening and recording of tenders
- (g) the circumstances where financial or technical evaluation is necessary
- (h) procedures for negotiation
- (i) acceptance of tenders
- (j) the form of contract documentation
- (k) cancellation clauses in the event of corruption or bribery
- (l) contract records.

To ensure that employees are aware of the national code of conduct for local government employees

To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Chief Financial Officer. This is because of the potential impact on the Council's borrowing powers, to protect the Council against entering into unapproved credit arrangements and to ensure that value for money is being obtained.

To notify the Chief Financial Officer of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Chief Financial Officer.

With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Chief Financial Officer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final

payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.

To notify the Chief Financial Officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.

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23. Payments to employees and members

- (a) The payment of all salaries, wages, pensions, compensation, and other emoluments to all employees of the Council shall be made by the Chief Financial Officer or under arrangements approved and controlled by them.
- (b) Appointments of all employees shall be made in accordance Council policies and procedures and in accordance with approved establishments, grades and rates of pay, and shall immediately be notified to Human Resources.
- (c) Each Chief Officer shall notify Human Resources as soon as possible and in the form prescribed of all matters affecting the payment of such salaries, wages, pensions, compensation, and other emoluments, and, in particular:-
 - (i) Appointments, resignations, dismissals, suspensions, secondments, and transfers.
 - (ii) Absences from duty for sickness or other reason, apart from approved leave.
 - (iii) Changes in remuneration other than normal increments and pay awards and agreements for general application.
 - (iv) Information necessary to maintain records of service for superannuation, income tax, national insurance and the like.
- (d) For weekly paid employees the Head of Human Resources shall approve the form of all timesheets and other relevant documents and shall prescribe detailed procedures for their completion, certification and submission, to enable proper payments to be made and an accurate charging of payments to the appropriate headings of expenditure.
- (e) If any payment is made before the normal time of payment a receipt shall be given by the recipient in the presence of the employing services representative, acknowledging that an equivalent deduction will be made from the next payment. If, for any reason, a pay slip is not handed to an employee at the normal time it must be returned as soon as possible to the Head of Human Resources.
- (f) All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted, duly certified in a form approved by Human Resources, made up to a specified day of each month, within three days thereof. The names of officers authorised to sign such records shall be sent to the HR Manager by each Chief Officer and shall be amended on the occasion of any change.
- (g) Payments to Members, including co-opted Members of the Council who are entitled to claim travelling or other allowances shall be authorised by the Chief Financial Officer and will be made through the payroll system upon receipt of the prescribed form duly completed. All claims for allowances shall be made within two months of the date on which the relevant duty was carried out. Claims for allowances dated thereafter two months following the date of the relevant duty will be paid with the approval of the Chief Financial Officer.
- (h) 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 expenditure properly and necessarily incurred and that the allowances are properly payable by the Council.
- (i) Officers' claims submitted more than 6 months after the expenses were incurred will be paid only with the approval of the Chief Financial Officer.

Context

In order to provide the highest level of service, it is crucial that the Council recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

Staff costs are the largest item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that members' allowances are authorised in accordance with the scheme adopted by the Council.

Key controls

The key controls for staffing are:

- (a) an appropriate procedure exists, whereby staffing requirements and budget allocation are matched
- (b) procedures are in place for forecasting staffing requirements and cost
- (c) controls are implemented that ensure that staff time is used efficiently and to the benefit of the Council
- (d) checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

The key controls for payments to employees and members are:

- (a) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
 - starters
 - leavers
 - variations
 - enhancementsand that payments are made on the basis of timesheets or claims
- (b) frequent reconciliation of payroll expenditure against approved budget and bank account
- (c) all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule
- (d) that Inland Revenue regulations are complied with.

Responsibilities of the Chief Financial Officer

To ensure that budget provision exists for all existing and new employees.

To act as an advisor to Chief Officers on areas such as National Insurance and pension contributions, as appropriate.

Responsibilities of the Head of Human Resources

To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by them, on the due date.

To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.

To make arrangements for payment of all travel and subsistence claims or financial loss allowance.

To make arrangements for paying members travel or other allowances upon receiving the prescribed form, duly completed and authorised.

To provide advice and encouragement to secure payment of salaries and wages by the most economical means.

To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

Responsibilities of Chief Officers

To produce an annual staffing budget.

To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).

To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.

To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.

To ensure that the Chief Financial Officer is immediately informed if the staffing budget is likely to be materially over- or underspent.

To ensure appointments are made in accordance with the policies of the Council and within approved establishments, grades and scale of pay and that adequate budget provision is available.

To notify the Head of Human Resources of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Head of Human Resources.

To ensure that adequate and effective systems and procedures are operated, so that:

- payments are only authorised to bona fide employees
- payments are only made where there is a valid entitlement
- conditions and contracts of employment are correctly applied
- employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

To send an up-to-date list of the names of officers authorised to sign records to the Head of Human Resources, together with specimen signatures. The payroll provider should have signatures of personnel officers and officers authorised to sign timesheets and claims.

To ensure that payroll transactions are processed only through the payroll system. Chief Officers should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Head of Human Resources.

To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Council, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Chief Financial Officer is informed where appropriate.

To ensure that the Chief Financial Officer is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

Responsibilities of members

To submit claims for members' travel and subsistence allowances where claimable on a monthly basis.

24. Petty cash and postages imprests

- (a) A Central Petty Cash Account on an imprest basis shall be maintained by the Chief Financial Officer for the purpose of petty cash disbursements. Imprests or Floats to services or officers for defined purposes shall be subsidiary to the Central Imprest Account. Vouchers submitted for payment through this account (other than imprests and floats) shall be examined and certified in compliance with these Financial Procedure Rules.
- (b) The officers responsible for such imprests shall be responsible for the safe custody of imprest advances and shall ensure that:-
 - (i) Vouchers are obtained for each payment.
 - (ii) Individual payments of more than £50 are not made through imprests.
 - (iii) Income, except by way of an imprest reimbursement, is not brought into the imprest but paid into the Council's bank account.
- (c) All postages for outgoing mail shall be made through centralised franking machinery or the DX system as far as practicable. Packages containing documents or articles of value shall be registered or insured according to arrangements in force.

Responsibilities of the Chief Financial Officer – petty cash accounts and imprests

To provide employees of the Council with petty cash accounts to meet minor expenditure on behalf of the Council and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount.

To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.

To reimburse petty cash holders as often as necessary to restore the imprests.

Responsibilities of Chief Officers – petty cash accounts and imprests

To ensure that employees operating a petty cash account:

- (a) obtain and retain vouchers to support each payment from the petty cash account. Where appropriate, an official receipted VAT invoice must be obtained
- (b) make adequate arrangements for the safe custody of the account
- (c) produce upon demand by the Chief Financial Officer cash and all vouchers to the total value of the petty cash amount
- (d) record transactions promptly
- (e) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the petty cash holder
- (f) provide the Chief Financial Officer with a certificate of the value of the account held at 31 March each year

- (g) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made
- (h) on leaving the Council's employment or otherwise ceasing to be entitled to hold a petty cash advance, an employee shall account to the Chief Financial Officer for the amount advanced to them.

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25. Taxation

- (a) The Chief Financial Officer is responsible for advising Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.
- (b) The Chief Financial Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Context

Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

Key controls

The key controls for taxation are:

- (a) cost centre managers are provided with relevant information and kept up to date on tax issues
- (b) cost centre managers are instructed on required record keeping
- (c) all taxable transactions are identified, properly carried out and accounted for within stipulated timescales
- (d) records are maintained in accordance with instructions
- (e) returns are made to the appropriate authorities within the stipulated timescale.

Responsibilities of the Chief Financial Officer

To complete a monthly return of VAT inputs and outputs to HM Customs and Excise.

To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.

Responsibilities of Chief Officers

To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Customs and Excise regulations.

To complete all Inland Revenue returns regarding PAYE (Human Resources).

To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.

To ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised employment agency.

To follow the guidance on taxation issued by the Chief Financial Officer.

26. Trading accounts and business units

- (a) It is the responsibility of the Chief Financial Officer to advise on the establishment and operation of trading accounts and business units.

Context

Trading accounts and business units have become more important as local authorities have developed a more commercial culture. Under the Service Reporting Code of Practice, Councils are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost, such as a quoted price or a schedule of rates. There is a requirement to disclose the results of significant trading operations in competitive environments.

Responsibilities of the Chief Financial Officer

To advise on the establishment and operation of trading accounts and business units and reporting requirements.

Responsibilities of Chief Officers

To consult with the Chief Financial Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the Council. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.

To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.

To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.

To ensure that each business unit prepares an annual business plan.

D: External Arrangements

27. Partnerships

- (a) The Council is responsible for approving delegations, including frameworks for partnerships. The Council is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- (b) The Council can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the Council's constitution.
- (c) Officers represent the Council on partnership and external bodies, in accordance with the scheme of delegation.
- (d) The Chief Financial Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.
- (e) The Chief Financial Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. They must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- (f) Chief Officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

Context

The local authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.

Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

The main reasons for entering into a partnership are:

- (a) the desire to find new ways to share risk
- (b) the ability to access new resources
- (c) to provide new and better ways of delivering services
- (d) to forge new relationships.

A partner is defined as either:

- (a) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project
- or
- (b) a body whose nature or status give it a right or obligation to support the project.

Partners participate in projects by:

- (a) acting as a project deliverer or sponsor, solely or in concert with others
- (b) acting as a project funder or part funder
- (c) being the beneficiary group of the activity undertaken in a project.

Partners have common responsibilities:

- (a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation
- (b) to act in good faith at all times and in the best interests of the partnership's aims and objectives
- (c) be open about any conflict of interests that might arise
- (d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors
- (e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature
- (f) to act wherever possible as ambassadors for the project.

Key controls

The key controls for Council partners are:

- (a) if appropriate, to be aware of their responsibilities under the Council's Finance Procedure Rules and the Contracts Procedures Rules
- (b) to ensure that risk management processes are in place to identify and assess all known risks
- (c) to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise
- (d) to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences
- (e) to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

Responsibilities of the Chief Financial Officer

To advise on effective controls that will ensure that resources are not wasted.

To advise on the key elements of funding a project. They include:

- (a) a scheme appraisal for financial viability in both the current and future years
- (b) risk appraisal and management
- (c) resourcing, including taxation issues
- (d) audit, security and control requirements
- (e) carry-forward arrangements.

To ensure that the accounting arrangements are satisfactory.

Responsibilities of Chief Officers

To maintain a register of all contracts entered into with external bodies.

To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared.

To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Council.

To ensure that all agreements and arrangements are properly documented.

To provide appropriate information to the Chief Financial Officer to enable a note to be entered into the Council's statement of accounts concerning material items.

28. External funding

- (a) The Chief Financial Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

Context

External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery and the Local Enterprise Partnership provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall plan.

Key controls

The key controls for external funding are:

- (a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood
- (b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Council
- (c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

Responsibilities of the Chief Financial Officer

To ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.

To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.

To ensure that audit requirements are met.

Responsibilities of Chief Officers

To ensure that all claims for funds are made by the due date.

To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

29. Work for third parties

- (a) The Policy and Resources Committee is responsible for approving the contractual arrangements for any work for third parties or external bodies.

Context

Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a service to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

Key controls

The key controls for working with third parties are:

- (a) to ensure that proposals are costed properly in accordance with guidance provided by the Chief Financial Officer
- (b) to ensure that contracts are drawn up using guidance provided by the ~~Solicitor to the Council~~ Monitoring Officer and that all formal approvals are obtained

Responsibilities of Chief Financial Officer

To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of Chief Officers

To ensure that the approval of the relevant Committee is obtained before any negotiations are concluded to work for third parties.

To maintain a register of all contracts entered into with third parties.

To ensure that appropriate insurance arrangements are made, to ensure that the Council is not put at risk from any bad debts and to ensure that no contract is subsidised by the Council.

To ensure that, wherever possible, payment is received in advance of the delivery of the service.

To ensure that the service has the appropriate expertise to undertake the contract and to ensure that such contracts do not impact adversely upon the services provided for the Council.

To ensure that all contracts are properly documented.

To provide appropriate information to the Chief Financial Officer to enable a note to be entered into the authority's statement of accounts concerning material items.

Part 4 – Contracts Procedure Rules

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**LATE PAYMENT REGULATIONS AND PROMPT PAYMENT OF SUB-
CONTRACTORS**

VAT

SMES

THE CONCESSION CONTRACTS REGULATIONS 2016

PROCUREMENT PROCEDURES

Introduction

These Contract Procedure Rules, issued in accordance with S.35 Local Government Act 1972, are intended to promote good practice and public accountability.

Officers responsible for purchasing or disposal must comply with these Contract Procedure Rules (the Rules). Compliance is the best defence against any allegation that a procurement has been made incorrectly or fraudulently. These are minimum requirements and more detailed procedures may be appropriate for particular contracts. Where there is a requirement for communication to be in writing, this shall include e-mail as well as hard copy. In summary you must:

- Comply with the Rules for all procurements and disposals except where explicitly exempted.
- Comply with the principles of Transparency, Proportionality, Equal Treatment and Non-Discrimination.
- Act with the highest standards of probity and integrity
- Take all necessary legal, financial and professional advice.
- Declare any personal financial interest or other conflict of interest.
- Conduct a Best Value review and appraise the procurement need.
- Comply with the Council's corporate aims, objectives and policies.
- Check if there is an existing Corporate Contract or Framework Agreement to use
- Ensure tender documents give a full, clear and accurate description of the work.
- Clearly specify the exclusion, evaluation, selection and award criteria and their weighting.
- Keep commercial information confidential.
- Notify unsuccessful bidders of why the decision was taken, the name of the successful bidder and the relative advantages of its bid, or of any decision not to award the contract.
- Complete a formal Contract or issue an Official Purchase Order before the supply, service or works begins.
- Add the Contract details to the Council's Contract Register
- Assess the Contract Management skills available and identify any training needs and support required.
- Identify a contract manager with responsibility for ensuring the contract delivers as intended.
- Maintain proper Contract Management records.
- Undertake a post-contract review to monitor performance, how well it met the procurement need and the Value for Money.

The Rules are part of the Council's Constitution. They apply directly to every employee of the Council involved in any part of a procurement process. They apply equally to any partnership the Council may enter into and to contracts in respect of which the Council may nominate sub-contractors or suppliers.

The Rules must be followed by the Council, the Executive/Committees (including Portfolio Holders/Lead Members) and by Agents, Consultants, including architects and engineers, and

Public Private Partners, acting for or on behalf of the Council. These Rules apply to contracts involving the receipt of income as well as expenditure and to Concessions.

In accordance with the Constitution, the Director of Finance may amend these Rules after consultation with the ~~Solicitor to the Council~~ Monitoring Officer and the Data Protection and Resilience Manager and the Audit and Risk Managers.

If you are in doubt about whether these Rules apply to a contract or proposed contract, about their meaning or how to apply them, consult:-

- (a) Your Manager.
- (b) The Corporate Procurement Manager.
- (c) The ~~Solicitor to the Council~~ Monitoring Officer
- (d) Director of Finance
- (e) Internal Audit Service.

Procurement refers to the whole process relating to the purchase, acquisition or commissioning of Works, Supplies and Services. One definition is: Procurement is the business management function that ensures identification, sourcing, access and management of the external resources that an organisation needs or may need to fulfil its strategic objectives.

Contracts

Contracts are legally binding agreements and in English law they do not need to be in writing. In simple terms a contract is formed when an offer, to do or to supply something for another party, is accepted by the party to whom the offer was made. Contracts may be formed in writing, by word of mouth, or by performance. Care must be taken when communicating, verbally or in writing, with bidders. You must only enter into contracts on behalf of the Council where there is current budget provision.

Relevant Contracts

All Relevant Contracts must comply with these Rules, these include arrangements made by or on behalf of the Council for the:

- Supply of goods, materials or Services and the carrying out of Works
- Disposal of goods, materials, plant, vehicles or equipment
- Hire, Rental or Lease of goods, plant, vehicles or equipment
- Granting of Concession Contracts
- Delivery of Consultancy, Advisory and other Services, including but not limited to those related to the recruitment of staff, land and property transactions, legal, financial, construction and other consultancy services.

Relevant Contracts do not include:

- Contracts of Employment which make an individual a direct employee of the Authority. For the avoidance of doubt the Rules do apply to contracts with agencies or companies for the employment of staff.
- Acquisition and disposal of Land. For the avoidance of doubt the Rules do apply to advice and other services taken in relation to the disposal of land.

Officer Responsibilities

Officers responsible for purchasing or disposal must:

- Comply with these Rules, the Financial Procedural Rules, the Code of Conduct for employees, other Council policies and all UK legal requirements.
- Ensure that any Agents, Consultants and Partners acting for or on behalf of the Council comply with these Rules.
- Check if a suitable Corporate Contract exists before seeking to procure another contract; where a suitable Corporate Contract exists, this must be used unless there is a sound business case not to do so. In the event that another contract is procured, the reasons must be documented and approved by the relevant Director/Head of Service.
- Consult the participating Councils in the shared service partnership on any opportunity to aggregate demand for more efficient procurement where a new procurement requirement is identified
- Consider Collaborative Procurement opportunities with other Authorities, particularly other Councils in Hertfordshire.
- Assess if a Contract may have the consequence that any employee of the Council or of a current service provider might be affected by any transfer of the work or undertaking. Officers must ensure that the implications of the Transfer of Undertaking (Protection of Employment) Regulations (TUPE) are assessed. The advice of the ~~Solicitor to the Council~~ Monitoring Officer must be sought in any case involving the TUPE Regulations before proceeding with the procurement.
- Assess if the Construction (Design and Management) Regulations 2015 (CDM), which places legal duties on those involved in construction work, apply.
- Consult with and receive the approval of Head of ICT for all ICT Hardware and Software procurements, including licences, printers, telephony and ICT accessories.
- Consult with and receive the approval of Executive Head of HR and OD for all procurements involving the recruitment, appointment or employment of agency, self-employed or contract staff. Such contracts must also be recorded on the Contract Register.
- Consult with and receive the approval of the ~~Solicitor to the Council~~ Monitoring Officer for any proposal to commission legal support. External support will be sourced by the ~~Group Head of Democracy and Governance~~ Solicitor to the Council Monitoring Officer if there is insufficient internal capacity or capability available. The ~~Solicitor to the Council~~ Monitoring Officer, or nominated officer, is the single point for accessing legal support or placing contracts for such work.

Officer Requirements

- Assess the most appropriate procurement route to achieve Best Value. Including in-house provision, using an existing contract, external procurement, Partnering, collaborative procurement with other local authorities, public body or purchasing consortium or use of an appropriate existing Framework Agreement let by others which the Council is able to procure from.
- Prepare a pre-tender estimate of the value of the supplies, services or works.
- Set out a clearly defined Specification for the supply, services or works with reference where necessary to appropriate standards etc.
- Clearly set out the Terms and Conditions, or Conditions of Contract that are to apply to the proposed contract. These include any Special Conditions of Contract where a standard form of contract is used. Examples of standard forms of contract are the Council's standard goods and services terms, the JCT or NEC Suite of contracts. Consider how SME's and / or the 3rd Sector could engage with the procurement.
- Define clear Evaluation (selection and award) Criteria and their weightings for each stage of the procurement process.

- Ensure there is appropriate approval or delegated authority for the expenditure and the procurement accords with the approved policy framework and scheme of delegation set out in the Constitution.
- Carry out appropriate credit checks and observe any requirements for a surety.
- Observe any Standstill or “Alcatel” period as appropriate for procurements above the UK Procurement Regulation Thresholds.
- Publish an Award Notice if appropriate on the Contracts Finder website

Head of Service Responsibilities

Heads of Service must ensure that:

- their staff comply with their Officer responsibilities
- The Contract Register is up to date and that copies of all contract documents are kept safe and accessible. Electronic copies are acceptable for contracts. It is advisable that an additional hard copy of all major contracts is retained by the Contract Manager. All major contracts are stored on the Council’s Legal Document management system at Watford Borough Council and by a contract packet in paper form at Three Rivers.
- any Exemptions are recorded.
- contract records are retained in accordance with the Council’s Document Retention policy.
- The Corporate Procurement Manager is informed of all contracts that are awarded and that copies of all procurement and contract information are made available.

Exemptions

An exemption to these Rules may only be requested where the value of the contract would not exceed UK Procurement Regulation threshold and remains in compliance with the Public Contracts Regulations 2015.

- Acquisition or disposal of Land:

These Rules do not apply to the acquisition or disposal of Land except where a lease or licence is granted as a part of a principal contract for other Works, Supplies or Services.

- Unforeseeable emergency:

Where exemption from these Rules is unavoidable due to an unforeseeable or emergency event involving immediate risk to persons or property or likely to give rise to major or serious disruption to the Council’s services, a Director or Head of Service and the Managing Director/Chief Executive may jointly approve an exemption. They must inform the relevant Portfolio Holder/Lead Member and where the value of the exemption exceeds £100,000 make a report to the next Cabinet/Policy and Resources Committee meeting on the action taken. Urgency caused by undue delay is not a valid reason for an exemption.

- Exceptional Circumstances:

An exceptional circumstances exemption may be jointly approved by a Head of Service and the Chief Executive in limited and exceptional circumstances. This applies at the Chief Executive’s discretion and only below the UK Procurement Regulation thresholds examples of which may include but not be limited to:

- Events which may involve significant risk to a key contract, for example where a key supplier goes into Administration or Receivership
- Situations which may cause significant disruption to a Council service
- Extensions of or additions to existing contracts where demonstrable benefits and clear savings can be shown and the original contract was not one that was procured under the UK Procurement Regulations

- Single tender action or use of a substitute contractor from the original tender responses to complete a contract or part of a contract. An Exemption is not required where a procurement has been made from a framework agreement permitting a Direct Award where the awarding officer can demonstrate value and valid reasons for not conducting a competition through that framework.
- Short term provisions to enable more effective and efficient procurement to be undertaken
- Other circumstances where clear synergies with existing services can be evidenced or where supported by substantial market research

They must inform the relevant Portfolio Holder/Lead Member and where the value of the exemption exceeds £100,000 make a report to the next Policy and Resources Committee meeting on the action taken.

- Limited market:

A partial exemption may apply where a supply or service is only obtainable from a single or a very limited number of contractors. In such a case, evidence of the limited market must be provided, such as by public advertisement or detailed market research. A Head of Service and the Managing Chief Executive may jointly approve a partial exemption. They must inform the relevant Lead Member and where the value of the exemption exceeds £100,000 make a report to the next Policy and Resources Committee meeting on the action taken.

- Prior approval:

Other than as specified above no exemption from these Rules shall be made unless prior approval has been granted at a Policy and Resources Committee meeting. Policy and Resources Committee cannot authorise an exemption where the value of the contract would exceed the UK procurement threshold or would result in non-compliance with the PCR2015.

Record of Exemptions –Heads of Service must ensure that full details of approved waivers and exemptions are recorded in a central register held by the Corporate Procurement Manager on behalf of the Chief Executive.

E-Procurement

Electronic procurement systems simplify the tender process, reduce the bureaucratic burden for suppliers, make it easier to tender, improve smaller organisations' ability to bid and allow shorter tender periods.

All procurements above a value of £25,000 must be procured via the Council's e-procurement portal, unless where an external framework agreement has been used that has its own e-procurement process or following a specific agreement with the Corporate Procurement Manager.

The e-procurement portal is designed to simplify the procurement process, to make the process more secure and auditable and to improve accessibility to procurement opportunities for potential suppliers.

Opportunities should be openly and widely publicised. The portal enables links to the UK Government's "Contracts Finder" and "Find My Tender" website. If required, the portal can still publish to the Official Journal of the European Union (OJEU) / Tenders Electronic Daily (TED).

Advice on using the portal should be taken from the Corporate Procurement Manager.

Records

Contract records must be retained in accordance with the Council's Document retention policy and where relevant should include:

- Details of any exemptions granted
- Pre-procurement market testing / research
- The procurement route used
- Tender Adverts / Notices
- The Standard Questionnaire responses (SQ's) and expressions of interest received
- The evaluation criteria used and the evaluation record based on those criteria
- Credit checks and records of economic and financial standing
- Invitations to Tender and tender documentation
- Tenders received and tender records and registers
- Pre and post tender clarifications and, where relevant, records of dialogue and /or negotiation.
- The award criteria and the evaluation record based on those criteria
- Records of communications with the successful contractor
- Details of feedback given to successful and unsuccessful bidders
- Standstill / Alcatel letters
- Contract documents
- Regulation 84 reports
- Contract Management records
- End of Contract Reviews

Approved or Standing Lists of Suppliers

The Council does not maintain Standing or Approved Lists of Contractors or Suppliers. Approved Lists cannot be used where PCR2015 Regulations apply.

Where recurrent transactions of a similar type are likely a suitable framework agreement, or term contract, should be used. The framework agreement must include terms for calling off supplies, services or works from the framework supplier(s). A Framework Agreement may be with a single supplier or have two or more suppliers on the list. Additional suppliers cannot be subsequently added to a framework agreement. A Dynamic Purchasing System may be used in compliance with Regulation 34 of the PCR2015.

A formal and approved register of pre-qualified Contractors and Consultants maintained by or on behalf of the public sector (e.g. Construction line) may be used for the selection of a shortlist where appropriate. Any contractors or consultants from such a register must be assessed against the selection criteria published for the procurement.

It is not acceptable to use a random selection facility as available on some of these registers as this is not a substitute for the proper evaluation and selection of contractors and consultants, against a set of pre-determined evaluation criteria, despite the pre-qualification stage achieved by inclusion on the register.

Framework Agreements and Collaborative Procurements

A Framework Agreement is a contractual arrangement with one or more providers that set out terms and conditions under which specific or call-off purchases or contracts can be made at any time throughout the term of the framework agreement. The term of a Framework Agreement should not exceed four years. A call off contract may be for longer than four years and can exceed the term of and survive beyond the end date of the framework agreement.

Call-off contracts formed under a Framework Agreement must be awarded in accordance with the procedure prescribed in the Framework Agreement. Where there is more than one

provider under the framework it is usually necessary to hold a mini competition. The Council's Rules apply to a mini competition in the same manner as all other procurements. Direct Awards can be made on Framework Agreements if permitted by the terms of that framework agreement, but the Council encourages competition through any framework used. Direct Awards must be supported by a statement as to why competition has not been sought through the framework, how it demonstrates value for money to the Council, and agreed by the Director or Head of Service.

Framework Agreements to which the Council has access may be let by another body e.g. the Government Crown Commercial Service (CCS), another Local Authority (LA) or a consortium of LA's e.g. Eastern Shires Purchasing Organisation (ESPO) or suitable Public Buying Organisation (PBO).

Officers proposing to use a Framework Agreement must check that:

- The Framework Agreement has been let in full accordance with these Rules and where appropriate Procurement Regulations.
- The Council has the right to use the Framework Agreement.
- The procedures for call-offs or mini-competitions under the agreement accord with these Rules.

Officers proposing to use a Collaborative arrangement with other parties e.g. other Local Authorities to jointly procure works, supplies or services, must check that:

- The collaborative procurement contract has been let in full accordance with these Rules and where appropriate the Public Contract Regulations (PCR2015).
- The Council is a member of the collaboration or consortium and has the right to use the contract.
- The procedures for using the contract accord with these Rules.

Collaborative and Partnership arrangements are subject to the same procurement legislation and must follow the Council's Rules. If in doubt, Officers must seek the advice of the Corporate Procurement Manager.

Competition Requirements

The requirements relate to the Estimated Total Value of the procurement:

The Value of a Contract is the total value over the whole potential duration of the contract including any possible extension to the term of the contract. Where the duration is uncertain a minimum of four years shall be assumed. The value of a framework agreement is the value of all the potential call offs that may be made by all contracting bodies permitted to use the framework. The value of a concession is the total potential gross income or other assessment of value to the contracting parties. If in doubt, Officers must seek the advice of the Director of Finance.

Minimum requirements:

Thresholds excl. VAT	Minimum requirements
Less than £10,000	A minimum of one written quotation is provided. The Council would expect that Officers will seek more than one quote, where appropriate, to demonstrate value for money to the Council through a combination of cost and quality.
Greater than £10,000 up to £24,999	Three written quotations are sought from suitable organisations. The requirement does not need to be advertised.
Greater than £25,000 – UK Procurement Threshold	Public advertisement of the requirement and invite Tenders from at least three and usually no more than six bidders. If an appropriate framework agreement is used, there is no need to advertise.

	However a mini competition should be held in the majority of cases. Any Direct Awards must be supported by a statement as to why competition has not been sought through the framework and how it demonstrates value for money to the Council.
Above UK Procurement Threshold	Advertise and follow PCR2015 procedures and invite Tenders from at least five and usually no more than seven bidders. Alternatively, competition is sought through an appropriate framework agreement.

All tender opportunities should be advertised to comply with the principle of transparency.

Where it can be demonstrated that there are fewer suitably qualified bidders to meet the competition requirement, all suitably qualified Candidates must be invited. The Head of Service and the Corporate Procurement Manager must be consulted in such cases.

If more than one contractor is to be appointed, for example to a framework agreement or if a contract is split into Lots, the number of bidders invited to tender may be increased to more than six.

Contracts must not be disaggregated nor methods of calculating the Estimated Total Value used in order to undermine the intention and application of these Rules or the Regulations.

The nature of the requirement and the procurement strategy will determine the procurement procedure to be used. Officers shall consult the Corporate Procurement Manager and or the ~~Solicitor to the Council~~ Monitoring Officer if the Competitive Dialogue or Negotiated procedures are to be used.

Assets for Disposal

Assets (excluding land) for disposal must be sent to public auction except where better Value for Money is likely to be obtained by inviting Quotations or Tenders. The method of disposal of surplus or obsolete stock, plant, vehicles and equipment or assets, other than land, must be formally agreed with the Director of Finance.

Providing Services to External Purchasers

The Director of Finance and the Corporate Procurement Manager must be consulted where proposed contracts include supplies to or work for or on behalf of other organisations.

Appointment of Consultants

The procurement of Consultants, including solicitors, architects, engineers, surveyors and other professionals, must comply with these Rules. Any Consultant appointed who acts for or on behalf of the Council must also comply with these Rules. A written contract, or appointment in the form of a formal letter or Purchase Order for values below £25,000, must be used. A standard Professional Consultancy form of contract, should be used where appropriate.

Records of consultancy contracts must be maintained in the same manner as all other contracts and shown on the Contract Register.

Consultants must be required to provide evidence of, and maintain, Professional Indemnity insurance to the satisfaction of the Council's Insurance Officer.

Procurement Strategy, Pre-Procurement Engagement or Soft Market Testing and Research

A Procurement Strategy is to be written for each procurement in excess of £100k. The purpose of the Procurement Strategy is to illustrate how the procurement will achieve the objectives of the requirement. The strategy will;

- ensure there is rigorous appraisal of procurement options;
- detail the Pre-tender estimate;
- identify risk and mitigations ensuring that these are defined in the Procurement and sit with the party best placed to manage those risks;
- define the most appropriate route to market;
- outline the market engagement and soft market testing;
- define how the Council will achieve value for money through the procurement;
- define the appropriate contractual terms and conditions including detailing special clauses

Pre-procurement engagement is a range of activities to engage with the market before starting a procurement process and may include a technical dialogue to inform a specification. Engaging with the market before starting the formal procurement process is best practice and helps to maximise value for money from the resulting procurement.

Officers should consider pre-procurement consultations with potential suppliers prior to the start of any part of the formal procurement process including a Tender Advert or Notice. Care must be taken not to prejudice the equal treatment of potential suppliers or to distort potential competition. Advice on pre-procurement strategies should be sought from the Corporate Procurement Manager.

Insurance

Insurance requirements must be clearly specified in the contract. The Council's Insurance Officer will advise on the minimum limits of indemnity required for each contract. Prior to entering into a contract Officers must require the contractor to produce current insurance certificates in respect of Employers' Liability and Public Liability risks and for Professional Indemnity where appropriate for such limits and for such periods as are specified by the Council's Insurance Officer. The Contractor must be required to produce up to date Insurance Certificates at each subsequent renewal date during the term of the contract.

Specifications, Standards and Evaluation Criteria

Specifications must set out the minimum required standards of technical and professional ability and reliability. Specifications must refer to relevant UK, EU or international standards which apply to the subject matter of the contract. The [Solicitor to the Council Monitoring Officer](#) must be consulted if it is proposed to use other than UK or EU standards. The Council is committed to ensuring that sustainable and social value options are fully considered when setting contract specifications, making award decisions and delivering requirements.

Tenders should be assessed on the basis of the Most Economically Advantageous Tender (MEAT), where Quality and Price considerations both apply. In minor or exceptional cases bids may be invited on a lowest price (where payment is to be made by the Council) or highest price (if payment is to be received by the Council). The Officer must define and publish appropriate Price and Quality Evaluation Criteria and their respective weightings.

Quality Evaluation (selection or award) criteria may include experience, technical merit, programme and delivery proposals, environmental matters, sustainability criteria, social value, added value, whole life costs, innovative, aesthetic and functional characteristics, health and safety, after-sales service and response, technical assistance, CV's of key staff,

accreditations, approach to collaborative working or partnering with a Local Authority and any other relevant matters. The weighting of the evaluation criteria will be a representation of the importance of that criteria in the procurement as set out in the Procurement Strategy. Therefore, these should be representative of the key decisive purchasing factors as set out in the Procurement Strategy.

Evaluation Criteria must not include non-commercial considerations or geographic limits which might discriminate against suppliers. It is acceptable to require submissions to be in English and priced in Pounds.

Accreditations should be considered where appropriate and relevant but must not be a substitute for other checks and due diligence. These should not be required or assessed in a manner that may inadvertently disadvantage potential providers, for example, SMEs, public service mutuals or third sector organisations.

Financial Assessment and Vendor Capabilities

Financial assessment of potential providers should be undertaken in a manner that is proportionate, flexible and not overly-risk averse while ensuring taxpayer value and safety is protected and relevant Procurement Law complied with. All potential providers, whatever their size or constitution, should be treated fairly and with equal diligence during the financial appraisal process. For example: no SMEs, public service mutuals or third sector organisations should be inadvertently disadvantaged by the financial assessment process.

Due diligence must be carried out to ensure that the vendor has the necessary skills, resources and abilities to undertake the work. The due diligence must be proportionate to the nature and scale of the work proposed. This includes checking the credentials of sub-contractors where appropriate.

Social Value

Social value is the consideration of how procurement might offer social, economic or environmental benefits to the community. The Public Services (Social Value) Act 2012 applies to certain types of services contracts and framework agreements but it is good practice to consider these principles for all procurements. The requirement is to consider the economic, environmental and social benefits of the approach to the procurement before the process starts and to consider whether there is a need to consult on these issues.

The Act applies to the pre-procurement stage of contracts for services as that is where social value can be considered to greatest effect. This should inform the shape of the procurement approach and the design of the services required. It should enable a re-think of the outcomes and the types of services to be procured.

The potential interest of Small and Medium Size Enterprises (SME's) and the 3rd Sector should be considered when assessing the shape of the procurement approach and the design of the Supplies or Services required. This may also include ways to cascade good practice down the supply chain.

Contracts should ensure that the principles of these Rules including the need for market testing and the provision of Value for Money is cascaded down the supply chain. The Council expects good practice to be in place to ensure a fair selection of sub-contractors, appropriate terms and conditions and prompt payment of monies due. Further guidance is available through the "Social Value Toolkit for District Councils" published by the LGA.

Past Performance

The Council is entitled to establish minimum standards for reliability based on past performance which must be met by potential bidders for public contracts. To provide assurance about performance and protection for the taxpayer and recipients of the services, procurements should include minimum standards for reliability based on past performance.

It is good practice to request specified information, which may include certificates of performance, about past performance in the last 3 years to establish that:

- the principal contracts of those who would provide the goods and / or services have been satisfactorily performed in accordance with their terms; or
- Where there is evidence that this has not occurred, that the reasons for failure will not recur if that bidder were to be awarded the relevant contract.
- A due diligence process can be carried out to assess the contractors understanding of contracting with the public sector and their approach to contracting / partnering with the Council where appropriate.

If the evaluation panel remains unsatisfied that the principal contracts of those who would provide the goods and / or services have been satisfactorily performed, it should exclude that bidder on the grounds that it has failed to meet the minimum standards of reliability set.

Public Sector Equality Duty (PSED)

Officers must ensure compliance with the Council's legal obligations under the Equality Act 2010 and its associated Public Sector Equality Duty with due regard to the three aims of the duty:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

Officers must ensure that public goods and services are accessible to, and meet the diverse needs of all users to ensure that no one group is disadvantaged in accessing public goods and services. Procurements must meet the Fundamental principles of equal treatment, non-discrimination, transparency and proportionality (PPN09/12 and 01/13).

Invitations to Tender (ITT's) / Requests for Quotations (RFQ's)

The Standard Questionnaires (SQ's) can be used where appropriate. Where used, the aims are to select a list of suitably competent and qualified bidders and to reduce the number of bidders to an appropriate and manageable number using pre-published evaluation criteria.

The criteria may include pass / fail mandatory and discretionary criteria. Where the capability of an individual(s) is essential to the delivery of the contract, for example, the provision of consultancy, CV's should be requested and assessed. SQ's should not impose arbitrary minimum requirements which may have the unintended effect of barring new or small businesses from bidding.

Officers should undertake a financial check as part of the evaluation process but, in the spirit of encouraging supplier growth, should not rule out a supplier unless there is clear evidence

that the supplier's financial position places public money or services at unacceptable risk. The Director of Finance must be consulted in all cases of doubt.

The Notice or Advert and the Invitation to Tender shall state that late submission, of an Expressions of Interest or of a Tender will not be accepted. Submissions must be received by the due time and date. Any appeals for consideration of a late submission, due for example to a default by the Council, may only be considered by The ~~Solicitor to the Council~~ Monitoring Officer and / or the Corporate Procurement Manager.

Where late submissions are received, including by e-mail, other than via the procurement portal they shall be opened only by The ~~Solicitor to the Council~~ Monitoring Officer, or representative, or the Corporate Procurement Manager. No details of the late submission shall be disclosed.

An Invitation to Tender (ITT) should set out full details of the Council's requirements. An ITT may allow the submission of Variant bids to allow for supplier innovation.

An Invitation to Dialogue should set out an overview of the Authority and its needs; a starting position from which the dialogue can commence and how the dialogue will be structured together with any rules that apply to the dialogue phase.

All Invitations to Tender shall include the following:

- (a) A Specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers.
- (b) The Terms and Conditions of Contract that shall apply.
- (c) A Certificate of Non- Collusion for tenderers to declare that they have not colluded with any other party nor disclosed details of their submission to any other party (except where such a disclosure is in confidence and necessary for the purposes of preparing their submission).
- (d) A Form of Tender in the prescribed format for bidders to sign and confirm their bid price.
- (e) An Equality and Diversity questionnaire.
- (f) Notification that bidders must disclose any actual or potential conflict of interest.
- (g) Notification that bidders are responsible for all their costs of preparing a submission and that no costs will be reimbursed by the Council.
- (h) Details of the Evaluation Criteria with their relevant weightings and the methodology for scoring those criteria.
- (i) That submissions must be made via the Council's e-procurement portal unless otherwise agreed.
- (j) Where submissions are made other than via the procurement portal, notification that no Tender will be considered unless it is in a sealed envelope or container which bears the word 'Tender' followed by the subject to which it relates, with no other name or mark indicating the sender.
- (k) The method by which any arithmetical errors discovered in the submitted Tenders are to be dealt with.
- (l) A statement that the council is not bound to accept the lowest or any Quotation or Tender.
- (m) Advice that the council is subject to the obligations of the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Government's Transparency Code 2014 and that the final decision on publication or disclosure of any information shall remain with the Council.
- (n) Advice that Credit checks and records of economic and financial standing may be sought.

All bidders invited to tender or quote must be issued with the same information at the same time and subject to the same conditions. This also applies to any supplementary information or clarification given during the tender period.

Nominated Sub-contractors and Suppliers

These Rules apply to nominated sub-contractors and suppliers. Officers should avoid the use of nominated sub-contractors and suppliers as far as practicable. If a nominated sub-contractor or supplier is to be considered, Officers must take advice from the ~~Solicitor to the Council~~ Monitoring Officer.

The invitations to tender (ITT) for contracts involving Nomination must include a clause to require the parties to enter into contract on terms relevant to the indemnities and obligations of each party as required by the ~~Solicitor to the Council~~ Monitoring Officer.

Short listing

Where bidders are evaluated for short listing or for the award of a contract Officers must assess the financial and technical standards appropriate to the contract. Assessments must be made in accordance with the published Evaluation Criteria. This includes having regard to the Proportionality Rule in relation to the size and resources of a company relative to the value of the contract.

Submission, Receipt and Opening of Tenders or Quotations

Tender periods must be sufficient for bidders to prepare and submit proper bids consistent with the complexity of the contract requirements.

All Tenders must be returned via the procurement portal or, where that doesn't apply, to the Corporate Procurement Manager. The procurement portal provides an audit trail and a reference of opening and on time receipt.

In the event that a tender is submitted not using the portal, tenders for contracts for £100,000 or more must be opened at one time by, or in the presence of, the Corporate Procurement Manager or nominated officer.

The Officer nominated to receive the tenders shall be responsible for the safekeeping of Tenders until the appointed time of opening. Each Tender must be suitably recorded to verify the date and precise time it was received, adequately safeguarded against amendment of its contents. The procurement portal is compliant with this requirement.

The Officer nominated to receive the tenders must ensure that all Tenders are opened at the same time as soon as practicable after the period for their submission has ended. They must ensure that the bids received are recorded on the Tender Record Form.

Clarifications and Negotiations

Providing clarification during a tender period is permitted. It must not be in the form of any negotiation and must be made in writing to all bidders. Where any verbal discussion is entered into any clarification given must be confirmed in writing and copied to all bidders. Bidders will be informed that answers to questions will be made available to all bidders.

Post tender clarifications to the bidder from the Council are permitted. These are to be sent with the request and response recorded via the portal.

Post tender negotiations, between submission of bids and contract award, are not permitted. An exception is where a Negotiated or Competitive Dialogue procedure has been used. In such cases the rules relating to the negotiations must be clearly set out in the tender documents and those negotiation rules must provide for:

- (i) The requirements of relevant UK legislation, these Rules and good practice guidance.
- (ii) The documentation sent out to prospective bidders stating that negotiation may take place and the basis upon which such negotiation would be held

The circumstances under which such negotiations may be considered are where:

- (i) High levels of innovation are required as part of the tender solution
- (ii) The new contract will involve radical changes from existing practices
- (iii) There are a number of alternative proposals or solutions that the Council is considering
- (iv) The specification has a number of alternative packages or elements
- (v) Variant bids are shown as acceptable in the Notice and negotiations relate to variant bids.

Other post-tender negotiation must only be conducted in accordance with advice given by The ~~Solicitor to the Council~~ Monitoring Officer who, with the Corporate Procurement Manager, must be consulted wherever it is proposed to enter into post-tender negotiation.

If post-tender negotiations are necessary then such negotiations shall only be undertaken with the preferred bidder who is identified as having submitted the Most Economically Advantageous Tender and after all unsuccessful bidders have been informed. During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the Tender documents.

Negotiations must be conducted by a team of at least two Officers, one of whom must be from a service independent of that leading the negotiations. The independent representative can be a representative from another council if the tender is a collaborative procurement.

Officers appointed by the Head of Service to carry out any post-tender negotiations must ensure that they keep full and accurate records and minutes of all negotiation meetings and discussions and that any actions and outcomes are confirmed and agreed in writing by both parties.

If post-tender negotiation results in a fundamental change to the specification or to the terms of a contract the contract must not be awarded. A fundamental change from the work tendered must be re-tendered. The advice of ~~The Solicitor to the Council~~ Monitoring Officer and the Corporate Procurement Manager must be sought before concluding any post-tender negotiations.

Evaluation, Selection, Award and Feedback

The confidentiality of Quotations, Tenders and the identity of bidders must be observed at all times. Information about one bidder or their response must not be given to another bidder except as provided in these Rules.

Evaluation and Moderation panels must comprise a minimum of two Officers. The procedures to be used by the panels, including the Interview panel if an interview stage is included in the process, must be set out in advance of the receipt of submissions.

If an Interview stage and / or a Best and Final Offer (BAFO) stage is included in the process the procedures for them must be clearly set out for bidders in the bid documents. The published arrangements cannot be revised post tender submission.

Contracts must be evaluated and awarded by the panels in accordance with the published Evaluation (selection and award) Criteria. Neither criteria nor weightings can be revised post tender submission.

Officers shall compare submitted Tender prices with any pre-tender estimates and examine and explain any discrepancies.

The arithmetic in compliant Tenders must be checked. If simple arithmetical errors are found they should be corrected and the bidder notified. The bidder must be given the opportunity to stand by or withdraw the corrected bid.

The Officer responsible for the evaluation panel and moderation must prepare a Recommendation report setting out the reasons for the selection, having regard to the evaluation criteria, and the reasons for rejecting the unsuccessful tenders. Where a Procurement Strategy has been written, the recommendation report needs to confirm that the requirements of the strategy (and business case) have been met through the procurement.

The Officer is required to notify all bidders at the same time of the intention to award the contract to the successful bidder.

Where the Public Contract Regulations apply, the Standstill or “Alcatel” period of at least ten days must be observed. The Regulations require a formal letter containing prescribed information to give unsuccessful bidders time to challenge the decision before an award. If the decision is challenged the award of contract must not be made and the advice of ~~The Solicitor to the Council~~ Monitoring Officer and the Corporate Procurement Manager must be sought.

Feedback must be offered to all bidders. Where the total value is in excess of £25,000, this needs to be provided to potential bidders including those not short listed at a SQ stage. The advice of ~~The Solicitor to the Council~~ Monitoring Officer and / or the Corporate Procurement Manager should be sought although the feedback must include:

- The Evaluation Criteria and how they were scored for their submission
- The characteristics and relative advantages of those short listed at a SQ stage. Details that could identify those short listed must not be disclosed.
- The name of the successful bidder(s)
- The reasons for the award decision and the characteristics and relative advantages of the successful bidder(s).
- When the standstill period is due to end.

Avoiding Challenges

Challenges are increasing for public sector procurements with the most likely challenges being from unsuccessful bidders challenging the evaluation process. This risk of challenge should be reduced by:

- publishing the process and timings for issuing the ITT and supporting documentation, dealing with clarifications, receiving bids and placing contracts, and adhering to the process.
- Providing all the relevant Procurement Documents when a Contract notice is published that is above UK Threshold. This includes a full and final specification, the terms and conditions and the evaluation model.
- making sure that evaluation criteria, sub-criteria and weightings are clearly linked to the work required and published in the ITT.
- using a clear and objective marking scheme that removes any ambiguity from the marking process.

- maintaining an audit trail during the process, to help explain why a bid was unsuccessful and to defend any challenges raised. Evaluators are required to detail why they have scored the bid accordingly.

The key principles are that criteria must be reasonable, proportionate, transparent and relevant to the goods, works or services being procured. Objective criteria should be clear, verifiable and targeted with measurable outputs. Subjective criteria should clearly define the basis on which any value judgements would be based. All criteria must be fair and not involve any discrimination, including a level playing field for non-local bidders, to ensure compliance with the Public Contract Regulations.

Contracts

All Contracts must be in writing and held in accordance with these Rules and, irrespective of value, must clearly specify:

- what is to be done or provided (i.e. the Works, materials, Services, Supplies, matters or things to be done or provided)
- the provisions for payment (i.e. the price to be paid and when and details of any indexation)
- the time, or times, within which the contract is to be performed
- the provisions for the council to terminate the contract.

The Council's Official Purchase Order form, the Council's Standard Terms and Conditions or a Standard Form of Contract issued by a relevant professional body must be used as appropriate. The form of contract must be approved by the [Solicitor to the Council](#) [Monitoring Officer](#).

In addition, every Contract must also state clearly as a minimum:

- That the contractor may not assign or sub-contract without prior written consent
- Insurance requirements
- Health and Safety requirements
- Data Protection requirements
- Equality and Diversity requirements
- Freedom of Information Act and Environmental Information Regulations requirements
- TUPE requirements
- That those acting for or on behalf of the Council must comply with the council's Contract Procedure Rules
- A right of access to all relevant documentation and records of the contractor for monitoring and audit purposes.
- VAT and other tax requirements.
- The Requirements for a Bond and / or Parent Company Guarantee.
- Prevention of Corruption requirements.
- Any Indexation or Price variation details or if no variation of Rates or Prices applies.

The formal advice of the [Solicitor to the Council](#) [Monitoring Officer](#) must be sought for contracts where:

- The Total Value exceeds the UK procurement legislation Thresholds
 - The Risk is outside acceptable parameters
 - They involve leasing arrangements
 - It is proposed to use a supplier's own Terms and Conditions of Contract
- They are complex in any other way.

Indexation and price variation Clauses

The advice of the Director of Finance must be sought on any indexation clauses and the indices to be used, e.g. CPI. Where an indexation clause is used consideration should be given to an efficiency factor, e.g. less 1% p.a., to encourage Best Value and continuous improvement during the term of the contract.

Price variation clauses should allow for any potential variation in the scope or scale of goods, works or services to be provided during the term of the contract. This may be in consequence of other factors e.g. a variation in the number of service users where another service has been outsourced.

Forming of Contracts

Formal contracts must be formed for contracts with a value greater than £25,000. Below this threshold an Official Purchase Order may be placed but it must include full details of the supply, service or works to be delivered and the Terms and Conditions that apply to the Order.

Contracts must be in a form approved by the ~~Solicitor to the Council~~ Monitoring Officer. An industry standard may be used subject to the additional clauses being added to meet the requirements of these Rules and to protect the Council's interests.

Every contract must specify the work, goods, supplies and services to be provided, the price and charging basis including any indexation, and the time in which the contract is to be performed.

Extension of contracts

A Contract may be cumulatively extended by up to 50% of the initial contract value. Contracts should include suitable clear, precise and unequivocal clauses to enable contracts to be extended or amended. The revised total value of a contract initially let below the UK Procurement Regulation Threshold must not exceed that Threshold value. The Head of Service, for contract extensions up to £25,000, and jointly with the Chief Executive for greater values, may approve a contract extension. They must inform the relevant Lead Member and where the value of the extension exceeds £100,000 make a report to the next Policy and Resources Committee meeting on the action taken.

Contract Formalities

Contracts not under Seal, including Purchase Orders, shall be completed as follows, subject to the relevant Scheme of Delegation:

Up to £50,000 - Signature by any one of the following: Executive Head of Service or authorised representative; ~~Solicitor to the Council~~ Monitoring Officer; Chief Executive; Director of Finance.

Above £50,000 (Excluding Sealing) Signature by any two of the following: Head of Service; ~~Solicitor to the Council~~ Monitoring Officer; Chief Executive; Director of Finance.

Where risk and high value are relevant contracts should be under Seal subject to the advice of the Solicitor to the Council.

All contracts should be concluded formally in writing before the Supply, Service or Work begins, except in exceptional circumstances, and then only with the written consent of the ~~Solicitor to the Council~~ Monitoring Officer or Chief Executive. An award letter or an intention to award letter is insufficient.

The Officer responsible for securing signature of the contract must ensure that the person(s) signing for the other contracting party has / have authority to bind it and that the appropriate decision has been made by the council to enter into the contract

All contracts for the purchase of motor vehicles or mechanical plant irrespective of value must be in writing and must be signed by the Director/Head of Service and at least one of the following: the Chief Executive; the Director of Finance; the ~~Solicitor to the Council~~Monitoring Officer (or their authorised representatives).

Sealing

A contract must be sealed where:

- The council may wish to enforce the contract more than six years after its end
- The contract is valued at more than £150,000

Where contracts are completed by each side adding their formal seal, such contracts shall be signed by the ~~Solicitor to the Council~~Monitoring Officer or authorised nominee.

Every Council sealing will be consecutively numbered, recorded and signed. The seal must not be affixed without the proof that the appropriate authority to enter the contract has been obtained under the scheme of delegation with that authority either included within the minutes of a formal meeting of councillor's or recorded as a delegated decision within the Modern.gov system.

Contract Surety

The Officer must consult the Director of Finance about the need for a Parent Company Guarantee (PCG), preferably from the Ultimate Parent Company, where a bidder is a subsidiary of a parent company and:

- The Total Value exceeds £150,000, or
- The award is based on the evaluation of the parent company, or
- There is some concern about the stability of the bidder.

The Officer must consult the Director of Finance about the need for a Bond where:

- The Total Value exceeds £1,000,000, or
- It is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the bidder.

Where a Bond is required it shall normally be for a sum equal to 10% of the total contract sum. The decision of the Director of Finance on the need for a PCG and / or the need for and the size of a Bond is final.

Remedies for non-performance

Contracts must include provisions for remedies in the event of non-performance including liquidated damages, other financial deductions and termination of the contract.

Every Contract which exceeds £50,000 in value and is for the execution of Works, shall provide for liquidated damages to be paid by the Contractor in respect of any delay in performing such work. This shall not apply where the Director of Finance determines that such remedy is not appropriate or necessary for a particular contract.

Prevention of Corruption

Everyone involved in a procurement process as employees or for or on behalf of the Council must comply with the Employee Code of Conduct on the prevention of corruption. They must not invite or accept any gift, inducement or reward in respect of the evaluation, award or performance of any contract.

Any offer of a gift, inducement or reward must be declared whether or not it was accepted. High standards of conduct and probity are required. Corrupt behaviour is a criminal offence and may lead to dismissal.

Cartels are a potential concern and are a breach of competition law. They can influence the price paid for goods and services by the Council. Any suspicions about such activities must be reported to the ~~Solicitor to the Council~~ Monitoring Officer and the Director of Finance. The following clause must be put in every written Council contract:

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

- (a) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done), or
- (b) commit an offence under the Bribery Act 2010 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, or
- (c) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees.

Any clause limiting the Contractor’s liability shall not apply to this clause.”

Declaration of Interests

If it comes to the knowledge of a Councillor, an Employee of the authority or anyone acting as an Agent for or on behalf of the Authority that a contract in which he or she has a personal interest has been awarded or is proposed to be entered into by the council, he or she shall immediately give written notice to the ~~Solicitor to the Council~~ Monitoring Officer.

The ~~Solicitor to the Council~~ Monitoring Officer shall maintain a record of all declarations of interests notified by Councillors and Officers.

The ~~Solicitor to the Council~~ Monitoring Officer will ensure that every councillor receives a copy of the Council’s Code of Conduct for Councillors.

Contract Management

All contracts must have a named contract manager, nominated by the Group Head of Service, for the entire duration of the contract.

The ~~Executive Head of Service~~ chief officer must keep under review the skills and experience required and available for the good management of the contract.

Risk Assessment and Contingency Planning

Where the risk and financial value of the Contract is deemed appropriate, including all those above the UK Procurement Thresholds, contract managers must:

- prepare a Business Case
- undertake appropriate Risk Assessments

- maintain a Risk Register during the contract period
- ensure that mitigation and contingency measures are in place
- manage the contract in accordance with best practice
- have regard to end of contract reviews of other similar contracts

Contract Monitoring, Evaluation and Review

All contracts with a value above the UK Procurement Thresholds, or which are High Risk, should have a formal monthly or quarterly review with the contractor. Throughout a contract period the Contract Manager must monitor:

- Contractor's performance
- Compliance with the Specification
- Compliance with the Programme
- Contract costs and Value for Money requirements
- Health and Safety compliance
- Risk Management.
- The Project Plan
- Client's resourcing of the contract

At the end of a contract period the Contract Manager must ensure:

- That all required Works, Supplies and Services have been completed
- The Final Account has been completed
- An End of Contract Review on the standard template has been completed

Late Payment Regulations and Prompt payment of sub-contractors

The Late Payment of Commercial Debts Regulations 2013 requires public authorities to pay within 30 calendar days following receipt of a valid and undisputed invoice. Simple interest is calculated equal to the sum of the Bank of England reference rate plus at least eight percentage points. The creditor is also entitled to a fixed charge of £40, £70 or £100 depending on the size of the debt (under £1,000, under £10,000, and higher), plus additional reasonable costs incurred.

As a public authority the Council, if a debt is not paid within the deadline, is obliged to automatically pay the outstanding amount that includes, daily interest for every day the payment is late based on 8 percentage points above the Bank of England's reference rate plus the fixed amount, depending on the size of the unpaid debt. The onus is on the Officer to pay a supplier on time and the supplier is not obliged to remind you that payment is outstanding.

Officers must include a clause in their contracts that requires contractors to pay their sub-contractors and suppliers within 30 days of receipt of a valid and undisputed invoice. This is to comply with the PCR2015 and to cascade good practice in public procurement supply chains. There must also be a requirement for a sub-contractor to include in any sub-contract which it in turn awards requirements to the same effect.

VAT

To avoid potential VAT loss and to enable the recovery of VAT officers must ensure that VAT invoices are sent and addressed directly to the Council. Officers must avoid situations where a 3rd party receives the taxable supply that the Council subsequently pays where the supporting evidence from a 3rd party shows their payee details. A failure to recover VAT is an unnecessary and additional budget pressure and is a cost to the project / spending department.

SMEs

The Procurement regulations have provisions to make procurements more accessible for smaller businesses and third sector providers. These include:

- Restrictions on using SQs for below threshold procurements
- An encouragement to use Lots for larger contracts
- An obligation to publish opportunities on the Government's Contract Finder website for certain procurements. These include where an opportunity is advertised, so not when exercising a call-off from a framework for example, and where the contract value is over £25,000.

The Regulations require an Award notice to be published on Contracts Finder when:

- A UK Procurement Regulation Award notice is published
- an above UK Procurement Regulation threshold call-off under a framework is awarded
- a public contract over £25,000 is awarded

The Concession Contracts Regulations 2016

A Concession is a written contract for works or services where the consideration consists in the right to exploit the works or services or in that right together with payment and there is transfer of an operating risk to the concessionaire and a risk of exposure to the vagaries of the market.

The Regulations apply to Works and Services above the UK Procurement concessions threshold. The value of a concession is the estimated total turnover, net of VAT, generated by the concessionaire over the duration of the contract. The amount paid by the Council is not relevant. The method for estimating the value should be set out in the concession documents when the concession is advertised.

The Regulations limit the potential duration of concessions. Where the contract will exceed 5 years it cannot exceed the time a concessionaire could reasonably be expected to take to recoup the investment made plus a reasonable return on invested capital.

There is no formal prescribed procurement process but must comply with basic standards and principles and includes selection and award criteria, an UK Procurement Concession Notice, a standstill period and an UK Procurement Award notice.

Procurement Procedures

The Public Contracts Regulations 2015 procurement procedures apply where the value of a contract exceeds the relevant threshold. These thresholds are reviewed from time to time by UK Government. Up to date figures and advice on which threshold applies can be confirmed by the Corporate Procurement Manager.

The Regulations define the classification of "Supply", "Service" and "Works" contracts. Where a contract covers more than one classification it is usually classified according to its predominant purpose.

The Regulations define how the value of a contract is assessed for the purposes of these Thresholds. The various procurement procedures include some defined timescales which are mandatory. These include minimum times for the receipt of requests to tender and for receipt of tenders.

The Contract Notice must be submitted in the prescribed form and be published in Contracts Finder and Find My Tender. The Corporate Procurement Manager can advise on the application of the Regulations.

Five procurement procedures are available for UK procurements regulated by the Public Contracts Regulations 2015:
Choice of Procedures:

Contracting authorities may apply open or restricted procedures or innovation partnerships as regulated.

Contracting authorities may only apply a competitive procedure with negotiation or a competitive dialogue with regard to works, supplies or services fulfilling one or more of the following criteria:

- the needs cannot be met without adaptation of readily available solutions;
- they include design or innovative solutions;
- the requirement is complex in nature, in its legal and financial makeup or because of its risks;
- the technical specifications cannot be established with sufficient precision;
- in response to an open or a restricted procedure where only irregular or unacceptable tenders are submitted.

Open procedure

All interested parties can submit a tender in response to the Open Notice. Tenders can be clarified following receipt but changes to the tender and any negotiations are not permitted. The open procedure is not suitable where there is any complexity or if a high number of bids might be received.

Restricted procedure

Interested parties can submit an expression of interest in response to the Contracts Find a Tender Notice. A short listing exercise is carried out using a Standard Questionnaire (SQ). Only those meeting the published evaluation criteria can be invited to tender. A minimum of five suppliers must be invited to tender unless fewer suitable candidates have met the criteria and there is sufficient number to ensure genuine competition. Tenders can be clarified following receipt with finalisation of contract terms but changes to the tender and any negotiations are not permitted.

Competitive Procedure with Negotiation (CPN)

Any party may express an interest in tendering and the authority will select potential bidders with whom to negotiate. Minimum requirements are set out at the beginning and cannot be changed during the process. The minimum requirements and the award criteria shall not be subject to negotiation

Only those meeting the required capabilities can be invited to tender. A minimum of three suppliers must be invited to tender unless fewer suitable candidates have met the criteria and there is sufficient number to ensure genuine competition.

Negotiation may take place:

- On all aspects other than the Minimum Requirements, such as quality, quantities, commercial clauses, social, environmental and innovative aspects.
- In stages with successive elimination by applying the award criteria.

- On all tender stages except the final stage, negotiation is not permitted on the final tender.

Competitive Dialogue (CD)

Many of the requirements for Competitive Dialogue are broadly similar to Competition with Negotiation, as noted above.

Final tenders may be clarified, specified and optimised. Negotiations may confirm financial commitments or other terms in the tender that do not materially modify essential aspects of the final tender or risk distorting competition or causing discrimination.

The recitals to the regulations note that CPN and CD should not be used for off-the-shelf services or products which can be provided by many different operators in the market.

It is good practice to have pre-market engagement with current and potential suppliers to identify the technical means of delivering the requirement and / or the legal / financial make-up of the project.

Innovation Partnerships

This procedure is aimed at encouraging the development of innovative products, services or works which are not already available on the market. The procurement process largely follows that for CPN.

Following award the structure of the process covers two parts, the development of the innovative product, service or works and then the purchase of the resulting supplies, services or works.

It should be structured in successive phases with intermediate targets and payments and provide an option to end the contract after each phase. The arrangements applicable to IPR should be set out in the procurement documents.

Part 4 – Officer Employment Procedure Rules

1. Recruitment and Appointment

(a) Declarations

Relatives of members or officers

- (1) A candidate for any appointment with the Council who knows that they are related to any Member or Senior Officer of the Council shall when making application disclose that relationship to the Chief Executive. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every Member and Senior Officer of the Council shall disclose to the Chief Executive any relationship known to them to exist between themselves and any person whom they know is a candidate for an appointment under the Council. The Chief Executive shall report to the Council any such disclosures made to them.
- (2) The content of the above paragraph shall be included either in any form of application supplied for use by candidates or in the advertisement inviting applications for the appointment.
- (3) Persons shall be deemed to be related if they are husband and wife or partner or if either of them or the spouse of either of them is the son or daughter or grandson or grand-daughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

(b) Seeking support for appointment

- (1) Subject to the paragraphs above, the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (2) No councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Head of Paid Service and Chief Officers

- (1) Appointment to the post of Head of Paid Service, (Chief Executive) shall be made by the Council on a recommendation from an Appointments Committee. The Appointments Committee shall be constituted at the Annual Council meeting and appointed in accordance with the rules governing proportionality. The names of the Members to serve on the Appointments Committee are to be notified to the Chief Executive before each meeting.
- (2) **Appointment of Chief Officers** –Appointment to posts of Chief Officer shall be made by the Appointments Committee established as in (1) above who shall have authority to determine such appointments.

3. **Recruitment of all Appointments**

- (1) The function of appointment of staff, other than those set out in paragraph 2 above, is the responsibility of the Head of Paid Service or other officer of the Council as nominated by them. Recruitment to vacancies, including appointments of Chief Officer/Chief Executive, shall be carried out in accordance with the following provisions:-
 - (a) The Authority may choose to make appointments by promotion or transfer of internal candidates without considering candidates from outside (excluding appointment to the post of Chief Executive).
 - (b) A job description of the duties of the post and a specification of the qualifications or qualities desired in the person to be appointed shall be drawn up.
 - (c) The post shall be advertised in a manner that is likely to bring the vacancy to the attention of suitably qualified persons.
 - (d) The job description and specification shall be sent to people on request.
 - (e) The Authority shall either interview all applicants or a shortlist of applicants as appropriate.
 - (f) In respect of the appointments where no qualified person has applied, the authority shall make further arrangements to advertise in accordance with above.
- (2) No employee or prospective employee of the Council shall approach the Council, Panel or any Committee or Sub-Committee thereof or lobby any individual Councillors with regard to the terms of their employment, conditions of service or any grievance they may have, except in writing to the Chief Executive.
- (3) A copy of the current recruitment guidelines and procedures of the Council is attached (this is reviewed on a regular basis).

4. **Disciplinary Action**

- (1) In respect of the Chief Executive (Head of Paid Service), Director of Finance (Chief Financial Officer) and Associate Director Legal and Democratic (Monitoring Officer)-
 - (a) **Suspension** The Head of Paid Service, ~~monitoring officer~~Monitoring Officer and ~~Cehief Ffinanciale Ooefficer~~ may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
 - (b) **Independent persons** (means persons appointed under section 28(7) of the 2011 Act) appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate). An authority is not required to

appoint more than two relevant independent persons in accordance with the Act but may do so.

No other disciplinary action may be taken in respect of any of the Head of Paid Service, ~~monitoring officer~~ Monitoring Officer and ~~Chief Financial Officer~~ except in accordance with a recommendation in a report made by a designated independent person.

- (c) Disciplinary action in respect of other chief officers will be in accordance with the Council's disciplinary rules and procedures except as varied by the provisions of paragraph 5 below.
- (2) In respect of members of staff, other than those set out in sub-paragraph (1) above:-
 - (a) Disciplinary action is the responsibility of the Head of Paid Service or other officer as nominated by them.
 - (b) Councillors will not be involved in the disciplinary action against any officer below chief officer level except where necessary for any investigation or enquiry into alleged misconduct or where they serve as members of an appeals panel.
 - (c) A copy of the current disciplinary rules and procedures of the Council is attached (This is reviewed on a regular basis.)

5. Dismissal

- (1) In respect of Head of Paid Service, ~~Chief Financial Officer~~, ~~monitoring officer~~ Monitoring Officer and any other chief officer:-
 - (a) **Suspension** The Head of Paid Service, ~~monitoring officer~~ Monitoring Officer and ~~Chief Financial Officer~~ finance officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
 - (b) **Independent persons** No other disciplinary action may be taken in respect of any of the Head of Paid Service, ~~monitoring officer~~ Monitoring Officer and ~~Chief Financial Officer~~ except in accordance with a recommendation in a report made by the designated independent panel of at least two independent persons appointed by the Council for the purpose of giving advice or making recommendations relating to such disciplining or dismissal. The authority must appoint any Panel at least 20 working days before the relevant meeting.
 - (c) Dismissal of the Head of Paid Service, ~~monitoring officer~~ Monitoring Officer and ~~Chief Financial Officer~~ finance officer may not be dismissed by an authority unless the procedure set out below is complied with:
 - The authority must invite the relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
 - The relevant independent persons being as detailed in Section 4 (1b) and Section 5 (1b)

- Before the taking of a vote at the relevant full council meeting on whether or not to approve such a dismissal, the authority must take into account:
 - Any advice, views or recommendations of the Panel;
 - The conclusions of any investigation into the proposed dismissal; and
 - Any representations from the relevant officer.
 - (d) Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent persons under the 2011 Act.
- (2) In respect of members of staff, other than those set out in sub-paragraph (1) above:-
- (a) Dismissal is the responsibility of the Head of Paid Service or other officer as nominated by them.
 - (b) Councillors will not be involved in the dismissal of any officer below chief officer level except where necessary for any investigation or enquiry into alleged misconduct or where they serve as members of an appeals panel.
 - (c) A copy of the current disciplinary rules and procedures of the Council is attached (this is reviewed on a regular basis).

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THREE RIVERS DISTRICT COUNCIL STANDARDS HANDLING PROCEDURE

Background

Under Section 28 of the Localism Act 2011, Three Rivers District Council must have in place “arrangements” under which allegations that an elected or co-opted councillor of the Council or of a town or parish council within the Council’s area (referred to in these arrangements as the ‘subject member’) has failed to comply with the Council’s Code of Conduct can be considered and decisions made on such allegations.

These arrangements provide for the Council to appoint at least one Independent Person whose views must be sought by the Council before it takes a decision on an allegation that it has decided to investigate, and whose views can be sought by the Council at any other stage, or by the subject member against whom an allegation has been made.

The Council has adopted a Code of Conduct for councillors (the Code), which is published on the Council’s website and is available for inspection on request from the Council’s office.

Each town and parish council is also required to adopt a Code of Conduct which should be available on their website.

Initial assessment

1. All allegations, including those against a town or parish councillor, must be made in writing, ideally by completing the complaints form available on the Council’s website, to the monitoring officer of Three Rivers District Council (MO).
2. Within 5 working days of receipt of the complaint the MO will acknowledge the complaint.
3. The MO will apply an initial filter to an allegation – for example, to check that the complaint is against a councillor, that they were in office at the time of the alleged incident and that the matter would be capable of being a breach of the Code. The Council has no authority to deal with complaints which relate solely to a councillor’s private life or things they do which are not related to their role as a councillor or as a representative of the council. The MO will keep a record of all complaints made including those which do not pass the initial filter.
4. If the MO has a conflict of interest they should refer the matter to the Standards Panel (SP) to take the decision in their place. Circumstances where this would be done include (but are not limited to) where the MO has a conflict of interest – for example as the complainant, a key witness or where the MO has already advised on matters which are the subject of the

complaint; or where the subject member or complainant is a Lead Member. Where this is done, references to the MO in this section should be substituted by SP.

5. The MO may also delegate the decision to the deputy monitoring officer (DMO) where there is a conflict of interest as outlined above.
6. Complaints which identify criminal conduct or breach of other regulations by any person may be referred by the MO to Hertfordshire Police for consideration, or any other regulatory agency. In such cases the MO may pause the consideration of the complaint pending action by the other body.
7. If the MO decides the matter is within scope, they will invite an Independent Person (IP) to give their views on what action should be taken at this stage. Where a matter has not been referred to the SP, the MO will also consult with the chair or vice chair of the SP.
8. The MO will also notify the subject member of the complaint within ten working days unless there are compelling reasons not to, together with a copy of the complaint (or relevant extracts) and a summary of the process to be followed, and invite them to submit any relevant comments. The subject member will be given ten working days to respond from the date of the notification. In parish council cases the MO may also notify the clerk and may ask for relevant factual information. However, the MO, in consultation with an IP, may withhold the complainant's identity if they can be satisfied that there are reasonable grounds for granting confidentiality, for example a belief that the complainant or any witness to the complaint may be at risk of physical harm or intimidation, or that their employment may be jeopardised if their identity is disclosed.
9. At the end of the ten working days from notifying the subject member (regardless of whether any comments have been received from the subject member) the MO will decide one of the following outcomes:
 - a. to take no further action;
 - b. to seek to resolve the matter informally; or
 - c. to refer the matter for investigation.
10. In deciding what action is necessary the MO will consider the following non-exclusive factors:
 - a. does the complaint contain sufficient evidence to demonstrate a potential breach of the Code?;
 - b. are there alternative, more appropriate, remedies that should be explored first?;
 - c. where the complaint is by one councillor against another, a greater allowance for robust political debate (but not personal abuse or "unparliamentary" language) may be given;
 - d. is the complaint in the view of the MO malicious, politically motivated, or 'tit for tat'?

- e. whether an investigation would not be in the public interest or the matter, even if proven, would not warrant any sanction;
 - f. whether the complaint is the same as one which has previously been considered and no new material evidence has been submitted;
 - g. whether the same complaint has been submitted and accepted;
 - h. does the complaint relate to conduct in the distant past (over six months before)? This would include any reason why there had been a delay in making the complaint;
 - i. does the complaint actually relate to dissatisfaction with a Council (or parish council) decision rather than the specific conduct of an individual?; and
 - j. is it about someone who is no longer a councillor or who is seriously ill?
11. All parties (and the clerk for parish cases) will be notified of the MO's decision and there is no internal right of appeal against that decision.
12. A decision notice will be produced as a matter of record but will not be published at this stage though the Council may issue a public statement if details of the complaint are already in the public domain.

Informal resolution

13. Where the MO has decided to seek to resolve the matter informally, they may do one or more of the following:
- a. ask the subject member to submit an apology in writing to the complainant;
 - b. convene a meeting between the subject member and the complainant in order to try to resolve the issue informally;
 - c. notify the subject member's group leader (where they are a member of a political group) and suggest that they may wish to take some internal group action;
 - d. suggest that the subject member undergo relevant training;
 - e. other such action that the MO deems appropriate.
14. The MO will decide on a timeframe within which the informal resolution must be completed to an acceptable standard.
15. If either the subject member or complainant refuses to engage with the informal resolution proposed by the MO, or the MO deems the action taken by the Subject Member insufficient or the informal resolution does not take place in a timely way the MO will decide, in consultation with an IP, whether the case should be closed, whether an investigation is necessary or whether some other action should be taken. If the MO and the IP are not in agreement about how to proceed the case it will be referred to the chair or vice chair of the SP for a decision.
16. The MO will notify the subject member, complainant (and clerk in parish cases) of the outcome of the informal resolution.

Investigation

17. Where a matter is referred for investigation, the MO may carry out the investigation themselves, delegate it to another officer or contract it out to an outside body.
18. The investigation must normally be completed within 3 months of the MO decision to refer the complaint for investigation. If an extension of time is needed the MO will notify the subject member, complainant (and clerk in parish cases) of any extension with reasons.
19. The subject member is notified that they may seek the views of an IP at any stage during the investigation.
20. The complainant is also notified who the IP is and may make a request to the MO to seek the views of the IP. However, such a request will only be granted at the discretion of the IP in consultation with the MO.
21. At any time while the investigation is underway the MO, the subject member or the complainant may ask for an informal resolution. The MO will consult with an IP whether to agree with the request.
22. Before concluding the investigation, a draft report will be produced and the MO (where they have not written the report), IP, complainant and subject member will be invited to comment. Witnesses may also be asked to comment as appropriate on parts of the draft report relevant to them.
23. Where the investigation has not been personally conducted by the MO, the final decision as to the findings of the report will nevertheless be made by the MO unless there is a conflict of interest, in which case the decision will be taken by the DMO.
24. There may be exceptional circumstances when the MO decides that a case should be closed before a draft or final report has been produced due to a significant change in circumstances. This may include, for example that the subject member is seriously ill or is no longer a councillor or other action has led to the matter being resolved. In such cases the MO should consult the IP before deciding that the file be closed. A record of the complaint will be kept on file in the event that the subject member returns to office in the future and a subsequent complaint is lodged against them.
25. At the end of the investigation the MO may conclude:
 - a. that there has been no breach of the Code;
 - b. to seek to resolve the matter informally; or
 - c. to refer the matter to the SP for determination.

26. In cases where the MO has concluded that there has been no breach of the Code all parties (and the clerk in parish cases) will be notified of the MO's decision and there is no right of internal appeal against that decision. The MO will report the finding to the chair or vice chair of the SP.
27. Where the MO decides to seek to resolve the matter informally, they shall seek the views of the IP and complainant before concluding whether such an outcome is appropriate. The possible resolutions are those outlined above at paragraph 13. If the subject member or complainant refuses to engage with the informal resolution directed by the MO, the MO deems the action taken by the subject member insufficient or the informal resolution does not take place in a timely way the MO will decide, in consultation with the IP and chair or vice chair of the SP, whether the case should be closed or whether a hearing is necessary. The MO will notify the complainant (and clerk in parish cases) of the outcome of the informal resolution and any further steps.
28. Where the matter is referred for determination, the standards panel will convene within 2 months. The MO will notify the subject member and complainant of the date of the hearing and provide them with a written outline of the hearing procedure.

Hearings panel

29. A matter referred for determination by the MO will be heard by the standards panel.
30. At the start of the hearing the MO will ask the standards panel to consider whether the matter should be heard in public or in private, subject to the normal rules on exempt and confidential information and bearing in mind the public interest. The standards panel will always, however, retire in private to consider its findings and possible action.
31. The views of the IP will be sought by the standards panel and made public before the standards panel reaches its decision.
32. The standards panel may decide:
 - a. that there has been no breach of the Code;
 - b. that there has been a breach but to take no further action; or
 - c. that there has been a breach and a relevant sanction should be imposed or recommended.
33. If the standards panel decides that a relevant sanction should be imposed or recommended it may impose or recommend any one or more of the following:
 - a. report its findings in respect of the subject member's conduct to Council (or the relevant parish council);
 - b. issue (or recommend to the parish council to issue) a formal censure;

- c. recommend to the subject member's group leader (or in the case of ungrouped councillors, recommend to Council) that they be removed from any or all committees or sub-committees of the Council (or recommend such action to the parish council);
- d. recommend to the Leader of the Council that the subject member be removed from positions of responsibility.
- e. instruct the MO to (or recommend that the parish council) arrange training for the subject member;
- f. recommend to Council (or recommend to the parish council) that the subject member be removed from all outside appointments to which they have been appointed or nominated by the Council (or by the parish council);
- g. recommend to Council (or recommend to the parish council) that it withdraws facilities provided to the subject member by the Council for a specified period, such as a computer, website and/or email and internet access; or
- h. recommend to Council (or recommend that the parish council) that it excludes the subject member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, committee and sub-committee meetings and/or restricts contact with officers to named officers only;
- i. if relevant, recommend to the Council that the subject member be removed from their role as Leader of the Council;
- j. if relevant recommend to the secretary or appropriate official of the group that the councillor be removed as Group Leader or other position of responsibility.

34. All parties (and the clerk in parish cases) will be notified of the hearing panel's decision and there is no right of internal appeal against that decision.

35. A decision notice will be published on the Council website within 5 working days of the hearings panel decision.

Part 5

Codes and Protocols

Part 5 – Members’ Code of Conduct

Following implementation of the Localism Act 2011, all Councils were required to adopt their own codes of conduct for elected members, which had to be consistent with the Nolan Principles of Public Life. The Council adopted its current Code of Conduct on 25 May 2021. A copy is included as an appendix.

Members must register certain financial and other interests and a hard copy of the Register is available for inspection at the Council offices. The Register of Interests [forms for all Councillors are available under each Councillor’s profile page – the link to the Councillors profile pages is provided below or are](#) ~~is~~ also available for inspection [at the Council offices.](#)

[https://moderngov.threerivers.gov.uk/mgMemberIndex.](https://moderngov.threerivers.gov.uk/mgMemberIndex)

Part 5 - Officers' Code of Conduct

Officers' Code of Conduct

This Council has a Code of Official Conduct in relation to its employees which offers guidance to employees

When implemented, all Local Government employees will be required to abide by an officers' Code of Conduct under Section 82 of the Local Government Act 2000 (see Appendices).

The Council has a "whistleblowing" policy to enable staff to raise issues of concerns about improper practices within the Council (see Appendices).

The Council has also developed an anti-fraud and corruption strategy to prevent and detect fraud and corruption (see Appendices).

Part 5 – Planning Matters Guidance Note

Site Visits

Formal site visits will be held where there is a clearly identified benefit. A record should be kept of why a visit is being held and who attended it. A site visit should generally take place where a proposal is either particularly complex or sensitive, and the impact is difficult to assess from submitted information and plans.

The site visit will either take place after initial consideration by the Planning Committee or in advance of such consideration, where the need for a site visit is recognised at an early stage, as determined by the ~~Director of Community and Environmental Services~~ Associate Director Economic-, Infrastructure Development and Planning or the Head of Regulatory Services.

All Members of the Planning Committee will be invited to attend the site visit, together with Ward Members for the development site and appropriate adjoining Ward Members. It will not normally be necessary for an officer to attend such meetings.

For any District Councillor appointed as a Member of the Planning Committee who is also a Member of Parish/Community Council Planning Committee should follow the following principals:

- has an open mind about the application
- is not bound by the views of the Parish Planning Committee and
- can deal with the application fairly and on its merits at Committee

Member Interests

The Local Government Act 2000 and the Model Code place requirements on Members in relation to the registration and declaration of their interests and the consequences of a Member's participation in consideration of a particular issue, in the light of those interests.

The Model Code defines interest as either "personal" or "prejudicial" and refines the definition of those interests.

Where such interests are related to planning matters, Members must abstain from involvement in any issue the outcome of which might advantage or disadvantage the personal interests of the Councillor, their family, friends or employer.

Applications by Members or Officers

Should a planning application be submitted by or on behalf of any Member or officer of the Council or their relatives the Planning Committee will determine that application.

The Member(s) or officer(s) should notify the ~~Director of Community and Environmental Services~~ Associate Director Economic, Infrastructure and Planning or the Head of Regulatory Services of any application at the time of its submission.

Any Member or officer who has submitted a planning application should play no part in the decision-making process and the same must apply if any Member or officer acts as an agent for a third party who has submitted an application.

Dual Membership - Members of the Planning Committee who also sit on a Parish Planning Committee

Where a Member of the Planning Committee is also a Member of a Parish Council's Planning Committee which has previously considered a planning application which is before the Committee, the member must declare the interest as a personal, non-pecuniary interest on the night of the meeting and may then stay, speak and vote on the item, provided they can show that they:

- have an open mind about the application
- is not bound by the views of the Parish Planning Committee and
- can deal with the application fairly and on its merits on the night
-

Part 5 - Protocol on Member/Officer Relations

1. Introduction and Principles Underlying Member-Officer Relations

- a) The purpose of this Protocol is to set out the respective roles and responsibilities of Members and Officers, and to guide them in their dealings with each other in such a way as to ensure high standards of good governance across the Council. It is designed to support continued harmonious professional relationships between Members and Officers working collaboratively. This protocol is compatible and complimentary to the Council's Member Code of Conduct and Code of Conduct for Employees.
- b) This Protocol does not cover every situation that may arise in the relationships between Councillors and Officers but aims to address the more common issues that are likely to arise and may cause difficulties and to provide guidance which may be applied more generally.
- c) All staff are employees of and accountable to the whole Council and covered by employment legislation. The Council engages in national and local bargaining on pay and conditions.
- d) This Protocol is subject to the other provisions of the Council's Constitution, the Code of Conduct for Members, the Officer Code of Conduct, the various Standing Orders, Financial Regulations, and the Schemes of Delegation to Officers, all of which will prevail over this Protocol if there is any conflict.

2. Productive relationships are built on mutual respect, openness, trust and competence

- a) Mutual respect between Members and Officers is essential to good local government. Councillor/officer relationships are to be conducted in a positive and constructive way. It is important, therefore, that any dealings between Councillors and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position to seek or exert undue influence on the other party.
- b) Dealings between Members and officers should observe reasonable standards of courtesy. Members have the right to criticise reports put before them but should not criticise officers personally either verbally or in writing (including email and social media). In order to maintain effective working relationships and the reputation of the Council Members and Officers, they should treat each other with respect at all times and particularly at Committee meetings or in any public forum.
- c) Members should be aware that officers are constrained in the response they may make to public comment from Members and should not abuse officers in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. This in no way reduces Members' proper right and duty to criticise the reports, actions and work of a department or section of the Council where they believe such criticism is merited.

Members need to be aware that it is easy for officers, particularly junior Officers, to be overawed and feel at a disadvantage in their dealings with Members. Such feelings can be intensified where Members hold official and/or Political office. If Members believe they have reason to criticise the work of an individual junior Officer, the proper approach is through the manager of the section or Head of Service of the relevant service.

- d) Where officers feel they have good cause to criticise a Member or call their actions in to question, an approach by the ~~relevant Chief Officer~~ Chief Executive, Director of Finance, Associate Directors or Monitoring Officer to the Member's Group Leader is a sensible first step.
- e) A Member should not request an officer to do anything that they are not empowered to do, nor to cease any action which the officer is properly taking or proposes to take, nor to undertake work outside normal duties or outside normal hours, nor to provide information to which the Member is not entitled. Advice on the appropriateness of such requests is available from either the Chief Executive, Director of Finance, Associate Director, Chief Officer or the Monitoring Officer/Associate Director Legal and Democratic (Monitoring Officer).

3. Roles of Members

All Members will:

- a) Effectively represent the interests of their constituents in their ward by carrying out individual casework, taking into consideration the needs and wellbeing of all residents.
- b) Provide community leadership and engagement.
- c) Undertake regulatory, quasi-judicial and statutory duties.
- d) Sit on a range of Member-level bodies as well as Council meetings, and assist in reaching informed and balanced decisions, and developing and reviewing Council policy.
- e) Be part of the decision-making process for the development of the strategic policy and financial framework for the operation of the Council.
- f) Represent the Council on a variety of partnerships and external bodies.
- g) Maintain the highest standards of conduct and ethics and not bring the Council into disrepute.

4. Roles of Officers

4.1 ***Officers should:***

- a) Maintain political neutrality
- b) Serve all Members of the Council fairly
- c) Avoid close familiarity with Members
- d) Be polite in their dealings with Members
- e) Deal with Members' enquiries efficiently and promptly
- f) Report to their Line Manager, Associate Director or Head of Service if they feel a Member has asked them to deal with a matter outside of Council procedure or policy.

Officers should not:

- g) Allow their own personal or political opinions to interfere with their work
- h) Raise personal matters to do with their jobs directly with Members
- i) Not improperly disclose information received from an elected Member to another Political Party.

4.2 **Officer responsibilities:**

- a) Staff are responsible for day-to-day managerial and operational decisions and the provision of professional advice to all parties in the decision-making process (full Council and all Committees) and to enable Councillors to perform their duties.
- b) They are responsible for maintaining an effective system of record keeping of decisions.
- c) Officers may also represent the Council on partnership and external bodies.
- d) The roles of ~~Head of Paid Service (Chief Executive)~~, ~~Director of Finance~~~~Chief Finance Officer~~ and ~~Monitoring Officer~~~~Associate Director Legal and Democratic (Monitoring Officer)~~ are defined in statute.
- e) In the course of their work Officers sometimes meet with and/or negotiate with various individuals and bodies concerned with Council business. Generally, it will not be appropriate for Members to attend. If Officers believe it is necessary/appropriate for Members to attend, then this should be agreed with the appropriate Director/Head of Service.
- f) Occasionally it is appropriate to have a political perspective at such meetings and, if the ~~Chief Executive~~, ~~Director of Finance or Associate Director~~ so decides, the Lead Member will be invited and may invite other appropriate Members to attend.
- g) If it is necessary to advise Members of issues arising there will be a report to the Information Bulletin. Committees should not receive reports for noting only.

5. **Relationship between Chair of the Council and Officers**

- a) There should be a close and professional working relationship between the Chair of Council and Head of Service they work with. Such relationships, however, should never be allowed to become so close, or appear to be so close, as to bring into question an officer's ability to deal impartially with other Councillors and other Political Groups.
- b) The Chair of Council Chairs meetings of Full Council and carries out the civic and ceremonial duties of the Council.
- c) The Chair of Council is entitled to officer support in preparation for and at Council meetings. This support will be primarily from the three statutory officers.
- d) The Chair of Council is provided with administrative assistance to discharge the civic and ceremonial responsibilities efficiently and effectively.

6. **Relationship between the Leader and Lead Members and Officers**

- a) There should be a close and professional working relationship between the Leader, Chairs of a Committee or Lead Member and the Heads of Service and Senior Officers they work with. Such relationships, however, should never be allowed to become so close, or appear to be so close, as to bring into question an officer's ability to deal impartially with other Councillors and other Political Groups.
- b) The primary Officer support for the Leader, Deputy Leader and Lead Members is through the Senior Leadership Team.
- c) In situations where one Political Group has an overall majority, but the Policy and Resources Committee is made up of Members from more than one Political Group, the Senior Leadership Team will also support the Members who do not form the Administration.

- d) If a ~~Chief Officer~~ (Member of Senior Leadership Team) needs to inform the Leader of the Council, Deputy Leader or a Lead Member of an important confidential matter, that Member should authorise the Senior Leadership Team~~Chief Officer~~ to inform the appropriate Spokesperson or Group Leader of the other parties. Failing authorisation, the matter will remain confidential to the ~~Chief Officer~~Senior Leadership Team and Member unless the Chief Executive or the Monitoring Officer considers that it is necessary and in the best interests of the Council to provide that information to the other parties.
- e) When ~~the Senior Leadership Team~~Chief Officer takes the initiative to provide general information to the Leader of the Council, Deputy Leader or a Lead Member, that information will be supplied to the other appropriate Spokespeople and Group Leaders as soon as possible.
- f) If the Leader, Deputy Leader or a Lead Member, Spokesperson or Group Leader has asked for a brief from a ~~Head of Service~~Chief Officer, concerning a particular line being considered in connection with an agenda item, it would not be necessary or usual for the Leader, Deputy Leader, Lead Member, Spokesperson, Group Leader or the ~~Chief Head of Service~~Officer to provide a copy to any Member of the other Political Groups on the Council, nor to acknowledge that such a brief had been prepared.
- g) In summary, the prevailing philosophy will be that when ~~the Senior Leadership Team~~Chief Officer takes the initiative to give general information to the Leader, Deputy Leader or individual Lead Members, the ~~Chief Officer will provide such information to the counterparts in the other Political Groups.~~
- h) When individual Councillors, regardless of Political Group, seek advice from a ~~Associate Director/Head of Service~~Chief Officer, that advice will be given in confidence to them, and it will be maintained by the ~~Senior Leadership Team~~Chief Officer until the Councillor agrees it can be released.

7. Relationships between Chairs and Members of Committees and Officers

- a) There should be a close and professional working relationship between the Chairs of a Committee and Committee Members and the Heads of Service and Senior Leadership Team Officers they work with. Such relationships, however, should never be allowed to become so close, or appear to be so close, as to bring into question an officers ability to deal impartially with other Councillors and other Political Groups.
- b) The primary Officer support for the Committees is ~~Heads of Service~~Service Heads. That is the staff directly responsible to ~~the Senior Leadership Team~~Chief Officers.
- c) The confidentiality provisions indicated above for the Leader, Deputy Leader and Lead Members also apply to the Chairs of Committees and the Officers who advise them.

8. Relations at Work

8.1 **General contact between Members and Officers**

- a) Initial contact by Members should usually be at Head of Service level other than on routine matters where Members may contact junior Officers directly.
- b) Members are elected to represent the interests of their constituents, but they should not seek special treatment for any individual or group and should declare any special relationship they have with the constituents concerned.

8.2 Members should not encourage an Officer to take any action that is:

- a) Against procedure or policy
- b) A breach of the code of conduct for employees
- c) In conflict with Council procedure rules or financial regulations

- d) Capable of being interpreted as intimidation or bullying or do anything which is outside their duties and responsibilities.

8.3 ***During Meetings***

- a) Members and Officers should always show respect and be polite to each other during meetings. Members and Officers should not talk over each other, interrupt or be abusive or use unacceptable language.

9. **Procedure to be Followed When Taking Delegated Action in Consultation with Members of the Council**

- a) Apart from matters which are clearly delegated to Officers and in respect of the determination of planning applications, delegated action in consultation with Members can only be taken by Officers in any of the following situations.
- b) Where this is provided for in the Council's Scheme of Delegation to Officers.
- c) Where a Committee or Sub-Committee has specifically authorised delegation to the Officer in consultation with nominated Members.
- d) If any Member nominated by the Committee or Sub-Committee is absent, the Leader of the Political Group they represent must be consulted.

10. **Procedure for consultation**

Either:

- (a) Consultation must be in written form explaining the proposed action/decision and the reasons therefore, with the Member responding with their agreement or otherwise in writing to the Officer before any action is taken; or exceptionally.
- (b) Where an urgent decision is required ~~this is to be undertaken under Part 3 of the Council Constitution, Section 8, Points 8.1 to 8.3, Officers may, in the first instance, seek agreement by telephone or e-mail in the manner as in (a) above. Consultation should, where possible, be with the Chair of Council first followed by the other Members.~~

11. **Opposition to officer delegation**

- a) If the Member(s) consulted under this arrangement is opposed to the Officer's suggested action/decision and agreement cannot be reached, then the matter must be reported ~~to the appropriate Committee or Sub-Committee for determination unless the matter is considered by the~~ Chief Executive or ~~one of the Associate two Directors and /or Monitoring Officer Associate Director Legal and Democratic (Monitoring Officer) to be determined~~ to be so urgent that it cannot wait to be determined.

12. **Reports of officer delegation**

- a) An official record must be kept by the Committee Team recording the action/decision taken in consultation with Members under this procedure together with supporting papers where necessary. The record shall be available for inspection by Members ~~at the subsequent meeting of the Committee or Sub-Committee.~~

13. **Implementation and co-ordination**

- a) The co-ordination of this procedure and the dispatch of any correspondence shall be the responsibility of the Committee Team.

14. Briefings on Committee Business

- a) Formal joint briefings will be arranged for the Chairs and Vice-Chairs of Committees to consider the business to be transacted at each meeting as set out on the agenda.
- b) The Chairs may use discretion to invite other appropriate Chairs or Vice-Chairs or Spokespeople of other Groups, to attend such briefings.
- c) Any Political Group not holding the Chair or Vice-Chair of a Committee may request a briefing on the business to be transacted at the Committee meeting. Such a request should be made by the Committee Spokesperson or Group Leader to the Committee Manager who will make appropriate arrangements with the Senior Leadership Team/Heads of Service ~~Chief Officer(s)~~ concerned. The Chairs of the Committee concerned shall be informed that such a briefing is to be given.
- d) These briefing sessions will be comparatively short.

15. Officer relationships with party groups

- a) In addition to the formal arrangements described above, the Senior Leadership Team will meet with the Leader, Deputy Leader and Lead Members on a regular basis to advise generally on matters of policy which may become the subject of discussion by the Council or any committee, to review progress on the implementation of Council decisions and to consider any management problems on which the Senior Leadership Team wishes general guidance.
- b) It should be noted that the national conditions of service for all Local Government Officers provide that no officer shall be called upon either to advise any Political Group of the Council or to attend any meeting of any such Group.
- c) The conditions for Chief Executives allow local arrangements to the contrary to be made but only with the agreement of the Chief Executive and with adequate safeguards to preserve Political neutrality in relation to the affairs of the Council.
- d) All Political Groups may request a private and confidential briefing including, but where appropriate going beyond, the provision of written information, on matters of policy which are or may become the subject of discussion by the Council or any Committee or which constitute important background information for the efficient and effective conduct of local government. All such requests must be made by the Leader or Deputy Leader of the Group concerned to the Chief Executive. If such a request is approved by the Chief Executive, a similar invitation will be given to the other Political Groups.
- e) At the discretion of the Chief Executive and the Senior Leadership Team ~~either Senior Officers,~~ the Senior Leadership Team/Heads of Service are prepared to provide such advice and assistance on the understanding that they will make their presentation, answer questions on it and then leave. Group Members should reserve Political comment and discussion until after the departure of the staff involved.

16. Members in their Ward Role and Officers

- a) In order to fulfil their community leadership role, Members should be provided with support and access to information and reports affecting matters in their Ward.
- b) The Committee Team ~~Section staff~~ and other officers, as necessary, will support the Chairs of the Forums in making arrangements for a Local Area Forum but will not clerk the meetings. Officers are not expected to attend these meetings.

The following facilities are available for Members.

- c) The Members' Room is located on the first floor. Access to the Members' Room can be gained by use of the identity card. There is also a kitchen which Members may use.
- d) The Members' Room contains a ~~computer~~, meeting table, break-out areas and, work stations ~~and surface pro chargers~~. Battery chargers are available from the Committee Team for use at a Council/Committee meeting. Members can use the printers/photocopiers located on the first floor in the staff area. These facilities are available at no charge for Council business, but Party Political business or personal use should be declared to the Chief Executive and will be recharged.

17. Conduct outside of work

- a) At official civic events Members and Officers should dress and behave in a manner in keeping with the occasion and their position.
- b) Any Member representing the Council at a civic or ceremonial event must represent the Council in a corporate rather than a Political manner.

18. Members and Officers and Contracts

- a) A Member shall not issue any order in respect of any works which are being carried out by or on behalf of the Council, or claim by virtue of their membership of the Council any right to inspect or to enter upon any land or premises which the Council has the power or duty to inspect or enter.

19. Councillor Access to Documents and Information

- a) Any Member of the Council may report complaints to the appropriate Member of staff by telephone, e-mail or in writing (~~see the directory on the Council Intranet~~) or seek answers from them to questions of a routine nature.
- b) Any Member of the Council may ask the Senior Leadership Team/Head of Service ~~appropriate Chief Officer~~ for written factual information about a service/service area. Such requests will be met subject to any legal constraint and the paragraph below.
- c) If the ~~Chief Officer~~ Chief Executive/Monitoring Officer considers that the information requested could only be provided at unreasonable cost, they ~~Chief Officer~~ shall inform the Member. If the request is not withdrawn the Chief Executive/Monitoring Officer ~~Chief Officer~~ shall seek direction from the Leader, Deputy Leader or the appropriate Lead Member as to whether it should be provided, and inform the Member accordingly. It remains the prerogative of a Councillor to raise such a request through the Committee, or Council whereon decisions can be taken in the light of available resources and agreed priorities.

- d) The rules concerning access to information by Councillors is set out fully in Part 4 of the constitution, Access to Information Procedure Rules.

20. Other individuals who are Members of Council bodies

- a) Such individuals are entitled to be treated by staff in the same manner as Councillors while in the performance of their duties for the Council.

21. Dealing with the Media

21.1 The Council's media protocol is in the Council Constitution

Press releases

- a) All Council press releases will be drafted and issued by officers who will operate within the existing legal framework on publicity. All press releases will include a direct email address for the Communications team. Press releases will be sent to the Leader of the Council, Deputy Leader and relevant Lead Member for comment and final approval by the Chief Executive, ~~or~~ Director or Associate Director before issue. Council press releases should be issued by the Communications team and copied to all Members at the same time.
- b) Any request for information or questions asked by the press, websites, radio or television should initially be referred to the Communications team.
- c) Officers may speak directly to the media with the agreement of the Communications team and after consultation with either the Leader of the Council, Deputy Leader, relevant Lead Member, Chief Executive, ~~or~~ Director or Associate Director of the Council.
- d) All Council press releases will include only the Communications Team contact details.
- e) Press releases should be published on the Council website and removed or updated if they become out of date.
- f) If the Leader or Spokesperson of any Political Group wishes to issue a press statement in a group capacity, use may be made of Council facilities, e.g. typing, printing and distribution facilities, on a rechargeable basis by prior arrangements with the Chief Executive. Chief Officers may be requested only to provide factual information to assist in the preparation of such statements.
- g) The Chair of the Council has a special role in public relations and will reply on the appropriate headed notepaper, being guided by the Communications team who will collate responses from appropriate officers and will consult the Chief Executive when necessary. A copy of all such correspondence will be held on file.
- h) Council press releases reporting the work of the Chair of the Council must be approved by the Chair of Council and Chief Executive before issue.

22. Website and Social Media

- a) Advice on use of social media is available on request from the Chief Executive. In particular, Members should note the following principles.
- b) Where a Member uses a social media account both as a Member and as an individual, Members should make it clear in which capacity they are posting. ~~Members are expected to communicate politically. However, Whilst~~ there is a difference between communicating on behalf of the Council and blogging/communicating on social media as a private citizen, members should remember that ~~Online activity is may be~~ subject to the Member Code of Conduct wherever if a Member gives the impression that they are acting as a Councillor, ~~whether the Member is in fact acting in an official capacity.~~
- c) Members should comply with the general principles of the Member Code of Conduct in what they publish and what they allow others to publish and in particular the following provisions of the Code:

- Treat others with respect. Avoid personal attacks and disrespectful, rude or offensive comments. Comply with equality laws.
 - Refrain from publishing anything received in confidence.
 - Do not bring the Council, or your Councillor role into disrepute.
- d) The Council's social and news media are co-ordinated by the Communications team. Any major announcements made through these channels that have not been approved in press release form should be agreed with the Communications team and include consultation with the Council Leader and relevant Lead Member.
- e) The Council's websites will be checked regularly by the Communications team to ensure that all information is up to date.

23. Reporting elections

- a) The Council will comply with the Government's recommended Code of Practice on Local Government Publicity in regard to publicity restrictions prior to elections.
- b) Local media representatives will be invited to attend election counts. Media representatives must comply with all count rules and must be always accompanied by a Council communications officer.
- c) Filming, photography, social media and audio recording are forbidden on the election count floor. The Communications team can arrange for photographs or filming to be made outside of the count floor or before or after the count with the consent of the Returning Officer. The Council may supply stock images to the media as an alternative.
- d) Media representatives may interview Members, Candidates, Agents and Council Officers on the count floor with their agreement of the Returning Officer, where this does not disrupt the count.
- e) Media representatives may publish on websites and social media direct from the count floor.
- f) Appropriate Guidance will be issued to all Members prior to the election period.

f)g) Reporting on the elections is the Returning Officer duty.

24. Correspondence

- a) Correspondence between Officers and Members should tend to be on a formal basis especially where the Officer is below Head of Service level. Casual conventions undermine the differentiation of roles and the absence of a recognised etiquette may tend to confuse less experienced Officers and Members.
- b) For example, if writing to a Member it should begin 'Dear Councillor'. Careful consideration in accordance with this Protocol should be given as to whether to copy the communication to anyone else and, if so, to whom. It should be readily apparent to all parties why and to whom any copy was sent. Special care is needed when dealing with Chairs, Spokespeople or Leaders.
- c) Inevitably email is less formal so even more care is needed about what is sent or forwarded and to whom, to ensure that this protocol is observed.

- d) Members may write to whoever appears to be the appropriate Officer, but it is often better to write to the Chief Officer, especially if more than one department is involved in a single problem. Chief Officers are responsible for ensuring that their staff send adequate replies but, if a Member directs a letter to a specific member of staff, it has to be accepted that the individual may only know part of a wider story and so unwittingly give misleading information.
- e) Members and officers must always act in a way which is compliant with the General Data Protection Regulation, the Data Protection Act 2018 and with associated legislation. This entails ensuring that all personal data which is processed by Councillors, either in their own capacity as data controllers or on the Council's behalf, is processed subject to relevant limitations and safeguards.
- f) It is an essential part of the etiquette towards Members that officers reply promptly and fully to Members' correspondence. Acknowledgements should be sent unless a full answer can be given within two weeks of receipt and full replies must be sent as soon as possible.
- g) Much correspondence from Members is in the form of details about a problem experienced by a (Ward) resident and/or a letter from the resident. In most cases the reply should take the form of a letter to the resident, copied to the Member, and beginning 'I received an enquiry on your behalf on (date) from Councillor about'. Occasionally it will be more appropriate to write to the Member giving confidential details to permit a response.
- h) No Member should correspond with Council Tax payers, ratepayers or other groups, organisations, or individuals on behalf of the Council. That is an officer role. If a Member conducts such correspondence as an individual Councillor, it is important to ensure that the person receiving the letter is aware of that distinction. This is especially true if the Member holds a position as Leader of the Council, Lead Member, Chair, Vice-Chair or Spokesperson of a Committee as the public can be easily confused about status. Similar arrangements should apply to meetings.
- i) Any Member who considers they have a justifiable exception to this rule should obtain the agreement of the Chief Executive before writing.

25. Review

- a) The protocol should be operated with flexibility according to circumstances. The Group Leaders and the Chief Executive will periodically review the operation of these guidelines and are available to try to resolve problems which may arise in these areas from time to time.

26. What do you do if you have a concern

- a) Occasionally a relationship between a Councillor and an officer may break down or become strained. It is usually preferable to resolve this informally, but sometimes this may not be possible, and it is important for Councillors and officers to know how to pursue any complaint or grievance.
- b) If a Councillor wishes to complain about the actions of an officer, they should raise it with the relevant Chief Officer in the first instance. If the Councillor is not satisfied with the response, they may take the matter up with the Chief Executive. Where the complaint relates to the Chief Executive it should be raised with the Solicitor to the Council, in their capacity as the Council's Monitoring Officer/Associate Director Legal and Democratic (Monitoring Officer).

- c) If an Officer has a grievance about the conduct of a Councillor, they should take the matter up with their Chief Officer. If the Officer is not satisfied with the response, they may take the matter up with the Solicitor to the Council. These provisions do not affect an officer's right to make a formal complaint under the Code of Conduct for Members.

Part 5 – Local Code of Corporate Governance

**Three Rivers District Council
Local Code of Corporate Governance**

April 2008

Three Rivers District Council

Local Code of Corporate Governance

Corporate Governance is the system by which organisations direct and control their activities. In local government, it is about how the Council ensures it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest, and accountable manner. It comprises the systems and processes, and cultures and values, by which the Council is directed and controlled and through which it accounts to, engages with and, where appropriate, leads the community. Three Rivers District Council is committed to the principles of good corporate governance. This document explains how the Council will achieve good corporate governance.

The Local Code follows the six core principles taken from *The Good Governance Standard for Public Services* (2004) developed by the Independent Commission on Good Governance in Public Services with support from the Office for Public Management and incorporated into *Delivering Good Governance in Local Government – Framework* published by the Society of Local Authority Chief Executives (SOLACE) and the Chartered Institute of Public Finance and Accountancy (CIPFA). They are:-

- Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area
- Members and officers working together to achieve a common purpose with clearly defined functions and roles
- Promoting the values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour
- Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
- Developing the capacity and capability of members and officers to be effective
- Engaging with local people and other stakeholders to ensure robust public accountability

The framework urges local authorities to test their structures against these principles by:-

- Reviewing their existing governance arrangements against the framework
- Developing and maintaining an up-to-date local code of governance, including arrangements for ensuring its ongoing application and effectiveness
- Preparing a governance statement in order to report publicly on the extent to which they comply with their own code on an annual basis, including how they have monitored the effectiveness of their governance arrangements in the year, and on any planned changes in the coming period.

Core Principle 1

Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area

The function of governance is to ensure that the Council and its partners fulfil their purpose and achieve the intended outcomes for citizens and service users and operate in an effective, efficient, economic and ethical manner. This concept should guide all governance activity.

The Council will continue to develop and articulate a clear vision of its purpose and intended outcomes for citizens and service users that is clearly communicated, both within the Council and to external stakeholders.

Supporting Principle	How this will be Achieved
Exercising strategic leadership by developing and clearly communicating the Council's purpose and vision and its intended outcome for citizens and service users	– By developing and promoting the Council's purpose and vision
	– By reviewing on a regular basis, the Council's vision for the local area and its implications for the Council's governance arrangements
	– By ensuring that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners
	– By publishing an annual report on a timely basis to communicate the Council's activities and achievements, its financial position and performance
Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning	– By deciding how the quality of service for users is to be measured and by making sure that the information needed to review service quality effectively and regularly is available.
	– By putting in place effective arrangements to identify and deal with failure in service delivery
Ensuring that the Council makes best use of resources and that tax payers and service users receive excellent value for money	– By deciding how value for money is to be measured and making sure that the Council or partnership has the information needed to review value for money and performance effectively. By measuring the environmental impact of policies, plans and decisions.

Core Principle 2

Members and officers working together to achieve a common purpose with clearly defined functions and roles

The full Council has overall responsibility for directing and controlling the organisation. It agrees the Council’s constitution and agrees the budget and policy framework. The Policy and Resources Committee is responsible for proposing the budget, policy framework and key strategies and their implementation.

The Chief Executive advises Councillors on policy and procedures to drive the aims and objectives of the Council and leads a management board consisting of senior managers.

Supporting Principle	How this will be Achieved
Ensuring effective leadership throughout the Council and being clear about the functions of the Committees	– By setting out a clear statement of the respective roles and responsibilities of the Policy and Resources Committee Members individually and the Council’s approach towards putting this into practice
	– By setting out a clear statement of the respective roles and responsibilities of other Council members, members generally and of senior officers
Ensuring that a constructive working relationship exists between authority members and officers and that the responsibilities of members and officers are carried out to a high standard	– By determining a scheme of delegation and reserve powers within the Constitution, including a formal schedule of those matters specifically reserved for collective decision of the Council, taking account of relevant legislation, and by ensuring that it is monitored and updated when required
	– By making the Chief Executive responsible and accountable to the Council for all aspects of operational management
	– By developing protocols to ensure that the leader and chief executive negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained
	– By making the S151 Officer responsible to the Council for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control
	– By making the Monitoring Officer <u>Associate Director Legal and Democratic (Monitoring Officer)</u> responsible to the Council for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with

Core Principle 2 (Continued)

Supporting Principle	How this will be Achieved
<p>Ensuring relationships between the authority, its partners and the public are clear so that each knows what to expect of the other</p>	<ul style="list-style-type: none"> – By developing protocols to ensure effective communication between members and officers in their respective roles
	<ul style="list-style-type: none"> – By setting out the terms and conditions for remuneration of members and officers and an effective structure for managing the process, including an effective remuneration panel
	<ul style="list-style-type: none"> – By ensuring that effective mechanisms exist to monitor service delivery
	<ul style="list-style-type: none"> – By ensuring that the Council's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated
	<ul style="list-style-type: none"> – When working in partnership, by ensuring that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the Council
	<ul style="list-style-type: none"> – When working in partnership: <ul style="list-style-type: none"> – by ensuring that there is clarity about the legal status of the partnership – by ensuring that representatives of organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions

Core Principle 3

Promoting values for the Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour

Good governance flows from a shared ethos or culture, as well as from systems and structures. It cannot be reduced to a set of rules, or achieved fully by compliance with a set of requirements. This spirit or ethos of good governance can be expressed as values and demonstrated in behaviour. Good governance builds on the principles for the conduct of people in public life established by the Nolan Committee and the Local Government Act 2000. In addition to compliance with legal requirements, e.g. equal opportunities, good governance is the development of shared values which become part of the Council’s culture, underpinning policy and behaviour throughout the Council.

Supporting Principle	How this will be Achieved
Ensuring Council members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance	– By ensuring that the Council’s leadership sets a tone for the organisation by creating a climate of openness, support and respect
	– By ensuring that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the Council, its partners and community are defined and communicated through codes of conduct and protocols
	– By putting in place arrangements to ensure that members and employees of the Council are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and by putting in place appropriate processes to ensure that they continue to operate in practice
Ensuring that organisational values are put into practice and are effective	– By developing and maintaining shared values including leadership values for both the Council and staff reflecting public expectations, and by communicating these with members, staff, the community and partners
	– By putting in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and by monitoring their continuing effectiveness in practice
	– By using the Council’s shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the Council
	– In pursuing the vision of a partnership, by agreeing a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners’ behaviour both individually and collectively

Core Principle 4

Taking informed and transparent decisions which are subject to effective scrutiny and managing risk

Decision making within a good governance framework is complex and challenging. It must further the Council's objectives and strategic direction and be robust in the medium and longer terms. To make such decisions, members must be well informed. They need the support of appropriate systems to help ensure that decisions are implemented and that resources are used legally and efficiently.

Risk management is important to the successful delivery of public services. An effective risk management system identifies and assesses risks, decides on appropriate treatments and then provides assurance that the treatments are effective.

Supporting Principle	How this will be Achieved
Being rigorous and transparent about how decisions are taken and listening and acting on the outcomes	– By developing and maintaining an effective scrutiny function which encourages constructive challenge and enhances the Council's performance overall
	– By developing and maintaining open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based
	– By putting in place arrangements to safeguard members and employees against conflicts of interest and by putting in place appropriate processes to ensure that they continue to operate in practice
	– By developing and maintaining an effective audit committee which is independent
	– By ensuring that effective, transparent and accessible arrangements are in place for dealing with complaints
Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants / needs	– By ensuring that those making decisions whether for the Council or partnerships are provided with information that is fit for purpose – relevant, timely and gives clear explanations of technical issues and their implications
	– By ensuring that proper professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately

Core Principle 4 (Continued)

Supporting Principle	How this will be Achieved
Ensuring that an effective risk management system is in place	– By ensuring that risk management is embedded into the culture of the Council, with members and managers at all levels recognising that risk management is part of their jobs
	– By ensuring that effective arrangements for whistle-blowing are in place to which officers, staff and all those contracting with or appointed by the Council have access
Using legal powers to the full benefit of the citizens and communities in their area	– By actively recognising the limits of lawful activity placed on the Council by, for example, the ultra vires doctrine but also by striving to utilise powers to the full benefit of the community
	– By recognising the limits of lawful action and observing both the specific requirements of legislation and the general responsibilities placed upon the Council by public law
	– By observing all specific legislative requirements placed upon the Council, as well as the requirements of general law, and in particular by integrating the key principles of good administrative law - rationality, legality and natural justice – into procedures and decision making processes

Core Principle 5

Developing the capacity and capability of members and officers to be effective

Effective local government relies on public confidence in members and officers. Good governance strengthens credibility and confidence in public services. The Council needs people with the right skills to run them. Governance is strengthened by the participation of members with many different types of knowledge and experience drawing from the largest possible pool of potential members. This will also help to increase the diversity of members in terms of age, ethnic background, social class, life experiences, gender and disability.

Supporting Principle	How this will be Achieved
Making sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles	– By providing induction programmes tailored to individual needs and opportunities for members and officers to update their knowledge on a regular basis
	– By ensuring that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the Council
Developing the capability of people with governance responsibilities and evaluating their performance as individuals and as a group	– By assessing the skills required by members and officers and make a commitment to develop those skills to enable roles to be carried out effectively
	– By developing skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed
	– By ensuring that effective arrangements are in place for reviewing the performance of the executive as a whole and of individual members and agreeing an action plan which might, for example, aim to address any training or development needs
Encouraging new talent for membership of the authority so that best use can be made of individuals’ skills and resources in balancing continuity and renewal	– By ensuring that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority
	– By ensuring that career structures are in place for members and officers to encourage participation and development

Core Principle 6

Engaging with local people and other stakeholders to ensure robust public accountability

Local government is accountable in a number of ways. Members are accountable to the electorate. Councils are subject to external review through the Audit Commission. Councils are required to publish accounts and encouraged to produce an annual report. Their performance is reported against national performance indicators. The government has powers to cap budgets. Members and officers are subject to codes of conduct. If maladministration occurs an aggrieved person may appeal to the ombudsman.

Supporting Principle	How this will be Achieved
Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships	– By making clear to itself, all staff and the community exactly who the Council is accountable to and for what
	– By considering those institutional stakeholders to whom the authority is accountable and assess the effectiveness of the relationships and any changes required
Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the Council, in partnership or by commissioning	– By ensuring clear channels of communication are in place with all sections of the community and other stakeholders, and by putting in place monitoring arrangements and ensuring that they operate effectively
	– By holding meetings in public unless there are good reasons for confidentiality
	– By ensuring that arrangements are in place to enable the Council to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and by establishing explicit processes for dealing with these competing demands
	– By establishing a clear policy on the types of issues the Council will meaningfully consult on and by engaging the public and service users in feedback to demonstrate what has changed as a result
	– By publishing on an annual basis a performance plan giving information on the Council's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period
	– By ensuring that the Council as a whole is open and accessible to the community, service users and its staff and by ensuring that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so.
Making best use of human resources by taking an active and planned approach to meet responsibility to staff	– By developing and maintaining a clear policy on how staff and their representatives are consulted and involved in decision making

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Part 6

Members' Allowance Scheme

DRAFT AUGUST 2023

Part 6 - Scheme for the Payment of Members' Allowances

INTRODUCTION

The Local Government and Housing Act 1989 (amended by Section 99 of the Local Government Act 2000) makes provision for Members' allowances. Under this Act the Council is required to make and annually review a local Scheme for payment of Members allowances. Accordingly, the Council's Scheme will take effect on 1 April and will operate until 31 March the following year. Within this Scheme, Members of Three Rivers District Council are entitled to receive a basic allowance, special responsibility allowance (if appropriate) and a carer's allowance (if appropriate).

Travel and Subsistence

Members are also entitled to claim travel and subsistence allowances. These allowances are not part of the Council's Scheme of Members' Allowances but are attached at Appendix 2 for information. The allowances are recommended by the Independent Remuneration Panel and agreed by the Council on a yearly basis.

The Independent Remuneration Panel are a group of independent people or live within the District and are appointed by the Chief Executive under authority given to them at Annual Council each year. The Panel meet every year to consider the Members' Allowances and make recommendations to Full Council at their December meeting.

Scheme of Members' Allowances

1. General

- 1.1 This Scheme and any amendments to it will operate within "The Local Authority (Members' Allowances) (England) Regulations 2001".
- 1.2 This Scheme applies to all Councillors.

2. Period of Operation

- 2.1 The Council will operate a Scheme of Allowances

3. Review Date

- 3.1 During budget formulation.

4. Amendments to the Scheme

- 4.1 Such amendments to the Scheme as may be necessary during its currency, will be framed within the approved Regulations and approved by the Council.

5. **Budget for the Scheme**

5.1 This is set annually within the Council’s budget.

6. **Payment of a Basic Allowance**

6.1 Each Member is entitled to receive a basic allowance which is agreed each year as part of the budget setting process.

6.2 The Committee Team will maintain a register of Members' letters forgoing entitlement to allowances and a record of the amount and nature of payments made, and they will be made available for inspection.

7. **Payment of a Special Responsibility Allowance**

7.1 Special responsibility allowance is paid to the following Members:

Leader of the Council and Chair of the Policy and Resources Committee

Lead Members:

Leisure

Sustainability and Climate

Community Partnerships

Public Services

Economic Development and Planning Policy, Housing

Public Health and Wellbeing, Resources

Opposition Group Leader(s)

Chairs of Committees

Chair of Planning Committee

Chair of Licensing and Chair of Regulatory Services Committee (joint role)

Chair of Audit Committee

8. Payment of Care Allowance

8.1 Members who incur expenditure on the care of children or dependants in order to perform their duties as Councillors are entitled to claim care allowances subject to meeting each of the following criteria:-

- (i) The event is an approved duty.
- (ii) The event requires the Member to provide care for:-
 - a child below school age; or
 - a child under 14 outside school hours; or
 - an elderly, sick or disabled dependant requiring constant care.
- (iii) The Member pays another person (not a member of their immediate family) to provide that care.
- (iv) The sums claimed do not exceed the actual sum paid or the agreed hourly rate, whichever is the lesser.
- (v) The sums claimed in aggregate do not exceed £400 for the year.

9. Definition of Approved Duties

9.1 Council, Committees, or Sub-Committees of which the Councillor is a Member or has been specifically invited to attend by the Committee or Sub-Committee. Other ‘internal’ meetings where representation of two or more political groups are invited or attendance is required under the Council’s Procedure Rules(Minute PR21/98 refers).

9.2 Representation on external bodies on which the Councillor has been appointed by the Council or Committee and the Councillor has agreed to represent the views of the Council and to report back.

9.3 These approved duties are summarised in Appendix 1.

10. Ability to Forgo Allowances Payable under the Scheme

10.1 Members will receive as appropriate Special Responsibility and Basic Allowances unless notice is given in writing to the Committee Team that they elect to forgo one or more parts of the entitlement. Where a Member renounces their entitlement to an allowance, then that sum is returned to the General Fund.

11. **Payment of Allowances**

Payment of Basic and Special Responsibility Allowances will be made monthly in arrears.

~~12. **Record**~~

~~The Committee Team will maintain a register of Members' letters forgoing entitlement to allowances and a record of the amount and nature of payments made, and they will be made available for inspection.~~

13. **Other**

13.1 Travelling expenses and subsistence allowances are not part of this Scheme.

DRAFT AUGUST 2023

TRAVEL AND SUBSISTENCE

APPROVED DUTIES

Annual Council
Audit Committee
Appointments Committee
Briefings on Committee Business
Committee Site Visit
Community Safety Board
Community Safety Co-ordinating Group
Council
Council Tax Setting Committee
[District Council Network](#)
Planning Committee
East of England Local Government Association
Environmental Forum [if held in person](#)
Herts District Leaders Meetings
[Herts Growth Board](#)
Herts Local Government Association
Internal Complaints Review
[Herts Development Plan](#)
Herts Health Scrutiny Committee
Licensing Committee
Licensing Sub-Committee
Local Area Forums
Local Government Association - Committees and Sub-Committees
Local Strategic Partnership Board
Members' Seminar
Member Training
Meetings with External or Internal Auditor
Seniors' Forum
Policy and Resources Committee
South Oxhey Community Board
West Herts Crematorium Joint Committee
Youth Council
Staff Employer Forum
Service Committees

Sub-committee meetings when held in person
South West Herts Joint Strategic Partnership
Substitute Member at a Committee meeting

APPENDIX 1

TRAVEL AND SUBSISTENCE ALLOWANCES

Travel and subsistence allowances are payable to elected Members for the purpose of enabling them to perform an approved duty.

TRAVEL

Public Transport

The rate for travel by public transport shall not exceed the amount of the ordinary fare or any available cheap fare and where more than one class of fare is available the rate shall be determined by reference to second class fares. Other expenses claimable include Pullman Car or similar supplements, reservation of seats, deposit or portage of luggage and sleeping accommodation (but this reduces by one-third any subsistence allowances payable for that night). The rate for travel by taxi-cab or cab shall not exceed, in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid.

Hired Vehicles

The rate for travel by a hired motor vehicle other than a taxi-cab shall not exceed the rate which would have been applicable had the vehicle belonged to the Member who hired it, provided that where the Authority so approves, the rate may be increased to an amount not exceeding the actual cost of hiring.

Motor Cycles and Motor Cars

Mileage rates according to cylinder capacity are payable at set rates as agreed each year by Council as part of the budget setting process.

Cycles

A bicycle allowance for Members will be paid at a rate equivalent to that appropriate to the Councillors’ usual car mileage rate.

Passenger Supplements

The rates specified above for motor cycles and motor vehicles may be increased:-

- (a) In respect of the carriage of each passenger, not exceeding four, to whom a travelling allowance would otherwise be payable under this scheme, by not more than 1.00 penny a mile;
- (b) By not more than the amount of any expenditure incurred on tolls, ferries or parking fees, including overnight garaging.

SUBSISTENCE

Payable as set out in the following table.

Allowance	
<p>(a) Day Subsistence</p> <p>Breakfast allowance (more than four hours away from normal place of residence before 11.00am)</p> <p>Lunch allowance (more than four hours away from normal place of residence including the lunchtime between 12 noon and 2.00pm)</p> <p>Tea allowance (more than four hours away from normal place of residence including the period 3.00pm to 6.00pm)</p> <p>Evening meal allowance (more than four hours away from the normal place of residence ending after 7.00pm)</p>	
<p>(b) Overnight Subsistence</p> <p>Bed and Breakfast must be approved with the Chief Executive, or Democratic Service <u>Director of Finance</u> or <u>Monitoring Officer</u> in advance</p>	

Note: The rates specified in paragraph (a) above shall be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates. Any rate determined under paragraph (b) above shall be deemed to cover a continuous period of absence of 24 hours.

Meals on Trains

Where main meals (i.e. a full breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to day subsistence allowance, the reasonable cost of the meals (including VAT), may be reimbursed in full, within the limits specified below. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.

The limitations on reimbursement are:-

- (i) For breakfast, an absence of more than 4 hours before 11am;
- (ii) For lunch, an absence of more than 4 hours including the period between 12 noon and 2pm;
- (iii) For dinner, an absence of more than 4 hours ending after 7pm.

Budget for Travel and Subsistence Allowances

This is set annually within the Council's budget.

List of Meetings for which Travel and Subsistence Allowances are Payable

- 1. List of meetings as attached at Appendix 1.
- 2. Attendance through Membership or through invitation including:-

Meetings of Member Groups nominated by Committees

Attendance at meetings in connection with Councillor duties or at the request of Officers of the Council

Attendance of Members representing the Council on local organisations.

Other Joint Member meetings with Councils and Utilities etc. sanctioned by the Chief Executive, Director of Finance, Associate Director and a Chief Officer/Monitoring Officer of the Council.

- 3. Attendance at Conferences, Seminars, etc. (See footnote**)

Claims are made electronically online via the HR online system and authorised by the Committee and Elections Manager or ~~(Director of Finance/S151 Officer/Chief Financial Officer)~~ if the claim date is more than 8 weeks

(to remove appendix 3)

Note: The following is not regarded as approved duty for the payment of Travel or Subsistence Allowances:-

- (a) Attendance at approved meetings by Councillors who are not Members of the Service Committees, Working Parties etc, unless they are specifically asked to attend by that body.

**Committees may from time to time request seminars or courses to be run "in-house", and invitations to attend will normally be to Members of that Committee. Committees may also from time to time authorise the attendance of Members at conferences, or seminars organised by an external body. In this instance, conference fees are paid out of the

Members' courses budget or occasionally from Departmental budgets assuming provision has been made (e.g. regular attendance at particular conferences). Travel and subsistence allowances are paid at the rates agreed by Council each year as part of the budget setting process)

DRAFT AUGUST 2023