

Part 1

Summary and Explanation

Summary and Explanation

The Constitution of the Suffolk Coastal District Council comprises:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council Meeting (Article 4).
- Chairing the Council (Article 5).
- Scrutiny of Decisions (Article 6).
- The Executive (Article 7).
- Regulatory Committees (Article 8).
- The Standards Committee (Article 9).
- Area Committees and 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 55 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

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.

How Decisions are Made

The Cabinet (referred to as "The Executive" in the Local Government Act 2000) is the part of the Council which is responsible for most day-to-day decisions. The Cabinet

is made up of the Leader of the Council and nine councillors whom he / she appoints. When major decisions are to be discussed or made, these are published in the Leader of the Council's Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or Policy Framework, this must be referred to the Council as a whole to decide.

Scrutiny

There are two scrutiny committees which support the work of the Cabinet and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Scrutiny committees also monitor the decisions of the Cabinet. They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

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 ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships 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, while others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services they may have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;

Part 2

The Constitution

Article 1: The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Suffolk Coastal District Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help councillors represent 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 the community.

1.04 Interpretation and Review of the Constitution

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

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

References:

Section 37, Local Government Act, 2000

Chapter 10, DETR Guidance,

The Local Government Act 2000 (Constitutions) (England) Direction 2000

Article 2: Members of the Council

2.01 Composition and Eligibility

(a) Composition.

The Council will comprise 55 members, otherwise called councillors.

One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(b) Eligibility.

Only registered voters of the district or those living or working within the district will be eligible to hold the office of councillor.

2.02 Election and Terms of Councillors

The regular election of councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and Functions of all Councillors

All councillors will

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

2.04 Rights and Duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

2.05 **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.

2.06 **Allowances**

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

References:

Part 1, Part VA and Section 79, Local Government Act 1972

Chapter 2 Department of the Environment, Transport and the Regions Guidance

Section 18, Local Government and Housing Act 1989 and Regulations thereunder

Section 7, Superannuation Act 1972 and Regulations thereunder

Article 3: Citizens and the Council

3.01 Citizens' Rights

Citizens of Suffolk Coastal District will have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution:

- (a) **Voting and Petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition 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) attend meetings of the Cabinet when key decisions are being considered;
 - (iii) find out from the Forward Plan what key decisions will be taken by the Cabinet and when;
 - (iv) see reports and background papers, and any records of decisions made by the Council and the Cabinet; and
 - (v) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Both scrutiny committees have the power to seek views of, take evidence from and co-opt, members of the public / stakeholders when carrying out investigations, policy reviews etc
- (d) **Consultation.** Consultation by the Council with its citizens will be
 - (i) Representative – so that the views of those consulted really do represent those of the wider community
 - (ii) Reliable – so that findings from consultation can be relied on to within certain limits of confidence
 - (iii) Sensitive to trends – so that the Council will know whether or not it is improving over time
 - (iv) Actionable – so that the Council has a chance to make the changes or improvements that residents want to see.
- (e) **Complaints.** Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme (a copy of which can be obtained from the Council Offices during normal office hours).
 - (ii) the Ombudsman, having first raised the complaint through the Council and given the Council 12 weeks in which to respond.
 - (iii) the Standards Board for England about a breach of the Councillor's 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.

References:

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, chapters 2 and 9 Department of the Environment, Transport and the Regions Guidance

Article 4 – The Full Council

4.01 Meanings

- (a) **Policy Framework.** The Policy Framework means the following plans and strategies:-
- Council’s Corporate Scorecard;
 - Best Value Performance Plan;
 - Community Strategy;
 - Local Strategic Partnership;
 - Crime and Disorder Reduction Strategy;
 - Plans and strategies which together comprise the Development Plan;
 - Food Safety Service Plan;
 - The plan and strategy which comprise the Housing Investment Programme; and
 - Local Agenda 21 Charter;
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council’s borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Policy Framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the budget where the decision-maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to / or not wholly in accordance with the budget;
- (d) appointing the Leader of the Council;
- (e) agreeing and / or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (g) approving the Council’s Statement of Accounts, income and expenditure and balance sheet or record of receipts and payments.

- (h) adopting an allowances scheme under Article 2.06;
- (i) changing the name of the area or conferring the title of honorary alderman;
- (j) confirming the appointment of the Head of Paid Service;
- (k) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- (l) all "local choice" functions set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which the Council decides should be undertaken by itself rather than the Cabinet; and
- (m) all other matters which, by law, must be reserved to Council.

4.03 **Role of Full Council**

Full Council will meet on a monthly basis.

- (a) Full Council will hold the Cabinet to account for its actions, policy and direction via the receipt of periodic reports;
- (b) The role of the full Council should be the occasions when:
 - (i) Minutes of Cabinet, Regulatory, Scrutiny, Standards Committees and Sub-Committees, previously circulated since the last Full Council meeting, are listed and open for members to raise questions on, such questions being directed to the Leader or relevant Chairmen
 - (ii) The Leader of the Council and the chairmen of the scrutiny committees present their reports;
 - (iii) Individual members may ask written questions of the Leader of the Council and the chairmen of committees or sub-committees in pursuance of Council Procedure Rule 9 (2) or verbal questions in pursuance of Council Procedure Rule 9 (1) upon items contained within reports or in the minutes listed on the Agenda and previously circulated since the last Council meeting, of committees, sub-committees and the Governance Review task Group, and to consider motions arising therefrom; and to allow committee chairmen or, at the invitation of the relevant portfolio holder, the relevant task group chairman, to make a brief statement to the Council.
 - (iv) Outside Speakers are given the opportunity to address the Council to offer context to policy development and review; and
 - (v) Individual members may raise important issues and influence the scrutiny agenda.

References:

Local Authorities (Functions and Responsibilities) (England) Regulations 2000 Chapter 2, DETR Guidance

Article 5 – Chairing the Council

5.01 Role and Function of the Chairman

The Chairman will be elected by the Council annually. The Chairman of Council and, in his or her absence, the Vice-Chairman will have the following roles and functions:

Ceremonial Role

To undertake such civic and ceremonial functions as the Council and the Chairman determines appropriate.

Chairing the Council Meeting

1. To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet or hold committee chairs are able to hold the Cabinet and committee chairmen to account;
4. To promote public involvement in the Council's activities; and
5. To be the conscience of the Council.

References:

Sections 3, 5, 245; schedule 2, 12;

Local Government Act 1972

Schedule 3, Local Government Act 2000

Chapters 2, and 4, DETR Guidance

Article 6: Scrutiny

Terms of Reference

6.01 The Council will appoint the two scrutiny committees set out in the left hand column of the table below to discharge functions conferred by Section 21 of the Local Government Act 2000 in relation to relevant matters as indicated by example in the right hand column of the same table.

Committee	Scope
<p>Internal (Corporate Services)</p>	<ul style="list-style-type: none"> • Human Resources • Legal Services • Audit • Asset Management • Performance Management • Council Tax • CPA/Best Value Inspections • Corporate Governance • Democratic Services • Emergency Planning • Member Services • Procurement/Financial Services • Electoral Registration/Elections • Risk Management • Benefits • Licensing • Development Control • Car Park Operation • Building Control
<p>External (Community; Customers & Partners)</p>	<ul style="list-style-type: none"> • Customer Services • Public Access • Community Cohesion • Diversity (Services for All including young and older people) • Concessionary Fares • Communication • Community Safety • Community Development • Leisure and Sport • Theatre, Arts and Cultural Services • Food Safety • Health and Safety • Countryside Management • LAA/LSP • Partnerships/Shared Service • Health Promotion • Rural Issues • Coast Protection • Pollution Control • Waste Management • Economic Development • Housing • Strategic Service Delivery Partnerships • Crime & Disorder • Services Provided by other Agencies

General Role

6.02 Within their terms of reference, the two scrutiny committees will:

1. review and / or scrutinise decisions made or actions taken by the bodies or individuals empowered to discharge any of the Council's functions;
2. review and scrutinise the decisions made by and performance of the Cabinet and / or committees and Council officers both in relation to specific decisions and over time;
3. make reports and / or recommendations to the full Council and / or the Cabinet and / or any policy, joint or area committee empowered to discharge any of the Council's functions;
4. exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet and / or any policy or area committees;
5. question members of the Cabinet and / or committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
6. question and gather evidence from any person (with their consent);
7. make recommendations to the Cabinet and / or appropriate committee and / or Council arising from the outcome of the scrutiny process;
8. question members of the Cabinet and / or committees and Chief Officers about their views on issues and proposals affecting the area;
9. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance; and
10. exercise overall responsibility for the finances made available to them for the discharge of their functions.
11. consider scrutiny issues relating to the budget and policy framework documents
12. consider matters referred under s21A of the Local Government Act 2000 (Councillor Call for Action)."

ADDITIONAL TERM OF REFERENCE FOR COMMUNITY, CUSTOMERS AND PARTNERS SCRUTINY COMMITTEE

1. Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance;

ADDITIONAL TERMS OF REFERENCE FOR THE CORPORATE SERVICES SCRUTINY COMMITTEE – AUDIT ACTIVITY, REGULATORY FRAMEWORK AND ACCOUNTS

Audit Activity

1. To consider reports dealing with the management and performance of the providers of internal audit services.
2. To consider the external auditors annual letter, relevant reports and the report to those charged with governance.
3. To consider specific reports as agreed with the external auditor.

4. To comment on the scope and depth of external audit work and to ensure it gives value for money.
5. Liaise with the Audit Commission over the appointment of the Council's external auditor.
6. To commission work from internal and external audit.
7. Receive Internal Audit's annual plan, progress reports, summaries of key assignments and the annual Statement of Audit Assurance
8. Monitoring of audit arrangements (internal and external)
9. Monitoring of implementation agreed audit recommendations
10. Oversight of risk management issues, i.e. reviewing the Council policy on risk – including the degree to which the Council is willing to accept risk

Regulatory Framework

1. To maintain an overview of the Council's constitution in respect of the contract procedure rules, finance regulations and Codes of Conduct and behaviour (other than those already applied to Standards Committee for overview under Article 9.09 of Part 2 of the Council's Constitution).
2. To review any issue referred to it by the Chief Executive or a Director or any Council body.
3. To monitor Council policies on the anti-fraud and anti-corruption strategy and the Council's complaints process.
4. To oversee the production of the authority's Statement of Internal Control and recommend its adoption.
5. To consider the Council's compliance with its own and other published standards and controls (other than those already applied to Standards Committee for overview under Article 9.09 of Part 2 of the Council's Constitution).

Accounts

1. To review the Annual Statement of Accounts, and whether there are concerns from the financial statements and/or from the audit of them that need to be brought to the attention of the Council.
2. To consider the external auditors report to those charged with governance on it arising from the audit of the accounts.

Review and Revision of the Constitution

6.03 The Internal (Corporate Services) Committee shall request the Chief Executive to undertake a review of the Council's Constitution as soon as is reasonably practicable after the Council's Annual Meeting in the year of District Council elections.

It may request the Chief Executive to undertake a review of the Council's Constitution at such other time(s) as it deems appropriate.

Subject to Article 15.02 (c), changes to the Constitution will only be approved by the full Council after consideration of a proposal by:-

- (i) The Governance Review Task Group; or
- (ii) The Standards Committee, after first having obtained and considered the views of the Governance Review Task Group.

Proceedings of Scrutiny Committees

6.04 The two scrutiny committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules as set out in Part 4 of this Constitution.

References:

Local Government Act 2000 Section 21

21. (1) *Executive arrangements by a local authority must include provision for the appointment by the authority of one or more committees of the authority (referred to in this Part as overview and scrutiny committees).*
- (2) *Executive arrangements by a local authority must ensure that their overview and scrutiny committee has power (or their overview and scrutiny committees have power between them)-*
- (a) *to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,*
 - (b) *to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,*
 - (c) *to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,*
 - (d) *to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,*
 - (e) *to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.*
- (3) *The power of an overview and scrutiny committee under subsection (2)(a) to review or scrutinise a decision made but not implemented includes power-*
- (a) *to recommend that the decision be reconsidered by the person who made it, or*
 - (b) *to arrange for its function under subsection (2)(a), so far as it relates to the decision, to be exercised by the authority.*
- (4) *Subject to subsection (5), an overview and scrutiny committee of a local authority may not discharge any functions other than its functions under this section.*
- (5) *If, or to the extent that a local authority's function of conducting best value reviews under section 5 of the Local Government Act 1999 is not the responsibility of an executive of the authority, the authority may arrange for their overview and scrutiny committee (or any of their overview and scrutiny committees) to conduct such a review.*
- (6) *An overview and scrutiny committee of a local authority-*
- (a) *may appoint one or more sub-committees and,*
 - (b) *may arrange for the discharge of any of its functions by any such sub-committee.*

- (7) *A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it under subsection (6)(b).*
- (8) *Executive arrangements by a local authority must include provision which enables-*
- (a) *any member of an overview and scrutiny committee of the authority to ensure that any matter which is relevant to the functions of the committee is included in the agenda for, and is discussed at, a meeting of the committee and,*
 - (b) *any member of a sub-committee of such a committee to ensure that any matter which is relevant to the functions of the sub-committee is included in the agenda for, and is discussed at, a meeting of the sub-committee.*
- (9) *An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, may not include any member of the authority's executive.*
- (10) *An overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority, but (subject to any provision made by or under paragraphs 7 to 9 of Schedule 1) any such persons are not entitled to vote at any meeting of such a committee or sub-committee on any question which falls to be decided at that meeting.*
- (11) *An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, is to be treated-*
- (a) *as a committee or sub-committee of a principal council for the purposes of Part VA of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees) and,*
 - (b) *as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.*
- (12) *Subsections (2) and (5) of section 102 of the Local Government Act 1972 are to apply to an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, as they apply to a committee appointed under that section.*
- (13) *An overview and scrutiny committee of a local authority or a sub-committee of such a committee-*
- (a) *may require members of the executive, and officers of the authority, to attend before it to answer questions and,*
 - (b) *may invite other persons to attend meetings of the committee.*
- (14) *It is the duty of any member or officer mentioned in subsection (13)(a) to comply with any requirement so mentioned.*
- (15) *A person is not obliged by subsection (14) to answer any question which he would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.”*

Article 7: The Executive “Cabinet”

7.01 The Role

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

7.02 Form and Composition

The Cabinet will consist of the Leader of the Council together with up to 9 other councillors, appointed to the Cabinet by the Leader of the Council.

The Leader of the Council will appoint, from among the other councillors forming the Cabinet, a Deputy Leader of the Council who shall deputise for the Leader of the Council and carry out the functions delegated to the Leader of the Council in periods of his / her absence or incapacity.

7.03 Leader

The Leader of the Council will be a councillor elected to the position every four years, for a term commencing at the Annual Meeting of the Council in May 2011.

The Leader of the Council will hold office for the remainder of the four year term or until:

- (a) he / she resigns from the office; or
- (b) he / she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he / she is no longer a councillor; or
- (d) he / she is removed from office by resolution of the Council, passed by simple majority.

7.04 Other Cabinet Members

Other Cabinet members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer councillors; or
- (d) they are removed from office by the Leader of the Council who must give written notice of any removal to the Proper Officer. The removal will take effect two working days after receipt of the notice by the Proper Officer; or
- (e) they, and the Leader of the Council, are collectively removed from office by resolution of the Council, passed by simple majority.

Members of the Cabinet (including the Leader of the Council) cannot be members of a scrutiny committee.

7.05 **Proceedings of the Cabinet**

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

7.06 **Cabinet Support Members**

The Leader of the Council may appoint Cabinet Support Members from among the members of the Council to advise and assist Cabinet members and to cover for them in their absence.

The Leader of the Council shall report to Council as soon as possible after appointing a Cabinet Support Member and shall advise Council of the Cabinet Member or Members the Support Member has been appointed to assist.

Cabinet Support Members may attend meetings of the Cabinet and may speak on behalf of an absent Cabinet Member. Cabinet Support Members are not, however, members of the Cabinet, and may not exercise any function given to a Cabinet Member.

7.07 **Responsibility for Functions**

The Leader of the Council will have overall responsibility for the operation of the Cabinet and for its decisions.

Determination of individual portfolio responsibilities shall be a matter for the sole discretion of the Leader of the Council.

The Leader of the Council shall report to Council no less frequently than once per annum on the range of responsibilities held by specific Cabinet members, and, in any event, as soon as possible after any change in these responsibilities.

The Leader of the Council will maintain a list setting out which individual members of the Cabinet, are responsible for the exercise of particular executive functions. This list shall include their ward reference, and full address.

The current list of Cabinet members is attached to this Article as Appendix 1

The Cabinet will be responsible for

- (a) making proposals on the Policy Framework and budget to the Council;
- (b) agreeing strategies and plans at a level below the Policy Framework;

The Cabinet shall:

- have primary responsibility for making recommendations to Council on the Council's programme of Best Value Reviews and determine the scope of individual reviews. Review recommendations and proposals will be submitted to the Council;
- be responsible for strategic policy, strategy development and resource prioritisation for the pollution control service; and
- receive reports on liaison meetings with town and parish councils and with business interests.

References:

*Section 11 and schedule 1, paragraphs 1,2,3, Local Government Act 2000
Chapters 4, 14, and 15, DETR Guidance*

REGISTER OF CABINET MEMBERS

PORTFOLIO	KEY RESPONSIBILITIES
Leader Ray Herring	Council Policy and Strategy Council Performance Shared Services Communications External Issues
Deputy Leader Planning Andy Smith	Planning Local Plan Development and Building Control Conservation and Design Coastal Management Transport Infrastructure Rights of Way
Green Environment Andrew Nunn	Environment Protection Pollution Control Waste Management Local Agenda 21/Green Agenda Commercial Partnerships (SCS, NPS, Waveney Norse) Countryside Management Car parks
Community Health Marianne Fellowes	Licensing Food & Safety Port Health Health Promotion/NHS Emergency Planning Community Safety
Housing Mary Neale	Housing enabling Private Sector Housing and Travellers Homelessness Housing Advice Housing Benefits Fraud Investigations Universal Credit Older People
Leisure and Economic Development Geoff Holdcroft Cabinet Support Member: Jane Marson – Business	Leisure - Indoor and Outdoor Sport Theatre and Arts Economic Development and Policy Business Regional Economy Economic Partnerships/LEP Haven Gateway Partnership Tourism
Resources Robert Whiting Cabinet Support Member: Peter Bellfield – Finance	Revenue and Capital Budgets Council Tax and Business Rates Accounting Audit and Risk Management Asset Management and Estates Felixstowe South Seafront Project Land Charges Democratic Services Human Resources

<p>Customers & Communities Doreen Savage</p> <p>Cabinet Support Member: Sally Ogden – Young People</p>	<p>Customer Service Consultation Partnership Development Local Strategic Partnership (LSP) Social Inclusion Member Development Accessibility Local Community Transport Parish Liaison Young People Community Grants Community Development</p>
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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 Part 3 of this Constitution (Responsibility for Functions) to discharge the regulatory and other functions described in that part of the Constitution.

Article 9 – The Standards Committee

9.01 Standards Committee

The Council has established a Standards Committee. It will exercise all its “Standards” responsibilities through a single Standards Committee unless and until the workload is deemed excessive for a single committee or the Suffolk Association of Local Councils (SALC) recommends the adoption of a sub-committee approach.

9.02 Membership

The Standards Committee will be composed of:

- four Suffolk Coastal District Councillors;
- two ‘independent’ persons who are not councillors or officers of this Council or any other body having a Standards Committee;
- two members of parish councils wholly or mainly in the Council’s area, who are selected from nominations made by the Suffolk Association of Local Councils (SALC). One member to be drawn from SALC’s larger parish councils group and the other member from the smaller parish councils group.

Standards Committees do not have to comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

Nevertheless the Council has agreed that the District Council members of the Standards Committee shall be appointed in accordance with political balance rules. The Chief Executive shall allocate members to these seats in accordance with the nominations made from time to time by the Political Groups.

9.03 Independent Members

Independent members are entitled to vote at meetings of the Standards Committee.

They will be appointed at full Council by vote of a majority of the members present and voting.

The task of shortlisting and interviewing persons applying to be independent members of the Standards Committee, and of making appropriate recommendations to Council, is delegated to an appointment panel consisting of the Monitoring Officer and Deputy Monitoring Officer.

Independent persons are appointed for a period of four years. The initial appointments are one of four years and one of two years. If a vacancy occurs a new independent member shall be appointed to complete the term of office of the vacating member.

9.04 Parish Members

The appointments to the “parish” places on the Standards Committee shall be made from SALC nominations by the appointment panel agreed for appointing independent members.

9.05 Quorum

There will have to be a minimum of 3 members of the Standards Committee present for its meetings to be properly constituted. One of these must be an independent member. The committee will be quorate even if the parish council representatives are

not there – although at least one parish council representative must be present for discussion of matters affecting parish councils.

9.06 **Interests**

The validity of proceedings of the Standards Committee shall not be affected where an independent member is required by the Code of Member Conduct to disclose an interest and withdraw from the meeting.

Where at least one independent member would have been present for the duration of the meeting but for the fact that he or she was prevented or restricted from participating in any business of this Council's Code of Member Conduct, the requirement for the quorum to include at least one independent member shall not apply.

9.07 **Reimbursement of Expenses**

Independent and “parish” members of the Standards Committee shall receive reimbursement of expenses at the same rates as the travelling and subsistence allowances paid to elected members of the authority.

9.08 **Chairing the Committee**

A member of the Cabinet may not chair the Standards Committee.

9.09 **Role and Function**

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and officers;
- (b) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of an employees' code of conduct;
- (d) advising the Council on the adoption or revision of a Member / Officer Protocol;
- (e) assisting the councillors to observe the Members' Code of Conduct;
- (f) monitoring the operation of the Members' Code of Conduct;
- (g) advising, training or arranging to train councillors on matters relating to the Members' Code of Conduct;
- (h) granting dispensations to councillors from requirements relating to interests set out in the Members' Code of Conduct; and
- (i) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer.
- (j) Raising awareness of ethical and conduct issues in authorities
- (k) Overview role following Ombudsman cases
- (l) To review
 - The Council's Whistleblowing Policy on harassment and bullying
 - Protocols for councillors dealing with planning and rights of way matters

- (m) Receive monitoring reports on declarations of interest made and gifts/hospitality received by members
- (n) To receive and deal with written allegations that a member or co-opted member (or former member or co-opted member) of the District Council or parish/town councils within the District area, has failed, or may have failed, to comply with the authority's code of conduct, in accordance with Part 10 of the Local Government and Public Involvement in Health Act 2007

9.10 Attendance at Meetings of the Standards Committee

A member of the Council who is not otherwise entitled to attend and speak at the Standards Committee shall be entitled to do so (but not to vote).

References:

Sections 53-55, Local Government Act 2000

- 53.** (1) *Subject to subsection (2), every relevant authority must establish a committee (referred to in this Part as a standards committee) which is to have the functions conferred on it by or under this Part.*
- (3) *The number of members of a standards committee of a relevant authority in England or a police authority in Wales and their term of office are to be fixed by the authority (subject to any provision made by virtue of subsection (6)(a)).*
- (4) *A standards committee of a relevant authority in England or a police authority in Wales must include-*
- (a) *at least two members of the authority, and*
 - (b) *at least one person who is not a member, or an officer, of that or any other relevant authority.*
- (5) *A standards committee of a relevant authority in England which are operating executive arrangements-*
- (a) *may not include the elected mayor or executive Leader, and*
 - (b) *may not be chaired by a member of the executive.*
- (7) *The Standards Board for England-*
- (a) *may issue guidance with respect to the size and composition of standards committees of relevant authorities in England and police authorities in Wales, and*
 - (b) *must send a copy of any such guidance to the Secretary of State.*
- (8) *A member of a standards committee of a relevant authority in England or a police authority in Wales who is not a member of the authority is entitled to vote at meetings of the committee.*
- (10) *A standards committee of a relevant authority in England or a police authority in Wales is not to be regarded as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.*
- 54.** (1) *The general functions of a standards committee of a relevant authority are-*

- (a) *promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and*
 - (b) *assisting members and co-opted members of the authority to observe the authority's code of conduct.*
- (2) *Without prejudice to its general functions, a standards committee of a relevant authority has the following specific functions-*
- (a) *advising the authority on the adoption or revision of a code of conduct,*
 - (b) *monitoring the operation of the authority's code of conduct, and*
 - (c) *advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.*
- (3) *A relevant authority may arrange for their standards committee to exercise such other functions as the authority consider appropriate.*
- (6) *The Standards Board for England may issue guidance with respect to the exercise of functions by standards committees of relevant authorities in England and police authorities in Wales.*
55. (1) *A standards committee of a district council is to have the same functions in relation to-*
- (a) *the parish councils for which the district council are the responsible authority, and*
 - (b) *the members of those parish councils,*
- as the standards committee has under section 54(1) and (2) in relation to the district council and the members of the district council.*
- (3) *A standards committee of a district council or unitary county council may appoint a sub-committee for the purpose of discharging all of the functions conferred on the standards committee by this section.*
- (4) *In deciding whether it will be their standards committee, or a sub-committee of their standards county council must consult the parish councils for which they are the responsible authority.*
- (5) *The number of members of a sub-committee of a standards committee of a district council or unitary county council, and the term of office of those members, are to be fixed by the standards committee after consultation with the parish councils for which the district council or unitary county council are the responsible authority.*
- (6) *Where the standards committee of a district council or unitary county council discharges the functions conferred by this section, the standards committee-*
- (a) *must include at least one member of any of the parish councils for which the district council or unitary county council are the responsible authority, and*
 - (b) *must ensure that at least one person falling within paragraph (a) is present at any meeting of the committee when matters relating to those parish councils, or the members of those parish councils, are being considered.*
- (7) *Where a sub-committee of the standards committee of a district council or unitary county council discharges the functions conferred by this section, the sub-committee must include-*

- (a) at least one member of the standards committee who falls within section 53(4)(b), and
 - (b) at least one member of any of the parish councils for which the district council or unitary county council are the responsible authority.
- (9) Subsections (7), (8), (9) and (10) of section 53 apply in relation to sub-committees of standards committees appointed under this section as they apply in relation to standards committees
- (10) Subsections (4) and (6) of section 54 apply in relation to sub-committees of standards committees appointed under this section as they apply in relation to standards committees.
- (11) Any function which by virtue of the following provisions of this Part is exercisable by or in relation to the standards committee of a relevant authority which is a parish council is to be exercisable by or in relation to-
- (a) the standards committee of the district council or unitary county council which are the responsible authority in relation to the parish council, or
 - (b) where that standards committee has appointed a sub-committee under this section, that sub-committee;
- and any reference in the following provisions of this Part to the standards committee of a relevant authority which is a parish council is to be construed accordingly.
- (12) A district council or unitary county council are the responsible authority-
- (a) in relation to a parish council which is not a common parish council, if the parish is situated within the area of the district council or county council,
 - (b) in relation to a parish council which is a common parish council-
 - (i) if the parishes in the group are wholly situated within that area, or
 - (ii) where that is not the case, if the greatest number of local government electors for the parishes in the group is situated in that area.

Section 81(5), Local Government Act 2000

- (5) The Secretary of State may prescribe in regulations the circumstances in which standards committees may grant dispensations under subsection (4).

The Relevant Authorities (Standards Committee) Regulations 2001

Interpretation

2. In these Regulations –

"independent member" means a person appointed to a standards committee, or sub-committee of the standards committee, of an authority under section 53(4)(b) or 55(7)(a) of the Act;

"partner" means a member of a couple who live together;

"relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and

"responsible authority" means a district council or unitary county council which has functions in relation to the parish councils for which it is responsible under section 55(12) of the Act.

3. (1) *An authority must ensure that –*
 - (a) *where its standards committee has more than three members, at least 25% are independent members; and*
 - (b) *where it is operating executive arrangements under Part II of the Act, no more than one member of its standards committee is a member of the executive.*
- (2) *Where an authority is a responsible authority, it must ensure that –*
 - (a) *if its standards committee has appointed a sub-committee under section 55(3) of the Act, that standards committee includes at least one member of any of the parish councils for which the authority is the responsible authority; and*
 - (b) *a member of its standards committee, or sub-committee of the standards committee, appointed under sub-paragraph (a), or under section 55(6)(a) or 55(7)(b) of the Act, is not also a member of that responsible authority.*
4. *Subject to regulation 5(c), a person may not be appointed as an independent member of a standards committee of an authority or sub-committee of the standards committee unless the appointment is –*
 - (a) *approved by a majority of the members of the authority;*
 - (b) *advertised in one or more newspapers circulating in the area of the authority;*
 - (c) *of a person who has submitted an application to the authority;*
 - (d) *of a person who has not within the period of five years immediately preceding the date of the appointment been a member or officer of the authority; and*
 - (e) *of a person who is not a relative or close friend of a member or officer of the authority.*
6. (1) *Subject to paragraph (2), a meeting of a standards committee or sub-committee of a standards committee shall not be quorate unless at least three members (including at least one independent member) of that committee or sub-committee are present for its duration.*
- (2) *Where at least one independent member would have been present for the duration of the meeting but for the fact that he was prevented or restricted from participating in any business of the authority by virtue of its code of conduct, the requirement in paragraph (2) for the quorum to include at least one independent member shall not apply.*
7. (1) *Subject to paragraphs (2) and (3), Part VA of the 1972 Act[4] shall apply in relation to meetings of a standards committee, or sub-committee of a standards committee, of an authority as it applies to meetings of a principal council.*
- (3) *Where a responsible authority must act in accordance with sections 100A(6)(a), 100B(1) or 100C(1) of the 1972 Act by virtue of paragraph (1), it shall also give to every parish council for which it is responsible –*
 - (a) *written notice of the time and place of the meeting at least five clear days before that meeting or, if the meeting is convened at shorter notice, then at the time it is convened;*

- (b) *a copy of the agenda for a meeting and copies of any report for a meeting at least five clear days before the meeting, except that –*
 - (i) *where the meeting is convened at shorter notice, the copies of the agenda and reports shall be given to the parish council from the time the meeting is convened; and*
 - (ii) *where an item is added to an agenda, copies of which have been given to the parish council, copies of the item (or of the revised agenda), and the copies of any report for the meeting relating to the item shall be given to the parish council from the time the item is added to the agenda,*

but nothing in this sub-paragraph requires copies of any agenda, item or report to be given to the parish council until copies are available to members of the responsible authority;

- (c) *after the meeting, a copy of the minutes excluding so much of the minutes of proceedings during which the meeting was not open to the public under section 100A(4) of the 1972 Act, or where applicable, a copy of a summary made under section 100C(2) of that Act;*
- (d) *after the meeting, a copy of the agenda for the meeting; and*
- (e) *after the meeting, a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.*

Article 10: Area Committees and Area Forums

10.01 Area Committees

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

The Council will consult with relevant parish and town councils and the chairmen of relevant parish meetings when considering whether and how to establish area committees.

10.02 Form, Composition and Function

Any area committees that the Council feels are appropriate to appoint, will be composed and with the terms of reference as set out below.

10.03 Area Committees with Decision-making Powers

These must be politically-balanced.

The Council and the Cabinet will include details of the delegations to area committees in Part 3 of this Constitution, including functions delegated, the composition and membership of the committees, budgets and any limitations on delegation.

10.04 Area Forums with no Decision-making Powers.

There will be no requirement for political balance – District Council members may be all from the relevant area together with representatives from the appropriate parish / town councils or parish meetings. The body will consider items of common concern and interest and will be able to submit requests, comments etc on matters of concern locally, to the Cabinet or scrutiny committees. Where a response is required or necessary this will be given to the members of the area forum within three months of the area forum meeting.

10.05 Conflicts of Interest – Membership of Area Committees and Scrutiny Committees

If a scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which the councillor concerned is a member, then the councillor may not speak or vote at the scrutiny committee meeting unless a dispensation to do so is given by the Standards Committee.

Where the scrutiny committee is reviewing policy generally, the member must declare his / her interest before the relevant agenda item is reached, but need not withdraw.

10.06 Area Committees – Access to Information

Area committees will comply with the Access to Information Procedure Rules in Part 4 of this Constitution.

Agendas and notices for area committee meetings which deal with both functions of the executive and functions which are not the responsibility of the executive will state clearly which items are which.

10.07 Cabinet members on Area Committees

A member of the Cabinet may serve on an area committee if otherwise eligible to do so as a councillor.

References:

Part VA Local Government Act 1972

Section 13, Local Government and Housing Act 1989

Reg. 4, 5 and 16A Local Government (Committees and Political Groups) Regulations 1990

Section 18, Local Government Act 2000

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

Chapter 6 Department of the Environment, Transport and the Regions Guidance

Article 11: Joint Arrangements

11.01 Arrangements to Promote Well being

The Cabinet, 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 Exercise of Functions through Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and / or their executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet if the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- (e) 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

- (a) The Access to Information Procedure Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime will be the same as that applied to the Cabinet.
- (c) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from other Local Authorities

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.

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

11.05 Contracting Out

The Council, for functions which are not executive functions, and the Cabinet, for executive functions, may contract out to another body or organisation, functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

References:

Sections 2, 19, 20 Local Government Act 2000

Chapter 6, Department of Environment, Transport and the Regions Guidance

The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000

Article 12: Officers

12.01 **Statutory Posts.** The statutory posts of Head of Paid Service, Monitoring Officer and Section 151 Officer will be held by the undernoted officers:

OFFICER	DESIGNATION
Chief Executive	Head of Paid Service
Head of Legal & Democratic Services Democratic & Licensing Services Manager	Monitoring Officer Deputy Monitoring Officer
Head of Finance & Central Services	Section 151 Officer

Such posts will have the functions described in paragraphs 12.03 to 12.05 below.

12.02 **Officer Structure.** The Head of Paid Service will determine a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

The structure pertaining at any given time will be published as Appendix 1 to this Article, and will specify Chief Officer posts.

12.03 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

12.04 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council, or to the Cabinet in relation to an executive function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the case tribunals.

- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper Officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether executive decisions are within the budget and Policy Framework.** The Monitoring Officer will advise whether decisions of the executive are in accordance with the budget and Policy Framework.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and Policy Framework issues to all councillors.
- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

12.05 **Functions of the Section 151 Officer**

12.06 **Definition:**

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council or to the Cabinet in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and Policy Framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.07 **Duty to Provide Sufficient Resources to the Head of Paid Service, Monitoring Officer and Section 151 Officer**

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

12.08 **Corporate Management Team**

The concept of corporate management – that all parts of the Council should work together to achieve the aims and objectives of the Council rather than working individually to watertight compartments – has been adopted by the Council through the establishment of a small Management Team of Chief Officers. Although the members of

the team may be Heads of Service in their own right, they do not attend as representatives of particular service areas but are there as members of a body created to aid the management of the Council as a whole.

Most major items are considered by the Corporate Management Team of officers before submission to the Cabinet or other appropriate member-level decision-making body so that the implications of any matter on the Council's administration etc can be considered.

The Head of Paid Service will determine membership of Corporate Management Team, which will be published at Appendix 1 to this Article.

Meetings of the Team are chaired by the Chief Executive.

12.09 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.

12.10 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

References:

Chapters 8 and 9 DETR Guidance

Sections 4 and 5, Local Government and Housing Act 1989

Section 60-66, Local Government Act 2000

CHIEF OFFICERS AND MEMBERSHIP OF MANAGEMENT TEAM

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY	
Chief Executive	Stephen Baker	
Assistant Chief Executive	Arthur Charvonia	Community Development and Engagement Corporate Health and Safety Democratic Services Electoral Services Housing Human Resources Legal and Licensing
Director of Resources	Alan McFarlane	Accounting and Finance Asset Management Audit Procurement Revenues and Benefits Strategic Client Waste
Strategic Director	Tony Osmanski	Customer Services Emergency Planning Environmental Services Leisure and Culture Port Health Some Community Engagement Local Strategic Partnership
Strategic Director	Stephen Archer	Building Control Coast Management Countryside Management Development Control Economic Development and Regeneration Planning Tourism
Head of Community and Economic Services	Andy Wright	Art and Sports Development Community Development Community Safety Countryside Management Economic Development and Regeneration Leisure Strategy and Development Museums and Culture
Head of Planning Services	Philip Ridley	Coastal Management Conservation and Design Development and Building Control Planning Planning Policy

Head of Customer & Commercial Partnerships	David Gallagher	Asset Management Car Park Management Customer Services Leisure Operations Procurement and Purchasing Theatre Management Waste Management Acts as strategic client with commercial Partnerships (e.g. Suffolk Coastal Services, Norfolk Property Services)
Head of Environmental Services and Port Health	Phil Gore	Corporate Health and Safety Emergency Planning Environmental Services Food Safety Health Improvement Port Health
Head of Legal & Democratic Services	Hilary Slater	Monitoring Officer Democratic Services Electoral Services Ethical Governance Legal Services Licensing Member Development and Support
Head of Strategic Housing & Tenant Services	Robert Prince	Housing Stock Private Sector Housing Strategic Housing
Head of ICT and Corporate Services	Steve Whelan	Communication and Media Management Community Engagement Council Performance, Policy, Strategy and Risk Human Resources and Organisational Development ICT Management Knowledge Management (including Land Charges and Geographic Information System)
Head of Financial Services	Homira Javadi	Financial and Management Accounting Central Administration Section 151 Officer
Head of Revenues & Benefits Service	Paul Comey	Council Tax Housing Benefit National Non-Domestic Rates
Audit Manager	Trevor Brown	Internal Audit Functions Liaison with External Audit Fraud Prevention Activity Data Protection Expertise and Advice Freedom of Information Expertise and Advice

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:

The District Council's aim in its decision-making is to make the process efficient, transparent and accountable so that it can be open and responsive to the needs of the people within Suffolk Coastal District. It will ensure that, as far as is reasonably possible:

- (a) The public know who is responsible for the decision;
- (b) The public know what decision they are planning to make;
- (c) The public know how they can make a contribution to the decision and at what point in the process they can best influence the decision maker; and
- (d) The public has access to information about decisions.

In order to achieve this, the Council has adopted the following principles of good decision-making:

1. Action taken will be proportionate to the desired outcome;
2. Due consultation will be undertaken and professional advice will be sought from officers;
3. Human rights will be respected;
4. There will be a presumption in favour of openness; and
5. Through its strategies, objectives and Forward Plan the Council will seek to achieve and maintain clarity of aims and desired outcomes.

13.03 Types of Decision

- (a) Decisions reserved to full Council.

Decisions relating to the functions listed in Article 4.02(a)-(e) and 4.02(g)-(i) will be made by the full Council and not delegated.

- (b) Key Decisions.

- (i) As defined in The Access to Information Procedure Rules contained in Part 4 of this Constitution, key decision means an executive decision which is likely:-

- to result in the local authority incurring expenditure or making savings in excess of £50,000 or which is significant having regard to the local authority's budget for the service or function to which the decision relates; or

- to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.
- (ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

13.04 Decision-making by the full Council

Subject to Article 13.09, 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 the Cabinet

Subject to Article 13.09, the Cabinet will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision-making by Scrutiny Committees

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

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

Subject to Article 13.09, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision-making by Officers

Subject to Article 13.09 officers making decisions will follow the guidance set out in Part 5 – Codes and Protocols in the Constitution.

13.09 Decision-making by Council bodies acting as Tribunals

The Council, Cabinet, a committee, 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.

13.10 Failure to comply with any relevant part of the Constitution will not necessarily invalidate the decision.

References:

Chapter 7, DETR Guidance

Deciding Rights – applying the Human Rights Act to good practice in local authority decision-making,

Local Government Association/JUSTICE fact sheet available from IDeA Publication Sales ISBN 1 84049 189 2 code no. CA116

Chapter 7, DETR Guidance

Regulations made under section 22, Local Government Act 2000.

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.

Every contract to which the Council's Contract Procedure Rules applies shall be in writing. Contracts estimated to be above £25,000 (or any other contract where the appropriate Strategic Director or Head of Service deems such a requirement to be appropriate) shall be in a form approved by the Solicitor to the Council. Such contracts must either be signed by a duly authorised officer of the authority or made under the common seal of the Council attested by any two officers authorised by the Proper Officer of the Council.

14.03 Legal Proceedings

The Head of Legal and Democratic Services is responsible for instituting, defending or participating 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 he or she considers that such action is necessary to protect the Council's interests.

14.04 Authentication of Documents

Any document which will be a necessary step in legal proceedings on behalf of the Council and any certified extract of any proceedings of the Council shall be signed by the Chief Executive or the Head of Legal & Democratic Services unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose 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 Solicitor to the Council.

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 Solicitor to the Council should be sealed. Any two officers authorised by the Proper Officer of the Council will attest the affixing of the Common Seal.

References:

Sections 135, 151, 223 & 234, Local Government Act 1972
Part VIII, Local Government Finance Act 1988

Article 15 – Review and Revision of the Constitution

15.01 Monitoring and Review of the Constitution

1. The Governance Review Task Group shall request the Chief Executive to undertake a review of the Council's Constitution as soon as is reasonably practicable after the Council's Annual Meeting in the year of District Council elections;

It may request the Chief Executive to undertake a review of the Council's Constitution at such other time(s) as it deems appropriate.

2. The Standards Committee may request the Monitoring Officer to undertake a review of the Council's Constitution at such time(s) as it deems appropriate.
3. The Cabinet or individual members of the Council may propose to the Governance Review Task Group, change(s) to the Council's Constitution.
4. The Chief Executive may initiate a review of the Constitution if he /she believes that the efficient discharge of the Council's business is being impeded by some Constitutional provision
5. The Monitoring Officer
 - (i) may initiate a review of the Constitution if he /she believes the Constitution is leading the Council to operate in a manner contrary to law or guidance, or in a manner likely to lead to maladministration; or
 - (ii) may bring forward proposals for minor change - for instance to accommodate current operating or delegation practice / requirements

15.02 Changes to the Constitution

- (a) **Approval.** Subject to Article 15.02 (c), changes to the Constitution will only be approved by the full Council after consideration of a proposal by:-
 - (i) The Governance Review Task Group; or
 - (ii) The Standards Committee after first having obtained and considered the views of the Governance Review Task Group.
- (b) **Change from a Leader and Cabinet form of Executive to Alternative Arrangements.** The Council will take reasonable and proportionate steps to consult with local electors and other interested persons in the area when drawing up proposals for a change in the form of the Council's executive arrangements.
- (c) **Updating of Leader Delegations and Council Management Structure**
 - (i) Changes by the Leader of the Council to the Scheme of Delegation in respect of the delegations determined by him / her in accordance with Article 7 and Part 3 of this Constitution; and
 - (ii) Changes by the Head of Paid Service to the service areas of the Council in respect of the management structure and deployment of officers in accordance with Article 12 and Part 7 of this Constitution

shall not require prior consideration by the Governance Review Task Group or the Standards Committee - provided that the Leader of the Council and Head of Paid Service shall report those changes to Council as soon as is reasonably practicable.

- (iii) The making of minor changes to the Scheme of Delegation in Part 3B of the Constitution arising from legislation changes, be delegated to the Head of Legal and Democratic Services, following consultation with the Leader of the Council and Head of Paid Service.

References:

Sections 30 : Local Government Act 2000:

Operation of different executive arrangements: 30. - (1) The Secretary of State may by regulations make provision for or in connection with the operation by a local authority which are operating executive arrangements ("the existing arrangements") of executive arrangements ("the different arrangements") which differ from the existing arrangements in any respect.

Section 37, Local Government Act 2000

Local authority constitution. 37. - (1) A local authority which are operating executive arrangements or alternative arrangements must prepare and keep up to date a document (referred to in this section as their constitution)

Chapters 10 and 15, DETR Guidance

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 one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** The following rules may be suspended in accordance with Article 16.01:
 - (i) the Council Procedure Rules as contained in Part 4 of this Constitution

16.02 Interpretation

The ruling of the Chairman of Council as to the construction or application of this Constitution, or as to any proceedings of the Council, shall 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

The Proper Officer will ensure that an up to date electronic version of the Constitution is available on the Council's intranet and website.

Schedule 1:

Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Scrutiny Committees) and the Scrutiny Procedure Rules;
2. Article 7 (The Executive) and the Executive Procedure Rules;
3. Article 10 (Area Committees and Forums)
4. Article 13 (Decision-making) and the Access to Information Procedure Rules;
5. Part 3 (Responsibility for Functions).

Part 3

Responsibility for Functions

Section A - Functions

1. Council Functions

- 1.01 Suffolk Coastal considers it important that full Council operates effectively, and offers both a forum where members can exercise their representative function, and one which can underpin policy formulation and performance review.
- 1.02 It is to Council to which the Leader of the Council and Cabinet must give account for their stewardship.
- 1.03 Council will be the occasion when:
- (i) Council will hold the Cabinet to account for its actions, policy and direction via the receipt of periodic reports;
 - (ii) Minutes of Cabinet, Regulatory, Scrutiny, Standards Committees and Sub-Committees, previously circulated since the last Full Council meeting, are listed and open for members to raise questions on, such questions being directed to the Leader or relevant Chairmen
 - (iii) The Leader of the Council and the chairmen of the scrutiny committees present their reports;
 - (iv) Individual members may ask written questions of the Leader of the Council and the chairmen of committees or sub-committees in pursuance of Council Procedure Rule 9 (2) or verbal questions in pursuance of Council Procedure Rule 9 (1) upon items contained within reports or in the minutes listed on the Agenda and previously circulated since the last Council meeting, of committees, sub-committees and the Governance Review task Group, and to consider motions arising therefrom; and to allow committee chairmen or, at the invitation of the relevant portfolio holder, the relevant task group chairman, to make a brief statement to the Council.
 - (v) Outside Speakers are given the opportunity to address the Council to offer context to policy development and review; and
 - (vi) Individual members may raise important issues and influence the scrutiny agenda.
- 1.04 The Council's Policy Framework will comprise, in addition to those plans specified in legislation:
- (i) Corporate Scorecard;
 - (ii) The Council's Local Agenda 21 Strategy;
 - (iii) Food Safety Service Plan;
 - (iv) Housing Investment Programme
- 1.05 The Council will have responsibility for the following:
- (i) Budget and Council Tax;
 - (ii) Capital Programme;
 - (iii) Approving the Council's Statement of Accounts, income and expenditure and balance sheet or record of receipts and payments;
 - (iv) Members' Allowances (having regard to the advice received from an independent panel);
 - (v) Functions relating to elections;
 - (vi) Functions relating to parishes and parish councils;
 - (vii) Dissolving small parish councils;
 - (viii) Orders for grouping parishes, dissolving groups and separating parishes from groups;

- (ix) Changing the name of the district;
- (x) Changing the name of a parish;
- (xi) Promoting or opposing local or personal Bills;
- (xii) Making payments or providing other benefits in cases of finding of maladministration by the Local Government Ombudsman and;
- (xiii) Making, amending, revoking or re-enacting byelaws
- (xiv) Changing the constitution
- (xv) Appointments to outside bodies in connection with functions that are not the responsibility of the Executive.

2. Executive Functions

2.01 Functions

The Cabinet will give account for its actions, policy and direction to full Council by the submission of periodic reports on its activities.

2.02 The functions of the Cabinet are as set out below. The list of Cabinet members and their portfolios for the time being is set out in Appendix 1 to Article 7 of this Constitution.

2.03 The Cabinet will exercise the following executive functions:

- | | | |
|------|---|--|
| (1) | Best Value Reviews | Primary responsibility for making recommendations to full Council on the programme of Best Value Reviews;
Determination of scope of individual reviews;
Submitting Review recommendations and proposals to full Council. |
| (2) | Capital Programme | Preparation and recommendation to full Council. |
| (3) | Budgets and Council Tax | Preparation and recommendation to full Council. |
| (4) | Appointments to Outside Bodies | Appointments to bodies in connection with functions that are the responsibility of the Executive. |
| (5) | Forward Plan | 1. Preparation of a rolling Forward Plan and;
2. Submission of quarterly report to full Council. |
| (6) | Parish Liaison | To receive periodic reports from parish liaison meetings. |
| (7) | Economic, Environmental or Social well-being | |
| (8) | Community Safety | |
| (9) | Community Development | |
| (10) | Theatres, Arts and Cultural Development | |
| (11) | Community Liaison and Development | |
| (12) | Economic Development and European Issues | |
| (13) | Leisure and Sports | |
| (14) | Recreation and Associated Services | |
| (15) | Tourism Services | |
| (16) | Emergency Planning | |
| (17) | Car Parks | |
| (18) | Travel Concessions | |
| (19) | Public Health & Safety, Environmental Services, Public Conveniences, Health Service Liaison | |

- (20) Control of Pollution and Contamination (in relation to strategic policy, strategy development, and resource prioritisation)
- (21) Food Safety, Health and Safety
- (22) Port Health
- (23) Cemeteries & Closed Churchyards
- (24) Municipal Waste Management including household, commercial and industrial waste reduction, reuse, collection, recycling and disposal, septic tank and cesspool services, abandoned vehicles, pest control and dog warden services
- (25) Local Agenda 21
- (26) Housing Strategy
- (27) Private Sector Housing Matters
- (28) Housing Enabling
- (29) Travellers, Gypsies & Houseboats
- (30) Treasury & Debt Management
- (31) Asset Management
- (32) Revenues & Benefits
- (33) Rating Matters
- (34) All residual financial matters (including the administration of the Council's Capital Grants Scheme and the allocation of Revenue Grants)
- (35) The powers, duties & functions of the Council as Local Planning Authority (insofar as these relate to planning policy, positive planning, conservation)
- (36) Building Control (insofar as this relates to policy and the performance of the service)
Town Centre Management
- (37) The Maintenance & Lighting of Highways and Footways (residual or agency functions).
- (38) Coast Protection
- (39) Land Drainage
- (40) Transportation
- (41) Local Land Charges
- (42) E-government
- (43) Major Project Co-ordination
- (44) Human Resources (insofar as this relates to policies on recruitment, training, terms of employment, remuneration, employee relations, equal opportunities, health, safety and welfare and the achievement of the Council's objectives)
- (45) Corporate Information & Promotion Functions
- (46) Procurement

3. Non-Executive Functions

3.01 Non-Executive functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 have been delegated to a number of regulatory committees or to officers as specified in this part of the Constitution.

3.02 The terms of reference of the regulatory committees are as set out below:

3.03 Licensing and Health Committee

- (1) To be responsible for functions in connection with control of pollution, statutory nuisances and other environmental protection where they involve:
 - (a) The clearance of properties and the making of demolition orders and prohibition orders;
 - (b) The maintenance of proper standards of hygiene and safety in vessels and

cargoes in ports within the District;

- (c) The investigation and abatement of matters prejudicial to health or of statutory nuisances including noise, vibration and smoke and offensive trades and the control of pollution.
 - (d) The maintenance promotion and enforcement of proper standards of safety and welfare in homes, offices, shops and factories;
 - (e) The regulation and enforcement of the opening hours of shops;
 - (f) Matters of home safety and health education; and
 - (g) The regulation of conditions under which pet animals and horses are sold, boarded or kept for hire or riding.
- (2) The formation and review of licensing policy in accordance with the provisions of the Licensing Act 2003 and the Gambling Act 2005.
- (3) The formation and review of licensing policy in relation to:
- (a) Moneylenders, Pawnbrokers
 - (b) Hackney Carriages, Private Hire Vehicles, Private Hire Operators
 - (c) Boat and Boatman
 - (d) Game Dealers
 - (e) Sex Establishments
 - (f) Control and licensing of caravan sites and regulation of moveable dwellings.
 - (g) All other residual licensing functions

3.04 Licensing and Health Sub-Committee

- (1) To be responsible for functions in connection with control of pollution, statutory nuisances and other environmental protection where they involve:
- (a) Determining an application from a person for a licence, approval, consent, permission or registration;
 - (b) Direct regulation of a person; or
 - (c) Enforcement of any such licence, approval, consents permission or direct regulation.
- (2) To exercise on behalf of the Council the issue, renewal or revocation or suspension of licences and the registration of persons and premises for public control purposes including:-
- (a) Moneylenders, Pawnbrokers
 - (b) Hackney Carriages, Private Hire Vehicles, Hackney Carriage and Private Hire Drivers, and Private Hire Operators
 - (c) Boat and Boatman
 - (d) Game Dealers
 - (e) Sex Establishments
 - (f) Control and licensing of caravan sites and regulation of moveable dwellings.
 - (g) Scrap Metal Dealers
 - (h) Animal Welfare

- (i) Public slaughterhouses and slaughtermen and;
- (j) Knackers yards.
- (k) Sale and Supply of Alcohol and the provision of regulated entertainments as defined in Licensing Act 2003
- (l) The Gambling Act 2005
- (m) All other residual licensing functions

(NOTE: It is an accepted convention that, because of the essential quasi-judicial nature of licensing matters, members of the Licensing and Health Sub-Committees should have been previously trained in appropriate procedures, statute and regulations).

3.05 **Development Control Committee**

On behalf of the Council, to exercise responsibility for:

- (1) the control of development, i.e. all planning applications, listed building consents and similar consents. The exercise of this function, however, will be delegated to the relevant area sub-committee, with the exception of:
 - (a) Applications advertised as Departures from the Development Plan, and proposed to be approved contrary to the recommendation of the Head of Planning Services; and
 - (b) Those applications considered to be of significance to the district as a whole (e.g. where traffic would be generated which would affect a number of parishes or where the impact would be visible over a wide area);

Applications falling within these exceptions shall be referred to the Development Control Committee for determination.

- (2) Monitoring the performance of the Development Control Service, including consistency in the decision-making by the area sub-committees;
- (3) Making decisions pertinent to the discharge of the Development Control function, including matters such as the Scheme of Delegation to officers and member issues; and
- (4) Acting as the principal point for the exchange of information and ideas with the Cabinet on Development Control / Development Plan and policy matters.

3.06 **Area Development Control Sub-Committees (North and South)**

- (1) To exercise delegated functions on behalf of the Development Control Committee in respect of all planning applications and similar Development Control consents, other than the exceptions set out above.
- (2) To work under the general guidance of the Development Control Committee (and within the framework of the Planning Acts) to ensure that so far as is reasonably practicable there is consistency between different area sub-committees' decisions.
- (3) To recommend to the Development Control Committee on:-
 - (a) Matters likely to involve grant, compensation or other payment by the Council (except where such matters are specifically delegated to the sub-committee for determination);

- (b) Building Preservation Notices;
 - (c) Planning applications involving development considered by the sub-committee and / or the Head of Planning Services to be of significance to the district as a whole;
 - (d) Planning applications advertised as departures from the Development Plan and which the sub-committee proposes should be approved, contrary to the recommendation of the Head of Planning Services.
- (4) To exercise on behalf of the Development Control Committee, subject to the general guidance of that committee and following the appropriate consultation, the determination and enforcement of all matters (other than those referred to in paragraphs 3.04(1) and 3.05(3) above) relating to development control, listed building control and dangerous buildings, hazardous substances control including:-
- (a) The District Council's responsibilities as a consultee in relation to minerals / waste disposal applications to be determined by Suffolk County Council –
 - (b) Applications accompanied by an Environmental Impact Assessment;
 - (c) Member / officer applications;
 - (d) District Council development;
 - (e) Demolition of Listed Buildings;
 - (f) Confirmation of Tree Preservation Orders;
 - (g) Certificate of Appropriate Alternative Developments;
 - (h) Discontinuance, Revocation or Modification Orders;
 - (i) Enforcement Notices under the Planning Acts which have not been the subject of a previous decision;
 - (j) Authorisation of works under Section 178 (as amended) of the Town and Country Planning Act 1990 - relating to the use of default powers to rectify breaches of planning control - subject to budget not being exceeded;
 - (k) Notices concerning dangerous or dilapidated buildings, excavations or structures;
 - (l) The institution of proceedings under the Caravan Sites and Control of Development Act 1960 in respect of unauthorised caravans where the sub-committee has authorised the service of an Enforcement Notice;
 - (m) Except where delegated to the Head of Planning Services the determination of applications for hazardous substances consent and applications to vary conditions attached to such consents;
 - (n) Authorisation of prosecution or determination of hazardous substances notices under the Planning (Hazardous Substances) Act 1990;

- (o) Revocation or modification to hazardous substances consents where there is no right to compensation; and

- (5) To determine notifications under the Hedgerow Regulations 1997 relating to District Council land.

3.07 **Rights Of Way Committee**

To determine all regulatory matters concerning public rights of way which are within the District Council's powers and responsibilities including dealing within applications for the creation, diversion and extinguishment of footpaths and bridleways.

4. **Scrutiny Committees**

- 4.01 There shall be two scrutiny committees:

Community, Customers and Partners Scrutiny Committee **Corporate Services Scrutiny Committee**

- 4.02 These shall exercise the functions set out in Article 6: Scrutiny Committees.

- 4.03 The two scrutiny committees will be supported in detailed work on policy and service review or performance review by specific, time-limited task and finish groups. The number of members comprising a given task group will be determined when the task group is established.

- 4.04 No member of the Cabinet will be able to sit on task groups convened for the purpose of scrutiny or performance review, but may sit on a task group established for policy development.

5. **Standards Committee**

- 5.01 In response to The Relevant Authorities (Standards Committees) Regulations 2001 and the new Ethical Framework:-

- (a) promoting and maintaining high standards of conduct by councillors and officers;
- (b) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of an employees' code of conduct;
- (d) advising the Council on the adoption or revision of a Member / Officer Protocol;
- (e) assisting the councillors to observe the Members' Code of Conduct;
- (f) monitoring the operation of the Members' Code of Conduct;
- (g) advising, training or arranging to train councillors on matters relating to the Members' Code of Conduct;
- (h) granting dispensations to councillors from requirements relating to interests set out in the Members' Code of Conduct; and
- (i) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer.
- (j) Raising awareness of ethical and conduct issues in authorities
- (k) Overview role following Ombudsman cases

- (l) To review
 - The Council's Whistleblowing Policy on harassment and bullying
 - Protocols for councillors dealing with planning and rights of way matters
- (m) Receive monitoring reports on declarations of interest made and gifts/hospitality received by members
- (n) To receive and deal with written allegations that a member or co-opted member (or former member or co-opted member) of the District Council or parish/town councils within the District area, has failed, or may have failed, to comply with the authority's code of conduct, in accordance with Part 10 of the Local Government and Public Involvement in Health Act 2007.

6. Appellate Bodies

- 6.01 Appeal Committees will be set up from time to time as required to hear appeals from employees under the Council's procedures for dealing with discipline, redundancy, ill-health or other dismissals and grievances.
- 6.02 These will be composed of non-executive members of the Council.

(**NOTE:** It is an accepted convention that, because of the essential quasi-judicial nature of staff appeals matters, members of Appeals Committees should have been previously trained in appropriate procedures and regulations).

7. Appointments Committee

- 7.01 To recommend to Council the appointment of the Head of Paid Service;
- 7.02 To appoint Strategic Directors and Heads of Service;
- 7.03 The Committee must include at least one member of the Cabinet.

Section B: Scheme of Delegation

1. COMMITTEES AND SUB-COMMITTEE FUNCTIONS

GENERAL DELEGATION

To exercise on behalf of the Council the following functions:-

- (1) To incur expenditure in respect of matters referred to the committee or sub-committee provided that:-
 - (a) expenditure exceeding £50,000 which has not been provided for in the Revenue Estimates under a head of estimate shall only be incurred if a supplementary estimate has been submitted to the Cabinet and approved by it or the full Council;
 - (b) overspending up to £50,000 on one occasion may be incurred without a supplementary estimate provided that the total overspending by a committee in one year does not exceed £100,000; and
 - (c) To vire expenditure between budget heads within a given year.
- (2) To implement any policy or change of policy in respect of matters referred to it provided that such policy or change of policy has been approved by the Council.
- (3) To deal with and carry out all matters of routine administration in respect of matters allocated to it.
- (4) To nominate or appoint representatives on behalf of the full Council to serve on bodies directly associated with its work.

2. CABINET FUNCTIONS

MATTERS DELEGATED TO INDIVIDUAL CABINET MEMBERS

2.01 General Principle

All matters falling within the responsibility of the Cabinet shall be determined by the Cabinet acting collectively unless:

- (a) they are specifically delegated in this Constitution to a committee of the Cabinet or to an individual Cabinet member, or
- (b) they are delegated to an individual member of the Cabinet by the Leader by giving notice to that effect to the relevant Cabinet member, to the Chief Executive and to the Monitoring Officer.

The Leader of the Council may withdraw any delegation made by him to an individual Cabinet member by giving notice to the relevant Cabinet member, to the Chief Executive and to the Monitoring Officer.

2.02 Delegations to Individual Cabinet Members

The following matters shall be delegated to the relevant individual Cabinet members:

- (a) To deal with matters (including minor changes in service delivery) in respect of which a Strategic Director or Head of Service seeks guidance from an individual Cabinet member;
- (b) To approve minor changes to the provision of services where it has been demonstrated that current provision and delivery does not meet the needs of the communities which the Council serves;
- (c) To approve submissions / applications for external funding or support aimed at facilitating the achievement of the Council's objectives;
- (d) To approve any variation in fees or charges levied by the Council outside the annual review of charges where such a variation supports the achievement of the Council's objectives (unless otherwise specified in this Part of the Council's Constitution);
- (e) To determine, following consultation with any task group established for the purpose, the award of capital or revenue grant assistance;
- (f) To exercise the powers laid down in the Contracts Procedure Rules to determine whether specific tendering procedures require to be followed in particular cases;
- (g) To accept tenders and / or quotations received in accordance with the Contracts Procedure Rules;
- (h) To deal with any matter falling within the responsibility of the Cabinet which requires urgent attention during any Council recess;
- (i) To authorise the Chief Executive to settle proceedings of any description, including the payment of damages, compensation, etc, and legal costs for claims in excess of £15,000;
- (j) To approve the purchase of specific properties in connection with Housing Enabling activity;
- (k) To determine applications for grants under any specific Council Grant Aid Scheme for applications in excess of £5,000;
- (l) To agree draft Supplementary Planning Guidance documents for the purpose of public consultation;
- (m) To write off debts over £15,000 in value - subject to report to the next meeting of the Cabinet; and
- (n) To authorise Housing Renovation grants in excess of £20,000
- (o) To approve the disposal of Council-owned property valued at more than £15,000 and less than £25,000 provided the sale price is not less than the market value and, in the case of a lease, is not for a term exceeding seven years.
- (p) The Leader of the Council will appoint members to attend conferences, seminars etc of a political nature or where the delegate is authorised to vote on behalf of the District Council (See page 66).

- (q) To determine appeals against the refusal to give the renovation grant or minor works grant in accordance with the Private Sector Housing Renewal Strategy.
- (r) To determine whether renovation grant or minor works grant applications, which generally comply with the Private Sector Housing Renewal Strategy, but fall outside the spirit of the Strategy, should be refused.

In all cases, individual Cabinet members will exercise their delegated powers within established Council policies and procedures, and with the objective of furthering the achievement of the Council's strategy.

Before exercising such delegated powers, Cabinet members will seek the advice of the relevant Strategic Director or Head of Service and, except in cases of urgency, of any task group established for the purpose of advising on particular aspects of Council activity.

2.03 **Current Specific Delegations**

The Leader of the Council will maintain a list, annexed to Article 7 (The Executive), setting out which individual members of the Cabinet are responsible for the exercise of particular executive functions. This list includes their ward reference, and full address.

3. **OFFICER FUNCTIONS**

3.01 **Delegations to Officers - Executive Functions**

NOTE

- (a) *All Executive Functions delegated to officers shall be delegated by the Leader of the Council by notice to that effect to the officer, to the Chief Executive and to the Monitoring Officer.*
- (b) *Save in the cases of statutory appointments, or in instances where a specific, named member of staff is authorised to undertake a function, or where delegated powers are given to a specific, named member of staff, a function delegated to a Strategic Director or Head of Service shall be validly exercised if carried out on behalf of that Strategic Director or Head of Service and in that Strategic Director or Head of Service's name by staff authorised by him / her for that purpose. The exercise of a function in the name of a Strategic Director or Head of Service will not be invalidated by the absence of the Strategic Director or Head of Service at the time when the function was exercised.*
- (c) *The Leader of the Council may withdraw any delegation made by him to an individual officer by giving notice, to the Chief Executive and to the Monitoring Officer*
- (d) *Term "Head of Service" will include the Strategic Director with responsibility for Strategic Services.*

There shall be delegated power to:-

1. To the Chief Executive/Strategic Directors

- (a) To approve minor changes in partnership agreements.
- (b) To commence public consultation exercises on matters which have previously been before member-level bodies.

- (c) To respond to any national, regional or local consultation documents falling within a specific portfolio responsibility after consultation with the appropriate member of the Cabinet.
- (d) To formulate responses to consultation not falling within a specific Cabinet member's responsibility, provided that in cases where the Council is consulted on significant matters, officers should decline to exercise this delegated power or (where the meeting timetable for the appropriate member level body does not permit the matter to be referred to it), there should be prior consultation with the spokespersons of the all political groups.
- (e) To be responsible for providing a planned overview for strategic service procurement and delivery models.

2. Section 151 Officer

(definition: The officer responsible for the proper administration of the Councils financial affairs)

- (a) To write off debts up to the value of £15,000 – except in cases where individual debts are below £25,000 but the total owed by the debtor is above £25,000.
- (b) To write out of the accounts any future credit balances below £15,000 where the beneficiary cannot be traced.

3. Strategic Director

- (a) To issue notices, to terminate leases and licenses of Council-owned property where there are arrears of rent or breaches of conditions, or to comply with the Council's policy or strategy.
- (b) To operate, in consultation with the Section 151 Officer, the Council's Death Gratuity Scheme under discretionary powers contained in the Local Government Superannuation (Miscellaneous Provisions) Regulations 1987 - subject to a maximum payment of one year's salary at death.
- (c) With regard to property, in liaison (where appropriate) with the Head of Legal and Democratic Services and subject to terms to ensure protection of the Council's interests:-
 - (i) To acquire land by purchase or lease at not more than market value in implementation of the Council's strategy and within the constraints of the capital budget;
 - (ii) To dispose of Council-owned property valued at not more than £15,000 at not less than market value and, in the case of a lease, for a term not exceeding seven years;
 - (iii) To negotiate terms for the grant of, or entry into, licences for the use of and access over any property;
 - (iv) To renew, surrender or vary leases or licenses of Council-owned property to others, or of property owned by others to the Council;
 - (v) To terminate leases and licenses of Council-owned property to others

where there are arrears of rent or breaches of conditions, or to comply with the Council's policy or strategy;

- (vi) To grant or enter into wayleaves and easements in respect of supplies of services (e.g. electricity, gas, telephone, telecommunications, fibre-optics and sewerage connections), and of access over land; and
 - (vii) To invite offers for, or to negotiate the renewal of, the licences for the letting of kiosks etc. as appropriate in each case and to conclude agreements on the basis of the most favourable terms to the Council.
 - (viii) To release restrictive covenants imposed on property previously owned by the Council where the value of the covenant is no more than £15,000.
 - (ix) To dedicate Council-owned land as highway to be maintained by the local highway authority.
- (d) To review the Relocation Assistance Scheme for newly-appointed staff in order to respond more readily to changing situations.

4. All Heads of Service

- (a) To deal with all routine matters of administration affecting their service areas and all other matters within the purview of their service areas except those which are specifically required to be determined by the Cabinet or an individual Cabinet member.
- (b) To authorise, where appropriate, entry onto land or premises by Council officials in the course of their duties.
- (c) To employ (where necessary and practicable and subject to no internal secondment being possible) temporary additional assistance during a prolonged period of sickness of a permanent member of staff, the details of such assistance and of the number of long term absences due to sickness being subsequently reported to the appropriate member level body or individual.
- (d) To open tenders in accordance with Contract Procedure Rules.
- (e) To accept tenders in accordance with Contract Procedure Rules.
- (f) With regard to Revenue Budget Virement and Carry Forwards (and after consultation with the Head of Finance):

To vire between approved budgets under his or her control up to a sum of £15,000 on each occasion; and

To carry forward to the next financial year any unspent budget provisions which were provided for specific works or services and where it was not possible to complete these works or services during the budget year, subject to individual carry forwards not exceeding £15,000
- (g) With regard to contracts:-

to issue variation orders in connection with contracts being undertaken by the

Council except where any additional expenditure involved in complying with such variation orders exceeds 2%, subject to a minimum of £10,000 of the original contract figure;

after consultation with the relevant Cabinet Member, to issue variation orders in connection with contracts being undertaken by the Council where any additional expenditure involved in complying with such variation orders exceeds 2% of the original contract figure.

together with the Head of Finance (and subject to Financial Procedure Rules), to approve all prime cost items included in contracts entered into by the Council; and

to engage consultants to further General Fund Schemes (subsequently advising Cabinet of action taken).

- (h) To contract to provide services to other public agencies as part of the Council's enabling role or to optimise use of the Council's resources.
- (i) To approve minor changes in partnership agreements.
- (j) To commence public consultation exercises on matters which have previously been before member-level bodies.
- (k) To respond to any national, regional or local consultation documents falling within a specific portfolio responsibility after consultation with the appropriate member of the Cabinet.
- (l) To formulate responses to consultation not falling within a specific Cabinet member's responsibility, provided that in cases where the Council is consulted on significant matters, officers should decline to exercise this delegated power or (where the meeting timetable for the appropriate member level body does not permit the matter to be referred to it), there should be prior consultation with the spokespersons of all the political groups.
- (m) To require information as to the ownership of property.

5. To the Head of Strategic Housing and Tenant Services

- (a) To issue notices to quit to licensees / tenants of Council premises
- (b) To determine requests for the consent of the Council to the resale of former Council dwellings situated within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty within the ten year resale restrictive covenant provided that the prospective purchaser has throughout a period of three years immediately prior to seeking such consent:-
 - (i) had his place of work in a National Park etc. or the county of Suffolk;
 - (ii) had his only or principal home in a National Park or such area; or
 - (iii) an aggregate of (i) and (ii).
- (c) To approve Disabled Facilities Grants to owner-occupiers, landlords and tenants under the Housing Grants, Construction and Regeneration Act 1996.
- (d) To approve Housing Grants in accordance with the Council's approved Private Sector Housing Renewal Strategy.

- (e) To approve minor changes in housing grant practices.
- (f) To determine questions relating to requirement to repay all forms of Housing Grants.
- (g) To authorise minor changes to the Housing Enabling Programme consistent with the policies in the Housing Strategy Statement.
- (h) To approve minor changes to the housing allocation points system.
- (i) To exercise on behalf of the District Council the powers contained in Part VII of the Housing Act 1996 (as amended) relating to homeless persons and in particular the notifications required under Section 184, and referrals made under Section 198 of that Act.
- (j) To grant licences allowing homeless persons to occupy accommodation controlled by the Council.
- (k) To act under the provisions of Section 77 of the Criminal Justice and Public Order Act 1994 regarding unauthorised encampments of travellers.

6. To the Head of Revenues and Benefits Service

- (a) To represent the Council at Council Tax and Valuation Tribunals.
- (b) To represent the Council in Magistrates' Court proceedings for the recovery of Council Tax, National Non-Domestic Rates and committal proceedings in default of payment.
- (c) To determine all matters relating to administration, billing and enforcement in respect of Council Tax and National Non-Domestic Rate.
- (d) To administer the Council's Collection Fund established under Section 89 of the Local Government Finance Act 1988 (reporting as necessary to the Cabinet).
- (e) In exceptional circumstances to make arrangements other than in accordance with the statutory scheme for payment of Council Tax and National Non-Domestic Rates.
- (f) To determine the award of relief from non-domestic rates where it is in accordance with the Council's agreed criteria.

7. To the Head of Community and Economic Services

- (a) To use selected car parks in pursuance of the special event policy authorised by the Cabinet.
- (b) To consider draft Traffic Orders proposed by the Highway Authority and to determine the District Council's observations, other than where these would be substantially different from the known views of any interested person or body.
- (c) To determine fees and charges for Leisure facilities within such guidelines as may be set by the Cabinet from time to time.
- (d) With regard to the Council's positive planning initiatives :-

- (i) To authorise minor changes (subject to prior consultation with the relevant local member); and
 - (ii) To carry out detailed scheme design (subject to prior consultation with the relevant local member).
- (e) To administer and award Landscape and Conservation Grants to both buildings and public open spaces from the Conservation Grants Budget in line with criteria approved from time to time by the Cabinet.
 - (f) To be responsible for the day-to-day management of public car parks owned or managed by the Council, and for the enforcement of the Council's Off-Street Parking Places Order.

8. To the Head of Legal and Democratic Services

- (a) To perform the District Council's functions under the relevant sections of the Towns Improvement Clauses Act 1847 relating to the numbering and renumbering of properties.
- (b) To apply to the appropriate Magistrates' Court for an Anti-Social Behaviour Order (ASBO) in accordance with the provisions established under Section 1 of the Crime and Disorder Act 1998, after consultation with the Police in all cases and with such other agencies as are appropriate in each case and to take all such other steps as may be necessary or desirable in order to obtain and enforce an ASBO subject in each case to reporting to, the Cabinet at its next appropriate meeting, brief details of any ASBO sought and the terms of any ASBO made.
- (c) Appoint members to attend conferences, seminars etc., after consulting the appropriate member of the Cabinet or Strategic Director or Head of Service, where these are not of a political nature or where the delegate is not voting on behalf of the District Council (see page 60).
- (d) To institute, carry on or defend proceedings in relation to:
 - (1) the collection or recovery of all moneys owing or alleged to be owing to or by the Council; and
 - (2) any offence or alleged offence relating to false or fraudulent claims for benefit, or failure to notify a change of circumstances in relation to benefit entitlement.
- (e) To institute, carry on or defend any proceedings in any competent court or tribunal having jurisdiction in the United Kingdom.
- (f) To settle proceedings of any description, including the payment of damages, compensation, etc. and legal costs for claims of less than £25,000, following consultation with the Head of Finance.
- (g) To obtain the opinion of Counsel on any matters where this is considered to be necessary.
- (h) To require information as to ownership of property and to prosecute should that information not be forthcoming.

- (i) With regard to car parks:-
 - (1) to require information as to the identity of the driver of any vehicle from the registered keeper of such vehicle or from any person believed to be the driver of such vehicle found to be unlawfully parked in one of the Council's parking places;
 - (2) if the circumstances warrant it, to prosecute the person who was the driver of the vehicle referred to in (i)(1) above at the time of the offence under the Order;
 - (3) to prosecute the registered keeper of any vehicle unlawfully parked as aforesaid or any other person, where appropriate, for failure to give the required information as to the identity of the driver of the vehicle in question; and
 - (4) to prosecute any person who contravenes any provision of the Suffolk Coastal District Council (Off-Street Parking Places) Order 1995 (as amended) or any subsequent order varying, modifying or replacing the said order.
 - (5) to take appropriate action against any motorist persistently parking on the Central Council Offices car park other than as an officer of the Council, a visitor to the office or as a District Councillor.
- (k) To institute proceedings in the Magistrates' Court regarding any failure to comply with a direction given under Section 78 of the Criminal Justice and Public Order Act 1994.
- (l) To institute, carry on and defend any proceedings to protect Council-owned land.
- (m) To be responsible for day to day corporate procurement activity and to regularly review the Procurement Strategy and Action Plan and recommend any revisions to Cabinet.
- (n) To make minor changes to the Scheme of Delegation in Part 3B of the Constitution arising from legislative changes following consultation with the Leader of the Council and Head of Paid Services.

9. To the Head of Environmental Services and Port Health

- (a) With regard to Food and Safety:-
 - (1) To act in matters arising under Section 5(6) Food Safety Act 1990.
 - (2) To introduce and implement, in liaison with the Head of Finance, an appropriate charging policy, relating to veterinary checks on products of animal origin, within the terms of the Charging Regulations.
 - (3) In liaison with the Head of Finance to introduce port health charges (where charges are required to be in line with EU regulations).
 - (4) To seize dangerous dogs under Section 5 of the Dangerous Dogs Act 1991.

- (5) To discharge the Council's functions for litter control and dealing with abandoned shopping trolleys under the Environmental Protection Act 1990.
- (b) With regard to the Environment
 - (1) To set the level of discretionary fixed penalties under the Clean Neighbourhoods and Environment Act 2005 following consultation with the relevant Cabinet Member
 - (2) To authorise the making/issue of, and to serve, Notices and Orders and to grant authorisations and consents and where appropriate, attach conditions, and alter, amend, renew, revoke and authorise the transfer (as appropriate) of such consents pursuant with the Clean Neighbourhoods and Environment Act 2005
- (c) With regard to Port Health
 - (1) To authorise appropriate officers to be able to act as an authorised Person for the purposes of enforcing the Environmental Protection (controls on Ozone-Depleting Substances) Regulations 2002 as amended in 2008.

10. To the Head of Financial Services

- (a) To carry out the day to day administration of the Council's financial requirements on the best possible terms, and to report thereon from time to time to the Cabinet.
- (b) To approve or refuse housing advances within the terms of the Council's approved scheme, subject to his / her actions being reported periodically to the Cabinet.
- (c) To determine applications for the letting of mortgaged property on such terms and conditions as protect the Council's interests.
- (d) To apply the national standard rate of interest, as set out by the Secretary of State, to all the Council's variable rate mortgages whilst ever the Council does not have a local average rate determined by its own long term borrowings.
- (e) To make loans within the terms of the Council's approved scheme under the Fire Precautions (Loans) Act 1973.
- (f) To determine the conditions to be attached to the Council's Car Contract Hire and Car Loans Schemes for Employees and to make the necessary administrative arrangements for their operation.
- (g) To use additional benefit subsidy earned from fraud investigation work for one-off projects to improve benefits administration, including prevention and detection of fraud, subject to the subsidy not being required to finance staff needed to allow existing benefit work to be maintained.
- (h) To determine the award of relief from non-domestic rates where it is in accordance with the Council's agreed criteria.
- (i) To add or delete organisations from the 'Approved Organisations for Investment' list after consultation with the Cabinet Member responsible for Fiscal and Democratic

Services

- (j) To determine appropriate investment limits as part of changes to the list of 'Approved Organisations for Investment' after consultation with the Cabinet Member responsible for Fiscal and democratic Services

11. To members of staff

See list of other officer functions as set out in Schedule 1 hereto.

3.02 Delegations to Officers – Non-Executive Functions

NOTE *Save in the cases of statutory appointments, or in instances where a specific, named member of staff is authorised to undertake a function, or where delegated powers are given to a specific, named member of staff, a function delegated to a Strategic Director or Head of Service shall be validly exercised if carried out on behalf of that Strategic Director or Head of Service and in that Strategic Director or Head of Service's name by staff authorised by him / her for that purpose. The exercise of a function in the name of a Strategic Director or Head of Service will not be invalidated by the absence of the Strategic Director or Head of Service at the time when the function was exercised.*

There shall be delegated power to:-

1. To the Strategic Director

- (a) To apply, where appropriate, for planning permission for Council development under the terms of Town and Country Planning General Regulations 1992.
- (b) To submit applications for public path order and creation agreements in implementation of the Council's strategy or policies on land owned or occupied by the District Council where the proposals meet the required criteria for the making of a public path order.

2. All Heads of Service

- (a) After consultation with the appropriate chairman or vice-chairman to deal with any matters allocated to a committee or sub-committee which require urgent attention during any Council recess or in the periods between committee or sub-committee meetings provided that this consultation shall be with the Chairman and / or Vice-Chairman of the Council, as appropriate, in relation to matters in which the chairman or vice-chairman of the committee or sub-committee concerned has a prejudicial interest or where for any reason the chairman and vice-chairman of the committee or sub-committee are not available. This action to be reported to the next appropriate meeting of the relevant committee or sub-committee.
- (b) In accordance with approved Redundancy Procedures, to take the decision to make the employee(s) concerned redundant.
- (c) To deal with all changes to staffing establishment within budget.
- (d) To deal with all routine matters of administration affecting their service area and all other matters within the purview of their service area except those which are specifically required to be determined by a committee or by the Council.

- (e) To authorise, where appropriate, entry onto land or premises by Council officials in the course of their duties.
- (f) To employ (where necessary and practicable and subject to no internal secondment being possible) temporary additional assistance during a prolonged period of sickness of a permanent member of staff, the details of such assistance and of the number of long term absences due to sickness being subsequently reported to the appropriate member level body or individual.
- (g) To open tenders in accordance with Contract Procedure Rules.
- (h) To accept tenders in accordance with Contract Procedure Rules.
- (i) With regard to Revenue Budget Virement and Carry Forwards (and after consultation with the Head of Finance:
 - (1) To vire between approved budgets under his or her control up to a sum of £15,000 on each occasion.
- (j) With regard to contracts:-
 - (1) to issue variation orders in connection with contracts being undertaken by the Council except where any additional expenditure involved in complying with such variation orders exceeds 2%, subject to a minimum of £10,000 of the original contract figure;
 - (2) after consultation with the relevant committee chairman, to issue variation orders in connection with contracts being undertaken by the Council where any additional expenditure involved in complying with such variation orders exceeds 2% of the original contract figure;
 - (3) together with the Head of Finance (and subject to Financial Procedure Rules), to approve all prime cost items included in contracts entered into by the Council; and
 - (4) to engage consultants to further General Fund Schemes (subsequently advising Cabinet of action taken).
- (k) To contract to provide services to other public agencies as part of the Council's enabling role or to optimise use of the Council's resources.
- (l) To approve minor changes in partnership agreements.
- (m) To commence public consultation exercises on matters which have previously been before member-level bodies.
- (n) To sign certificates on behalf of the Council for the purpose of the Civil Evidence Act 1995 Section 9 and to make, provide, adapt or otherwise complete any certificate in order to comply with Rules of Court made or amended at any time.

(See also the list of officer functions as set out in Schedule 2 hereto).
- (o) To require information as to the ownership of property.
- (p) To appoint, dismiss, and take all relevant disciplinary action in the case of all staff

below Heads of Service.

3. To the Head of Legal and Democratic Services

- (a) To institute, carry on or defend proceedings in relation to:
 - (i) the collection or recovery of all moneys owing or alleged to be owing to or by the Council;
 - (ii) any offence or alleged offence relating to false or fraudulent claims for benefit, or failure to notify a change of circumstances in relation to benefit entitlement.
 - (iii) any offence or alleged offence in relation to licensing
- (b) To settle proceedings of any description, including the payment of damages, compensation, etc., and legal costs for claims of less than £15,000, following consultation with the Head of Finance.
- (c) To authorise officers to appear in any civil or criminal court or tribunal, and to act as “authorised officers” for the purposes of licensing legislation.
- (d) To obtain the opinion of Counsel on any matters where this is considered to be necessary.
- (e) To approve all bona fide applications for licences, permits and registration in accordance with the appropriate legislation and any related policy adopted by the Council where no complaint, objection or representation has been made.
- (f) To require information as to ownership of property and to prosecute should that information not be forthcoming.
- (g) To apply for a Justices’ Warrant to enter following the service of a statutory notice etc. if this proves to be necessary.
- (h) To agree the making and confirmation of public path orders in all cases where no objections or representations have been received or are likely to be received and where the proposals meet the required criteria for the making of a public path order.
- (i) To determine applications for the temporary closure of a highway during public processions, rejoicings etc. when the streets are thronged.
- (j) To determine the District Council’s response on public rights of way consultation matters other than where there was an objection to the proposal by either the local district councillor, or by the majority of other consultees who had responded to the consultation.
- (k) With regard to membership of committees, sub-committees, etc. which are subject to the operation of the Local Government (Committees and Political Groups) Regulations 1990, and following Council approval of the allocation of seats on committees, sub-committees and other appropriate bodies to political groups and individuals in accordance with the statutory provision:-
 - (1) to allocate members of political groups to seats on committees, sub-committees and other appropriate bodies in accordance with the nominations made by the political groups; and
 - (2) to allocate members, who have not formed themselves into a political

group, to seats on committees, sub-committees and other appropriate bodies reserved for such members in accordance, so far as possible, with their stated preferences which he shall obtain from them.

- (l) To institute proceedings pursuant to Regulations made under the Representation of People Act 1983 for failure to return an electoral registration form.
- (m) With regard to meetings of the Licensing and Health Sub-Committee:
 - (1) To determine whether a complaint or objection made under the Licensing Act 2003 is not relevant, vexatious, frivolous or repetitious.
 - (2) To appoint three members of the Licensing and Health Committee (including substitutes) to a Licensing and Health Sub-Committee when necessary.
 - (3) To authorise appropriate members of staff as members of the “licensing authority” for the purpose of the Licensing Act 2003 and the (Hearings) Regulations.
- (n) With regard to planning control:-
 - (1) to institute proceedings in respect of the failure to supply information following the service of a statutory notice requiring that information;
 - (2) to institute proceedings for failure to comply with:-
 - (i) an enforcement notice or stop notice;
 - (ii) a listed building notice or stop notice;
 - (iii) a notice served under Section 215 of the Town and Country Planning Act 1990;
 - (iv) a planning contravention notice; and
 - (v) a breach of conditions notice.
 - (3) To determine certificates of lawful development under the Planning and Compensation Act 1991.
 - (4) After consultation with the Chairman or Vice-Chairman of the Development Control Committee - To seek an injunction where urgent action is required (as, for example, against imminent demolition of a listed building).
 - (5) To institute proceedings under the Caravan Site and Control of Development Act 1960 in respect of unauthorised caravans where a Development Control Sub-Committee has authorised the service of an enforcement notice or when an enforcement notice has been issued under the delegated powers.
 - (6) To institute proceedings for offences in contravention of the Hedgerow Regulations 1997.
 - (7) To enter into agreements pursuant to Section 106 of the Town and Country Planning Act 1990 on such terms and conditions as are deemed appropriate.

- (o) To institute proceedings for contravention's of the Building Regulations, for dangerous buildings or structures, ruinous and dilapidated buildings or neglected sites, and in respect of the control of demolition.
- (p) With regard to Municipal Waste Management:-
 - (1) to institute proceedings in relation to:-
 - (i) Municipal Waste Management
 - (ii) Failure to comply with directions in respect of containers for waste storage
 - (iii) Failure to comply with requisitions to produce duty of care documentation;
 - (iv) Abandonment of vehicles
 - (v) Fly-tipping of waste
 - (vi) Deposit of litter
 - (vii) Fouling of land by dogs
 - (viii) Causing graffiti
 - (ix) Fly-posting
- (q)
- (r) To approve the making of an Order under Section 16)(1) of the Local Government Act 1972 to vary the number of members of a town or parish council.
- (s) To suspend licensed hackney carriage and private hire drivers who fail to produce valid medical certificates or renew criminal record checks in accordance with the licensing scheme.
- To suspend hackney carriage and private hire vehicle licences where valid mechanical inspection certificates or insurance cover have not been produced in accordance with the licensing scheme.

4. To the Head of Financial Services

- (a) To carry forward to the next financial year any unspent budget provisions which were provided for specific works or services and where it was not possible to complete these works or services during the budget year, subject to individual carry forwards not exceeding £15,000, after consultation with the Cabinet Member for Fiscal and Democratic Services.

5. To the Head of Strategic Housing and Tenant Services

- (a) To authorise the revocation of operative undertakings, Demolition Orders or Closing Orders, where premises have been restored to a condition fit for human habitation.
- (b) To act on behalf of the District Council under the provisions of Sections 326(b), 335 and 338 of the Housing Act 1985 to abate overcrowding in dwellings including the authorisation of service of a Statutory Notice, and the issue of certificates.
- (c) To issue certificates stating the number and floor areas of rooms under the provision of Section 326(6) of the Housing Act 1985.
- (d) To act on behalf of the District Council under the provisions of Section 11-19 Housing Act 2004 (Improvement Notices) and take any necessary action.

- (e) To act on behalf of the District Council under the provisions of Section 23–27 Housing Act 2004 (Prohibition Notices) and take any necessary action.
- (f) To act on behalf of the District Council under the provisions of Section 28 and 29 Housing Act 2004 (Hazard Awareness Notices) and take any necessary action.
- (g) To act on behalf of the District Council under the provisions of Section 31 Housing Act 2004 (Carrying out work in default of the owner) and take any necessary action.
- (h) To act on behalf of the District Council under the provisions of Section 40-45 Housing Act 2004 (Emergency Remedial Action) and take any necessary action.
- (i) To act on behalf of the District Council under the provisions of Part 2 Housing Act 2004 (licensing HMOs) with the exception of Section 63 (3) (Determining the level of fee to be charged) and take any necessary action.
- (j) To act on behalf of the District Council under the provisions of Section 139-144 Housing Act 2004 (Overcrowding in HMOs) and take any necessary action.
- (k) To act on behalf of the District Council under the provisions of Section 232 Housing Act 2004 (Maintaining a register of licensed HMOs) and take any necessary action.
- (l) To act on behalf of the District Council under the provisions of Section 235 Housing Act 2004 (Require documents to be produced) and take any necessary action.
- (m) To act on behalf of the District Council under the provisions of Section 239 (Power of entry for the purpose of survey or examination).
- (n) To act on behalf of the District Council under the provisions of Section 255 to 260 (Determination of Houses in Multiple Occupation) and take any necessary action.
- (o) To act in respect of any regulations made under the Housing Act 2004 in relation to the Enforcement of Housing Standards, HMO standards and the Licensing of HMOs.
- (p) To authorise service of a notice under the provisions of Section 76 of the Building Act 1984, intimating the Council's intention to remedy the defective state of a dwelling and specifying the defects which are to be remedied; at the expiration of 9 days from the service of the notice to authorise the execution of the necessary repairs and the recovery of the expenses reasonably incurred in so doing.
- (q) To issue Camping Site Licences where planning approval has been obtained.
- (r) To arrange for the restoration or continuation of supply of water, gas or electricity under the provisions of Section 33 of the Local Government (Miscellaneous Provisions) Act 1976, including the recovery of any cost reasonably incurred.
- (s) To authorise action under the provisions of Section 29 of the Local Government (Miscellaneous Provisions) 1982 including the service of notices, arranging to undertake works in respect of vacant premises and the recovery of any cost reasonably incurred.
- (t) To issue Caravan Site Licences where planning approval has been obtained.
- (u) To authorise service of a notice under Section 17 of the Public Health Act 1961

requiring the repairs to drains or private sewers which are not sufficiently maintained and kept in good repair and can be sufficiently repaired at a cost not exceeding £250, at the expiration of 7 days from the service of the notice to authorise the repair of the drain or sewer, apportioning costs, institution of legal proceedings and arranging for the recovery of the costs reasonably incurred in so doing.

6. To the Head of Planning Services

- (a) To make Tree Preservation Orders in respect of trees, groups of trees or woodlands, meeting the agreed criteria of the Development Control Committee.
- (b) To consider proposals by the relevant railway authority at level crossings within the district and to determine the District Council's observations, other than where these would be substantially different from the known views of the relevant town or parish council.
- (c) To take all necessary action to implement authority given by a development control sub-committee in connection with prosecution or hazardous substances notices under the Planning (Hazardous Substances) Act 1990.
- (d) To determine (inter alia):
 - 2 'Major' and 'Minor' applications other than where a Town or Parish Council Statutory Consultee or three or more interested parties raise material planning objections within the prescribed consultation period when officers are minded to approve or where officers are minded to refuse and the Town/Parish Council or three interested parties have written in within the prescribed consultation period raising material planning issues in support of the case. Such delegation shall not be exercised where a ward member for the relevant ward approaches the chairman or vice-chairman of the appropriate Development Control Sub-Committee who then requests that the application should be reported to the Sub-Committee.
 - 3 'Other' applications other than where following receipt of an objection where officers are minded to approve and where a ward member for the ward concerned expresses concern, the chairman or vice-chairman of the appropriate Development Control Sub-Committee requests that the application should be reported to the relevant Development Control Sub-Committee.
 - 4 Submissions by the Crown under Circular 18/84, applications arising from the Tree Preservation Orders, miscellaneous applications e.g. telecommunications, agricultural notifications. Such delegation shall not be exercised where a ward member for the relevant ward approaches the chairman or vice-chairman of the appropriate Development Control Sub-Committee who then requests that the application should be reported to the Sub-Committee.
 - 5 Consultations on Suffolk County Council applications for deemed planning applications. Such delegation shall not be exercised where a ward member for the relevant ward approaches the chairman or vice-chairman of the appropriate Development Control Sub-Committee who then requests that the application should be reported to the Sub-Committee.

NB This delegation does not apply to:

- Applications where the recommendations of the officers are contrary to the

provisions of the Development Plan;

- Applications submitted by the District Council or a member or employee of the District Council;
- Applications accompanied by an Environmental Impact Assessment.
- Applications which are of more than local significance e.g. where traffic would be generated which would affect a number of parishes or which would have an impact over a wide area.

DEFINITIONS

“Householder Applications”: Applications for development within the curtilage of residential property, which are not a change of use.

'Major'- Applications include, for example, proposals for 10 or more dwellings, 1,000 square metres or more of commercial development

'Minor' - Applications include, for example, proposals for 1-9 dwellings, smallscale commercial buildings

'Other' - Applications include, for example, proposals for changes of use, householder development, listed building consent, advertisement

- (e) To respond to consultations on the Pastoral Measure Act 1983, following consultation with the appropriate ward members.
- (f) To respond on behalf of the Council to consultations relating to works which involve alteration or extension of a church which is a listed building to such an extent as is likely to affect its character as a building of special architectural or historic interest.
- (g) With regard to planning control:-
 - (1) To serve notices under Section 215 of the Town and Country Planning Act 1990, in respect of land which has been the subject of a previous Notice authorised by Development Control Sub-Committee.
 - (2) To determine whether to take action or not in respect of untidy sites by way of the service of a Section 215 Notice in accordance with the following criteria:-
 - (i) The prominence and sensitivity of a site will be key factors in determining whether to take action to protect the amenity of the public at large by the service of an appropriate Notice. It may, for example, be more acceptable to view stacked materials or a partially overgrown development site awaiting building on an industrial estate or a mixed use area than would necessarily be the case in a residential area or a very sensitive rural location such as the Heritage Coast or the AONB;
 - (ii) The number of members of the public who are likely to be affected by the condition of a site will be material to the issue or the service of a notice;
 - (iii) Whether there is adequate boundary screening and, if so, does this reduce the visual impact to such an extent as to render the

- service of a notice unnecessary;
- (iv) The actual condition of the site itself will be a material consideration. For example, a site that is slightly overgrown would seldom justify action by the Council
 - (v) The period during which the land has been untended and, by inference, how long has the visual amenity of the area been adversely affected. Often landowners do not seek to leave their sites in a disreputable state but are delayed in undertaking action to tidy matters up. Hasty action by the Council in these circumstances, if the site has been untended for only a short period, would be inappropriate and an inefficient use of the Council's resources. Often a polite reminder to the owner of his or her civic duties and a reasonable time to comply will suffice; and
 - (vi) The nature of the materials that are stored, deposited or left on the site and how unsightly are they by their very nature.
- (h) To issue enforcement notices and listed building enforcement notices for non-compliance with conditions attached to planning permissions or listed building consents.
 - (i) To issue Breach of Condition Notices where a planning condition has not been complied with.
 - (j) To issue planning contravention notices.
 - (k) To issue enforcement notices and listed building enforcement notices for unauthorised development which has previously been the subject of a refusal of planning permission or listed building consent by the Local Planning Authority should it be considered expedient to do so.
 - (l) To determine whether to take action, and if so what action, in respect of unauthorised householder extensions, alterations to buildings and boundary fences, walls and hedges, along with minor infringements of planning conditions and advertisements, where they involve:
 - (i) Increases in the height of boundary fencing subject to a maximum increased height of 0.5 metres above "permitted development" limits;
 - (ii) Erection of gates and fences on highway boundaries not affecting highway safety, not exceeding 0.25 metres above the permitted height;
 - (iii) Changes in materials used in the construction of buildings where not in accordance with the original specification;
 - (iv) The provision within the curtilage of a dwelling house of any ancillary building or enclosure which would be classed as "permitted development" were it not for a minor infringement of the permitted category by reason of size or position;
 - (v) Minor amendments to approved developments where there will be no adverse impact upon the amenities of adjoining owners;
 - (vi) Minor changes to landscaping schemes, for example the omission of a few shrubs or a tree from a large scheme;
 - (vii) Failure to complete access roads in their entirety prior to the commencement of development;

- (viii) Advertisements of a temporary nature advertising local events;
 - (ix) Signs on highway footways;
 - (x) Estate Agents' for sale boards;
 - (xi) Advertisements for non-profit making charity events; and
 - (xii) Directional advertisements displayed within the highway for residential development sites.
- (m) For the purposes of Regulations 5 and 10 of the Town and Country Planning (Environmental Impact Assessment) England and Wales) Regulations 1999 to make "screening" and "scoping" determinations in respect of the necessity and scope of Environmental Statements under the aforementioned regulations, having regard to the advice within Circular 02/99 entitled "Environmental Impact Assessment".
 - (n) Having due regard to criteria agreed from time to time approved by the Development Control Committee to lodge formal objection to applications for goods vehicle operators licences where amenity would be threatened by the grant of such a licence following consultation with the relevant town or parish council.
 - (o) In so far as the Building (Local Authority Charges) Regulations 1997 shall allow, to waive payment of a Building Control charge where the waiving of that charge will not be detrimental to the Council's overall ability to "break even" in respect of the building regulations service for which it is empowered to make a charge.
 - (p) To approve or refuse applications under the Building Regulations, and the approval or rejection of other notices submitted under the Building Act.
 - (q) To approve or refuse applications for dispensation of the Building Regulations.
 - (r) To serve notices in respect of a contravention of the Building Regulations, ruinous and dilapidated building or neglected site, control of demolition or a dangerous excavation.
 - (s) To instigate emergency procedures in respect of a dangerous building or structure, including the serving of any notice.
 - (t) To issue Completion Certificates in accordance with the Building Regulations.
 - (u) To determine validity of deemed consent applications made under Section 11 of the Planning (Hazardous Substances) Act 1990 (as amended).
 - (v) To determine applications for hazardous substances consent and applications to vary conditions attached to hazardous substances consents where no identifiable person or body dissents to any substantial or relevant degree from the course of action proposed.
 - (w) To determine whether prior approval is required for the demolition of buildings, as set out in Class A Part 31 of the Town and Country General Development (Amendment) (No. 3) Order 1992.
 - (x) To determine all matters under Part 8 of the Anti Social Behaviour Act 2003 in respect of high hedges, including notification of interested parties, processing of complaints, issuing of Remedial Notices and dealing with all appeals associated with such Notices.
 - (y) Authority to issue temporary stop notices in accordance with the Town and Country

Planning Act 1990 sections 171E, 171F, 171G and 171H and any Regulations made thereafter.

- (z) To decide which buildings should be offered grants, and at what rate, under the Council's Historic Buildings at Risk Grant Scheme.

7. To the Head of Environmental Services and Port Health

- (a) To take any necessary action on the Council's behalf to remove to suitable premises persons in need of care and attention under Section 47 of the National Assistance Act 1948.
- (b) To act in all matters arising under the Health and Safety at Work Act 1974, or any regulations made there under, for which the Council has enforcement responsibility.
- (c) To authorise the making/issue of, and to service Notices and Orders pursuant to the Public Health Act 1936, Control of Pollution Act 1974, Building Act 1984, Housing Act 1985, Environmental Protection Act 1990 or Water Industries Act 1991, or Environment Act 1995.
- (d) To enforce all relevant imported food regulations made under the European Communities Act 1972.
- (e) With regard to Food and Safety:-
 - (1) For the purposes of the Health and Safety (Enforcing Authority) Regulations 1989 to endorse any transfer of enforcement responsibility, or premises or activities which may be agreed with the Health and Safety Executive.
 - (2) To act in matters arising under the Food and Environment Protection Act 1985 together with regulations made thereunder for which the Council has responsibility for enforcement.
 - (3) To authorise an order prohibiting homework on premises where a 'Notifiable' disease exists, under Section 28 of the Public Health (Control of Disease) Act 1984.
 - (4) To authorise the service of a notice under the provisions of Section 30 of the Public Health (Control of Disease) Act 1984, on the occupier or owner of a house in which he / she is aware that there is a person suffering from 'Notifiable' disease.
 - (5) To service notices under the Public Health (Control of Disease) Act 1984, and regulations made under that Act to require disinfection of premises or the destruction of articles to control the spread of infectious disease.
 - (6) To issue Knacker's Yard licences.
 - (7) To exercise the powers contained in Part 7 of the Milk and Dairies (General) Regulations 1959.
 - (8) To grant an exemption under Section 46 of the Offices, Shops and Railway Premises Act 1963 from the provisions of Sections 5(2), 6 and 9.

- (9) To appoint persons as inspectors under Section 19(1) of the Health and Safety at Work etc Act 1974, until such time as the Licensing and Health Committee can confirm or renew the appointment.

NOTE: See list of Proper Officer functions as set out in Schedule 3 hereto.

- (10) To authorise the service of notices under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 Section 20, on the owner or occupier of 'relevant place' to provide, maintain, cleanse sanitary appliances and make the said sanitary appliances available to members of the public resorting to that place.
- (11) To appoint Environmental Health Officers, Technicians and Technical Officers employed in the Food and Safety Team as Inspectors for the purposes of the Sunday Trading Act 1994.
- (12) To act in all matters arising under the Food Safety Act 1990 together with regulations made thereunder for which the Council has responsibility for Enforcement.

(f) With regard to Animal Welfare:-

- (1) To grant licences:-
 - (i) For premises, under Section 1 of the Breeding of Dogs Act 1973;
 - (ii) For pet shops, under Section 1 of the Pet Animals Act 1951;
 - (iii) For animal boarding establishments, under Section 1 of the Animal Boarding Establishment Act 1963;
 - (iv) Under Section 1 of the Dangerous Wild Animals Act 1976; and
 - (v) Under Section 1 of the Riding Establishments Act 1964 or, where appropriate, provisional licences under Section 1 of the Riding Establishment Act 1970.
- (2) To enter and inspect any premises subject to an application for a licence or which is licensed under the Dangerous Wild Animals Act 1976, and to inspect anything or an animal on those premises, under Section 3 of the said Act.
- (3) To serve notices under Section 149 of the Environmental Protection Act 1990, advising of the seizure, detention, disposal and liability for payment of expenses in respect of stray dogs.
- (4) Under Section 4 of the Dangerous Wild Animals Act 1976 to seize, retain, dispose of or destroy any dangerous wild animals and recover the cost of so doing, if the said animal has been kept in contravention of any condition of a licence or contrary to Section 1(i) of the Dangerous Wild Animals Act 1976.
- (5) To authorise the service of notices under the provisions of Section 4 of the Prevention of Damage by Pests Act 1949 on the owner or occupier of the land requiring him to take steps for the destruction of rats or mice on the land or otherwise for keeping the land free from rats and mice; to authorise the carrying out of the work in default of the owner or occupier and the apportionment and recovery of any expenses reasonably incurred in so doing.

- (6) To authorise the carrying out of the work in default of the owner or occupier where a notice under Section 4 of the Prevention of Damage by Pests Act 1949 has not been complied with and the apportionment and recovery of any expenses reasonably incurred in so doing.
- (7) To act on behalf of the District Council under the provisions of Section 6 of the Prevent of Damage by Pests Act 1949 and to take such steps for the destruction of rats and mice or keeping land free from rats and mice, where land is in the occupation of different persons, if it is expedient to do so; to apportion and recover the cost of such steps, to authorise and serve any notices stating it is the Council's intention to act in this way.
- (8) To exercise the powers available to reduce the numbers of pigeons and other birds in built up areas, under Section 74 of the Public Health Act 1961.
- (9) To take action under the Breeding and sale of Dogs (Welfare) Act 1999 where the keeper of a licensed breeding establishment commits offences as detailed in section 8 of the Act.

(g) With regard to pollution:-

- (1) To authorise the service of a Statutory Notice under Section 83, Public Health Act 1936, requiring the owner or occupier of the premises to take such steps as may be specified to remedy the condition of the premises by cleansing or disinfection; the arranging for the necessary works in default of the owner or occupier and the recovery from them of the cost reasonably incurred in so doing.
- (2) To authorise under Section 84 of the Public Health Act 1936 the cleansing, purification, disinfection or destruction of filthy or verminous articles, at the expense of the Council.
- (3) To authorise the cleansing of verminous persons and their clothing with their consent under the provisions of Section 85 of the Public Health Act 1936; or the application to a Magistrates' Court for an order for the cleansing of their person and their clothing in compliance with that order.
- (4) To recover the costs of action taken by the Council relating to a verminous article by having it disinfected or destroyed, under Section 37 of the Public Health Act 1961.
- (5) To cause the body of a person who has died or been found dead in the Suffolk Coastal District to be buried or cremated, where no suitable arrangements for the disposal of the body have been made under Section 46 of the Public Health (Control of Disease) Act 1984, to recover costs for the burial or cremation as appropriate, and to refer cases to the Treasury Solicitor as required.
- (6) To authorise the service of a notice under Section 79 of the Water Industry Act 1991, requiring a water undertaker to provide a wholesome water supply to premises for domestic purposes.
- (7) To authorise service of a notice under Section 80 Water Industry Act

1991, where water supplied from a private water supply is not, was not, or is likely not to be wholesome.

- (8) To authorise service of a notice to modify or revoke the effect of any notice served under Section 80 of the Water Industry Act 1991, under the provisions of Section 82(6) of the Water Industry Act 1991.
- (9) To authorise a relaxation of the provisions of Part II of the Private Water Supplies Regulations 1991, under Regulation 4 of the Private Water Supplies Regulations 1991.
- (10) To revoke an authorisation given to relax the provisions of Part II of the Private Water Supplies Regulations 1991, under Section 5 of the Private Water Supplies Regulations 1991.
- (11) To designate powers to officers in writing for the purposes of entering premises and carrying out the functions specified in Section 84(3) of the Water Industry Act 1991.
- (12) To serve notices under Section 85 of the Water Industry Act 1991 requiring any person to provide information for the purposes of exercising any power or duty conferred on or imposed under any of Sections 77 to 82 of the Water Industry Act 1991.
- (13) To exercise the powers relating to rubbish on land in the open air under Section 6 of the Refuse Disposal (Amenity) Act 1978 and Section 34 of the Public Health Act 1961.
- (14) To issue notices under the Refuse Disposal (Amenity) Act 1978 requiring the removal of abandoned vehicles and to authorise the removal of such vehicles where the notice is not complied with.
- (15) To serve notice under Section 60 of the Control of Pollution Act 1974 imposing requirements as to the way works are carried out on construction or demolition sites to reduce noise.
- (16) To grant or refuse consent in respect of an application regarding the level of noise on construction or demolition sites under Section 61 of the Control of Pollution Act 1974.
- (17) To grant authorisations, to refuse applications for authorisation, to determine requests for variation, vary or revoke authorisations for processes in Part I of the Environmental Protection Act 1990 using powers detailed in Sections 6 to 12 of that Act.
- (18) To authorise the service of Enforcement Notices under Section 13 of the Environmental Protection Act 1990 for contraventions of conditions attached to any authorisation.
- (19) To appoint under Section 16(6) Environmental Protection Act 1990 as inspectors such persons having suitable qualifications as is thought necessary for carrying out this part of the Act in the area, until such time as the Licensing and Health Committee can confirm or renew the appointment.

- (20) To exercise the following powers under the Environmental Protection Act 1990:-
- (a) To designate land as Contaminated Land under Section 78B;
 - (b) To designate land as a Special Site under 78C;
 - (c) To authorise the service of a Remediation Notice under Section 78E;
 - (d) To exercise the power to carry out Remediation under the circumstances detailed in Section 78N; and
 - (e) To authorise the recovery of the cost of any Remediation carried out by Suffolk Coastal District Council under Section 78P.
- (21) To authorise the service of prohibition notices under Section 14 of the Environmental Protection Act 1990 where the process concerned involves imminent risk of serious pollution to the environment.
- (22) To maintain a public register of information as required by Section 20 of the Environmental Protection Act 1990.
- (23) To approve proposals of grit and dust arrestment plant for new furnaces under Section 6 of the Clean Air Act 1956 and Section 3 of the Clean Air Act 1968 and to institute legal proceedings for offences under Section 5 of the Clean Air Act 1956 and Section 3 of the Clean Air Act 1968 and to grant exemptions under Section 4 of the Clean Air Act 1968.
- (24) To approve proposals for chimney heights under Section 10 of the Clean Air Act 1956 and Section 6 of the Clean Air Act 1968.
- (25) To authorise the service of a notice under the provisions of Section 80 of the Control of Pollution Act 1974 requiring the occupier of any premises to furnish information as to the emission of pollutants from that premises into the air.
- (26) To exercise the following powers under the Clean Air Act 1993:-
- (a) Section 4(3); Power to approve furnaces installed in accordance with plans and specifications submitted to the local authority.
 - (b) Section 6(1); Power to approve arrestment plant for new non-domestic premises.
 - (c) Section 7(2); Power to exempt a furnace from the provisions of Section 6, if emission of grit and dust will not be prejudicial to health or a nuisance, and give written notification of the decision to the applicant.
 - (d) Section 7(4); Power not to grant an exemption under subsection 7(2) and to give the applicant written notification of the decision.
 - (e) Section 8(1); Power to approve plant for arresting grit and dust in a solid fuel domestic furnace.
 - (f) Section 10 (1); Power to direct an occupier of a building, in which

a furnace is installed, to make specified measurements.

- (g) Section 10(6); Power to revoke a direction under Section 10(1).
- (h) Section 12(1); Power to serve a notice to require occupiers of buildings to provide information regarding furnaces or the fuel burnt.
- (i) Section 14; Power to approve the height of chimneys serving a furnace and attach any conditions.
- (j) Section 15; Power not to approve the height of a chimney or attach conditions and power to give written notification of that decision to the applicant.
- (k) Section 16; Power to reject plans for the height of other chimneys other than one serving a furnace.
- (l) Section 34; Power to investigate, research and publicise the problem of air pollution.
- (m) Section 35; Power to obtain information about emission of pollutants by the service of notice and consult the relevant persons and organisations specified.
- (n) Section 36; Power to issue notices concerning the emission of pollutants into the air from premises.
- (o) Section 38; Responsibility to keep registers, as specified, and levy a reasonable charge for copies of register entries.
- (p) Section 46; Power to report emissions from Crown Premises, premises which cause smoke nuisance to the neighbourhood and dark smoke from Her Majesty's Navy, to the responsible Minister.
- (q) Section 51; Power to notify occupiers of an offence under Sections 1, 2 or 20 of this Act.
- (r) Section 56; Power to authorise officers to enter land or vessels to carry out the functions of this Act, as specified.

Power to apply to a Justice of the Peace to request a warrant to enter premises.
- (s) Section 58; Power to require information, by notice, to enable the local authority to carry out its function under Parts IV or V of this Act.

- (27) To examine and test drains and other apparatus believed to be defective under Section 48 of the Public Health Act 1936.
- (28) Under the provisions of Section 62 of the Building Act 1984, to exercise the powers in relation to drains which become disused, or unnecessary, to be disconnected and sealed.

- (29) To authorise the service of Statutory Notices under Section 59 of the Building Act 1984 requiring the owner of a building to make satisfactory provision for the drainage of the building, or as the case may be required either the owner or occupier of a building, to do such work as may be necessary for renewing, repairing or cleansing the existing cesspool, sewer, drain, pipe, spout, sink or other appliance or for filling up or otherwise rendering innocuous the disused cesspool, sewer or drain; the carrying out of works in default of the owner or occupier, the apportionment of the cost of those works, and the recovery of the costs.
- (30) To authorise service of a notice under Section 17(1) of the Public Health Act 1961 requiring the repairs to a drain, private sewer, water closet, waste pipe or soil pipe which are not sufficiently maintained and kept in good repair, and can be sufficiently repaired at a cost not exceeding £250; at the expiration of 7 days from the service of the Notice to authorise the repair of the drain or sewer, apportioning costs, institution of legal proceedings and arranging for the recovery of costs reasonably incurred in so doing.
- (31) To authorise the service of a notice under Section 17(3) of the Public Health Act 1961 to require a stopped up drain to be remedied within forty-eight hours of the service of the notice; to carry out work in default if the notice is not complied with; To recover the expenses reasonably incurred in so doing and to institute any necessary legal proceedings.
- (32) To authorise service of a notice under Section 17 of the Public Health Act 1961 requiring the repairs to drains or private sewers which are not sufficiently maintained and kept in good repair and can be sufficiently repaired at a cost not exceeding £250, at the expiration of 7 days from the service of the notice to authorise the repair of the drain or sewer, apportioning costs, institution of legal proceedings and arranging for the recovery of the costs reasonably incurred in so doing.
- (33) To authorise the service of notices under the provisions of Section 35 of the Local Government (Miscellaneous Provisions) Act 1976 on the owners or occupiers of premises served by a private sewer requiring the removal of an obstruction in that private sewer, for the carrying out of necessary works in default to remove the obstruction and recovering the cost incurred from the said owners and occupiers.
- (34) To authorise the service of Statutory Notice under Section 45 of the Public Health Act 1936 upon the owner or occupier of a building in respect of any closet provided for or in connection with the building which is in such a state as to be prejudicial to health or a nuisance, but can without reconstruction be put into a satisfactory condition; the carrying out of the necessary works in default of the owner or occupier and arranging for the recovery from them of the costs of the necessary works.
- (35) To authorise the service of statutory notices under the provisions of Section 64 of the Building Act 1984, upon the owner of a building or part of a building which is without sufficient closet accommodation or in respect of any closet provided for or in connection with the building, which is in such a state as to be prejudicial to health or a nuisance and cannot without reconstruction be put into a satisfactory condition; the carrying out of

works in default of the owner and the recovery from the owner of the costs of those works.

- (36) To authorise the service of statutory notices under the provisions of Section 66 of the Building Act 1984, on the owner of a building requiring that any closet other than water closets be replaced by water closets.
 - (37) To authorise the service of Statutory Notices under the provisions of Section 50 of the Public Health Act 1936, upon the person by whose act, default or sufferance the soakage or overflow from an overflowing or leaking cesspool occurs or continues, requiring the execution of such works, or to take such steps as may be necessary to prevent the soakage or overflow; the carrying out of the works in default, the apportionment and the recovery of the costs of the works required.
 - (38) To serve notice under Section 84 of the Building Act 1984 requiring the execution of all such works as may be necessary to provide satisfactory drainage to courts, yards or passageways giving access to a building used in common, but which is not a highway maintained at public expense; the carrying out of the necessary work in default of the owner and arranging for the recovery from them of the cost of the necessary work.
 - (39) To exercise the power under Section 97 of the Building Act 1984, on application by an owner or occupier of any premises on behalf of the Council to execute any work the Council have required the owner or occupier to execute under that Act or work the owner or occupier is entitled to execute in connection with the construction, laying, alteration or repair of a sewer or drain.
 - (40) To authorise the service of Abatement Notices under Section 80, Environmental Protection Act 1990 and where such notices are not complied with, to execute works in default and to recover, under Section 81 of the Act, any costs incurred in so doing.
 - (41) To authorise officers to enter or open vehicles, machinery or equipment, if necessary by force, or remove a vehicle, machinery or equipment from a street to a secure place, for the purposes of taking any action or executing any work authorised by Part III of the Environmental Protection Act 1990 in relation to a Statutory Nuisance within Section 79(ga) caused by noise emitted from or caused by the vehicle, machinery or equipment, under paragraph 2A of Schedule 3 of the Environmental Protection Act 1990, as amended by the Noise and Statutory Nuisance Act 1993.
 - (42) To authorise officers to exercise any of the powers specified in Section 108 (4) of the Environment Act 1995 (examination of premises etc).
 - (43) To issue Scrap Metal Dealers Licences under the Scrap Metal Dealers Act 1964.
- (h) To register persons and premises in accordance with Section 14 (3) of the Local Government (Miscellaneous Provisions) Act 1982 ,as amended by the Local Government Act 2003, in respect of the practice of acupuncture and Section 15 (3) of the Local Government (Miscellaneous Provisions) Act 1982 in respect of the business of tattooing, ear piercing or electrolysis.

- (i) To authorise officers to take action under Section 4 of the Dogs (Fouling of Land) Act 1996 (Fixed Penalty Notices).
- (j) With regard to Municipal Waste Management (see pages 49 & 50)
 - (1) To authorise action under the Control of Pollution Act 1974 and Road Traffic Regulation Act 1984.
 - (2) To authorise all action under the Anti-Social Behaviour Act 2003 in respect of graffiti and fly-posting.
 - (3) To authorise any person, as appropriate, who may be an officer of the Council or an employee of Suffolk Coastal Services Limited, to take action in relation to Municipal Waste Management.

8. To members of Staff

See list of officer functions as set out in Schedule 2 hereto.

9. Norfolk County Council

(a) Non-Strategic Property management services are delegated to Norfolk County Council.

(b) From 1 August 2004, the operation of the following functions are delegated to Norfolk County Council:

- (1) Building maintenance
- (2) Building cleaning
- (3) Street cleansing
- (4) Grounds maintenance
- (5) Workshop services
- (6) Refuse collection
- (7) Refuse recycling
- (8) Asset Management
- (9) Property services
- (10) Associated customer services

10. Waveney District Council

With effect from 26 June 2008 the conducting of reviews of decisions taken by Suffolk Coastal District Council's Standards Committee to take no action in relation to a complaint is delegated to the Standards Committee of Waveney District Council, and the conducting of reviews of decisions taken by Waveney District Council's Standards Committee to take no action in relation to a complaint is delegated to the Standards Committee of Suffolk Coastal District Council under the Local Assessment Provisions introduced by the Local Government and Public Involvement in Health Act 2007.

INTERPRETATION

The reference to the various Acts, Sections of Acts, regulations and Statutory Instruments etc. contained in the foregoing Sections A and B, and in the schedules following, shall apply mutatis mutandis to any statutory amendment, extension or re-enactment thereof as if the same were specified herein.

References:

Chapter 5, DTLR Guidance

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

Section 13, Local Government Act 2000

SCHEDULE 1 – EXECUTIVE FUNCTIONS

LIST OF OTHER OFFICER FUNCTIONS DESIGNATED BY THE LEADER OF THE COUNCIL TO INDIVIDUAL OFFICERS

CIVIL EVIDENCE ACT 1995

SECTION	SUBJECT	OFFICERS
S9	To make, provide, adapt or otherwise complete any certificate in order to comply with Rules of Court made or amended at any time.	All Heads of Service Senior Solicitor Legal and Democratic Services Manager

MAGISTRATES' COURTS AND VALUATION TRIBUNALS

SUBJECT	OFFICER(S)
To represent the Council in the Magistrates' Court in respect of Community Charge, Council Tax and Non-Domestic Rates matters.	Officers as indicated in Appendix 1 attached
To represent the Council in the Valuation Tribunals'	

HOUSING BENEFITS etc

SUBJECT	OFFICER(S)
To determine applications for discretionary housing payments.	Head of Revenues and Benefit Service (or any Benefits Officer authorised by him or her)
To designate appropriate Benefits Officers as benefit decision-makers.	Head of Revenues and Benefit Service
To approve submissions to the Appeals Service and to undertake all tasks related to the new appeal arrangements.	Head of Revenues and Benefit service (or any Benefits Officer authorised by him or her)
Consideration of requests to review discretionary housing payments decisions.	Head of Strategic Housing and Tenant Services

SETTLEMENT OF PROCEEDINGS etc

SUBJECT	OFFICERS
To settle proceedings of any description, including the payment of damages, compensation, etc., and legal costs for claims of less than £15,000, following consultation with the Section 151 Officer.	Monitoring Officer Deputy Monitoring Officer Head of Legal and Democratic Services
To settle proceedings of any description, including the payment of damages, compensation, etc., and legal costs for claims of more than £15,000, following consultation with the Chairman and Vice-Chairman of the Standards Committee, and the Section 151 Officer (and subject to report to the next meeting of the Standards Committee). Note: With the exception of the power to make payments or provide other benefits in cases of maladministration (Section 92 of the Local Government Act 2000) which is a non-executive function.	Monitoring Officer Deputy Monitoring Officer Head of Legal and Democratic Services

SCHEDULE 2 – NON EXECUTIVE FUNCTIONS

LIST OF OTHER OFFICER FUNCTIONS DESIGNATED BY THE DISTRICT COUNCIL TO INDIVIDUAL OFFICERS

CIVIL EVIDENCE ACT 1995

SECTION	SUBJECT	OFFICERS
S9	To make, provide, adapt or otherwise complete any certificate in order to comply with Rules of Court made or amended at any time.	All Heads of Service Senior Solicitor

HOUSING (FITNESS ENFORCEMENT PROCEDURES) ORDER 1996 & HOUSING (ENFORCEMENT PROCEDURES FOR HOUSES IN MULTIPLE OCCUPATION) ORDER 1997

SUBJECT	OFFICERS
To receive representations.	Principal Environmental Health Officer (Housing) Head of Strategic Housing and Tenant Services

HEALTH AND SAFETY AT WORK etc ACT 1974

SECTION	SUBJECT	OFFICERS
19(1)	To carry out enforcement work.	Officers as indicated in Appendix 2 attached

PARTY WALL ACT 1996

SUBJECT	OFFICER
To act as Appointing Officer on behalf of the Council.	Head of Planning Services

SETTLEMENT OF PROCEEDINGS etc

SUBJECT	OFFICERS
To settle proceedings of any description, including the payment of damages, compensation, etc., and legal costs for claims of less than £15,000, following consultation with the Head of Finance.	Monitoring Officer Deputy Monitoring Officer Head of Legal and Democratic Services
To settle proceedings of any description, including the payment of damages, compensation, etc., and legal costs for claims of more than £15,000, following consultation with the Chairman and Vice-Chairman of the Standards Committee, and the Section 151 Officer (and subject to report to the next meeting of the Standards Committee).	Monitoring Officer Deputy Monitoring Officer Head of Legal and Democratic Services

SCHEDULE 3

APPOINTMENT OF PROPER OFFICERS UNDER THE LOCAL GOVERNMENT ACT 1972

Section of Act	Description of the Duty or Function Involving the Appointment of an officer of the District Council under the Local Government Act 1972.	Firstly, the officer of the Council appointed the Proper Officer for the Duties or Function Referred to and Secondly, the officer of the Council to act in the absence or inability for any reason of the first named officer
13 (3)	The officer to act as a 'Parish Trustee' with the chairman of a parish meeting	Chief Executive
39	The Registration Officer for any constituency or part of a constituency coterminous with or contained in the district.	Chief Executive
41 (1)	The Returning Officer for the elections of councillors of the district and of councillors of parishes or committees within the district.	Chief Executive Head of Legal and Democratic Services
83 (1)	The officer before whom a person elected to the office of Chairman, Vice Chairman or councillor of the district shall make a declaration of acceptance of office in a form prescribed by rules under s.42 of the Act and to whom such declaration shall be delivered.	Chief Executive Head of Legal and Democratic Services
84	The officer to whom a person elected to any office under the Act may at any time give written notice of his resignation from that office.	Chief Executive Head of Legal and Democratic Services
88 (2)	The officer to convene a meeting of the Council on a casual vacancy occurring in the office of Chairman of the Council.	Chief Executive Head of Legal and Democratic Services
89 (1)	The officer to receive notice in writing given by two local government electors for the district of a casual vacancy occurring in the office of councillor.	Chief Executive Head of Legal and Democratic Services
96 (1)	The officer to whom a member of the Council shall give written notice to the effect that he / her or his / her spouse is a member or in the employment of a specified company or other body or that he or his spouse is a partner or in the employment of a specified person, or that he / she or his / her spouse is the tenant of any premises owned by the Council.	Chief Executive Head of Legal and Democratic Services
96 (2)	The officer to record in a book to be kept for the purpose particulars of any disclosure made under s.94 of the Act and of any notice given under s.96 (1) of the Act.	Chief Executive Head of Legal and Democratic Services
115 (2)	The officer to whom all money due from every officer employed by the Council shall be paid.	Section 151 Officer
146	The officer to make any statutory declaration in connection with the transfer of securities.	Section 151 Officer
151	The officer who shall be responsible for the proper administration of the Council's financial affairs.	Section 151 Officer

191 (2)	The officer to appoint a person to assist in examining, ascertaining and marking out the reputed boundaries of the District for the purposes of the Ordnance Survey Act 1841.	Head of Planning Services
204 (3)	The officer to receive notices of applications for Justices' Licences under Schedule 2 to the Licensing Act 1964.	Chief Executive Head of Legal and Democratic Services
210 (6) and (7)	The officer in whom shall vest the powers with respect to Charities described in this section of the Act.	Chief Executive Head of Legal and Democratic Services
212	The officer to act as local registrar for local land charges.	Chief Executive Head of Legal and Democratic Services
225 (1)	The officer to receive and retain a document of any description deposited pursuant to the Standing Orders of either House of Parliament or to any enactment or instrument.	Chief Executive Head of Legal and Democratic Services
228 (3)	The officer to ensure that the accounts of the Council and of its Officers are open to inspection by councillors.	Head of Financial Services
229 (5)	The officer to certify a photographic copy of a document in the custody or under the control of the Council or of a document which has been destroyed while in the custody of the Council, or any part of any such document.	Chief Executive Head of Legal and Democratic Services
234 (1)	The officer to sign any such notice, order or other document which the Council are authorised or required by or under any enactment to give, make or issue.	Chief Executive Head of Legal and Democratic Services
236 (9)	The officer to send each parish or community council a copy of every byelaw made by the Council and confirmed.	Head of Legal and Democratic Services Democratic Services Manager
236 (10)	The officer to send to the Suffolk County Council a copy of every byelaw made by the Council and confirmed.	Head of Legal and Democratic Services Democratic Services Manager
238	The officer to certify a printed copy of a byelaw made by the Council.	Head of Legal and Democratic Services Democratic Services Manager
248 (2)	The officer to keep the roll of freemen of any town.	Chief Executive Head of Legal and Democratic Services
Sched. 6 Para. 1	The officer capable of deputising for the registration officer for carrying out his registration duties.	Head of Legal and Democratic Services
Sched. 12 Para. 3 (2) 4 (2)(b) 4 (3)	The officer to call Council meetings in addition to ordinary meetings; The officer to sign the summons to attend meetings of the Council and specifying the business proposed to be transacted thereat; The officer to receive the notice in writing from a member of the Council giving notice that such member desires summonses to attend meetings of the Council to be sent to him / her at some address specified in the notice other than his / her place of residence.	Chief Executive Head of Legal and Democratic Services

Sched. 14	The officer for the purposes of the following provisions of the Public Health Act 1936, viz		
Para. 13	(1)	Section 152 (1) (Restrictions on sending or taking infected articles to laundry or public washhouses, or to cleaners).	Head of Environmental Services and Port Health
	(ii)	Section 157 (Provisions as to the letting of houses, or rooms in hotels, after recent case of notifiable disease).	Head of Environmental Services and Port Health
	(iii)	Section 158 (1) Persons ceasing to occupy house to disclose to owner any recent case of notifiable disease, and to disinfect).	Head of Environmental Services and Port Health
	(iv)	Section 163 (1) (Restrictions in certain cases on removal of bodies of persons dying in hospital).	Head of Environmental Services and Port Health
Para. 15	(v)	Section 162 (1) (Power of Justice to order dead body to be removed to mortuary or buried forthwith).	Head of Environmental Services and Port Health
Para. 25 (7)	The officer to certify in writing a true copy of resolution of the Council applying or disapplying various provisions of the Public Health Acts 1875 to 1924.		Head of Legal and Democratic Services Head of Environmental Services and Port Health
Para. 38 (1) (2)	The officer to issue a written certificate for the purposes of the Public Health Act 1971 Section (38) (1) and (2) (Power of Justice to order medical examination).		The registered medical practitioner appointed by the Council for the purpose.
Para. 47 (1) (2)	The officer to issue a written certificate for the purposes of the Health Services and Public Health Act 1968 Section (1) and (2) (Power of Justice of Peace to order medical examination of group of persons believed to comprise a carrier).		The registered medical practitioner appointed by the Council for the purpose.
Sched. 16 Para.2 8	The officer to receive on deposit lists of buildings of special architectural or historic interest.		Head of Planning Services Head of Legal and Democratic Services
Sched. 22	The officer for the purposes of the Housing Act 1957 Section 166 (1) and (2) Authentication of orders, notices etc) to authenticate by his signature orders, notices, demands or other written documents proceeding from the Council.		Chief Executive Head of Legal and Democratic Services
Sched. 29 Para.4 (1) (a) and (c)	The officer referred to as the Clerk of a Council or the Town Clerk of a Borough in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before the 26 October 1972 and in any local statutory provisions.		Chief Executive Head of Legal and Democratic Services

**APPOINTMENT OF PROPER OFFICERS
UNDER THE LOCAL GOVERNMENT ACT 2000**

Description of the Duty or Function Involving the Appointment of an Officer of the District Council under the Local Government Act 2000.	Firstly, the Officer of the Council Appointed the Proper Officer for the Duties or Function Referred to and Secondly, the Officer of the Council to act in the Absence or Inability for Any reason of the First Named Officer.
The officer to receive, under Article 7 of the Council's Constitution (The Executive), written notice from the Leader of the Council of the removal from the Cabinet of an individual Cabinet member.	Head of Legal and Democratic Services Democratic Services Manager
The officer to call-in a decision for scrutiny by an scrutiny committee if so requested in accordance with the Council's Scrutiny Procedure Rules	Head of Legal and Democratic Services Democratic Services Manager
The officer to receive reasonable notice that the Cabinet is to meet to make a decision.	Head of Legal and Democratic Services Democratic Services Manager
The officer to ensure that an item requested by a Cabinet member is placed on the agenda for the next available meeting of the Cabinet.	Head of Legal and Democratic Services Democratic Services Manager
The officer to ensure that an item requested by a scrutiny committee or by Council is placed on the agenda for the next available meeting of the Cabinet.	Head of Legal and Democratic Services Democratic Services Manager
The officer to call a meeting of the Cabinet requested by the Head of Paid Service, the Chief Financial Officer or the Monitoring Officer in pursuance of their statutory duty.	Head of Legal and Democratic Services Democratic Services Manager
The officer to be responsible for recording and publicising decisions made at a private meeting of the Cabinet.	Head of Legal and Democratic Services Democratic Services Manager
The officer to receive notice from a member of a scrutiny committee that he / she wishes an item relevant to the functions of the committee to be placed on the agenda for the next available meeting of the committee and; The officer to ensure that such item is included on the next agenda	Head of Legal and Democratic Services Democratic Services Manager
The officer to receive written notice from any three members of the Council who are not members of a scrutiny committee that they wish an item to be included on the agenda of a relevant scrutiny committee. The officer to ensure that such item is included on the next agenda.	Head of Legal and Democratic Services Democratic Services Manager

<p>The officer to receive the report of a scrutiny committee. The officer to allocate such report to either or both Cabinet or appropriate regulatory committee or the Council for consideration.</p>	<p>Head of Legal and Democratic Services Democratic Services Manager</p>
<p>The officer to inform in writing a member or officer required to attend a scrutiny committee of that requirement</p>	<p>Head of Legal and Democratic Services Democratic Services Manager</p>
<p>The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000</p>	
<p>The officer to make available at the offices of the local authority for inspection by the public a copy of notice given to the chairman of the relevant scrutiny committee that a key decision is to be made which is not included in the Forward Plan (Section 15).</p>	<p>Head of Legal and Democratic Services Democratic Services Manager</p>

ALL OTHER PROPER OFFICER FUNCTIONS

The Chief Executive – or such other officer as may from time to time be so designated by him.

APPENDIX 1

Magistrates' Courts and Valuation Tribunals

SUBJECT	OFFICER(S)
To represent the Council in the Magistrates' Court in respect of Community Charge, Council Tax and Non-Domestic Rates matters.	Joanna Andrews Richard Edwards Angela M Hodgkinson Gill Juby Carole Jiggins
To represent the Council in the Valuation Tribunals'	Joanna Andrews Gill Juby

APPENDIX 2**Health and Safety at Work etc. ACT 1974**

SECTION	SUBJECT	OFFICERS		
19(1)	To carry out enforcement work.	Samm Beacham Helen Collis Christian Cornish Kay Davidson Tim Davidson Kirsty Dawes Michael Eaton Paul Fletcher Stephen Foster Philip Gore Michael Lavender Brenda Hammond	Jennifer Harrison Louise Hewitt Catherine Hickling Teresa Howarth Richard Jacobs Laurence Jarrold V Johnston Martyn Jones Peter Kerridge Daniel Kinsman Anthony Burgess	Brenda McRory Fran Moor Clive Pink Michael Porter Jane Ruffell, Mark Sims Katherine Walters Tracey Wright Joanne Wyatt

Part 4

Rules of Procedure

Council Procedure Rules

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1. MEETINGS OF THE COUNCIL

Place and Time of Meeting

- (1) The Council shall meet at the Council Offices, Melton Hill, Woodbridge, or at such other place as the Chairman may appoint.
- (2) All meetings of the Council, other than the Annual Meeting, shall be held at 7.30 p.m. The Annual Meeting shall be held at 7.00 p.m. These hours may be varied from time to time by the Council or by the Chairman if considered necessary.

Annual Meeting

- (3) The Annual Meeting of the Council shall:
 - (a) in the year of election of District Councillors be held on such day as the Council shall fix for that purpose in accordance with the provisions of paragraph 1(2)(a) of Schedule 12 of the Local Government Act 1972;
 - (b) in any such other year be held on such Thursday in May as the Council shall determine;

Ordinary Meetings

- (4) Ordinary Meetings of the Council shall be held on such dates as are fixed in accordance with procedures applying to the annual scheduling of meetings.

No Smoking

- (5) Smoking shall not be permitted at Council meetings.

Annual Meeting Business

- (6) In addition to business referred to in Rule 7 below, the Annual Meeting shall:
 - (a) elect a person to preside if the Chairman of the Council is not present
 - (b) elect the Chairman of the Council
 - (c) elect the Vice Chairman of the Council;
 - (d) elect the Leader of the Council; and
 - (e) receive the Leader of the Council's report on the members he / she will appoint to the Cabinet.

Cancellation of Meetings

- (7) The Chief Executive may cancel any meeting of the Council following consultation with the Chairman and Vice-Chairman of the Council, if he /she is of the opinion that:-

- (a) the number of members able to attend due to inclement weather or sickness is such that the meeting is likely to be inquorate; or
- (b) there is insufficient business required to be transacted to warrant the holding of the meeting.

Extraordinary Meetings

- (8) Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:
 - (a) the Council by resolution;
 - (b) the Chairman of the Council;
 - (c) the Monitoring Officer; and
 - (d) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he / she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

2. ELECTION OF CHAIRMEN AND VICE-CHAIRMEN

- (1) The procedure and practices for the election of the Chairman and Vice-Chairman of the Council shall be those determined by the Council from time to time.
- (2) The provisions of Council Procedure Rule 11 shall apply where there are 3 or more persons nominated for Chairman or Vice Chairman of the Council.
- (3) Subject to paragraph (1) of Council Procedure Rule 24 the procedure and practices for the election of the chairmen and vice-chairmen of committees and sub-committees shall be as determined by each committee from time to time.
- (4) Any power or duty of the chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

3. QUORUM

If, at any time during any meeting of the Council a quorum is not present, the meeting shall stand adjourned and the consideration of any business not then transacted shall be adjourned to the next Ordinary Meeting of the Council or to such other time as may be fixed by the Chairman.

4. VOTING

- (1) Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.
- (2) If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.

Show of Hands

- (3) All matters shall be determined by a show of hands, except where, by motion moved, seconded, and duly carried before the matter is voted upon, the Council decide that the voting shall be by ballot. In either case two officers of the Council shall act as tellers.

Requisition of Recorded Vote

- (4) Before a vote is taken by way of show of hands any member of the Council, supported by not less than four other members, may request that the voting be recorded so as to show how each member present and voting gave his / her vote. Such record shall be entered in the minutes of the meeting together with a record of any member present but not voting.
- (5) Where immediately after a vote is taken at a meeting of a relevant body and any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his / her vote for the questions or against the question or whether he / she abstained from voting.
- (6) In paragraph (5) above "relevant body" means the authority, a committee or sub-committee of the authority or a relevant joint committee or sub- committee of such a committee.

5. MINUTES

- (1) As soon as the minutes of the last meeting of the Council have been read, or if under Council Procedure Rule 6(1)(c) they are to be taken as read, the Chairman shall put the question "that the minutes of the meeting of the Council held on the day of be signed as a true record".
- (2) No motion or discussion shall take place upon the minutes except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised, as soon as it has been disposed of, the Chairman shall sign the minutes.

Signing Minutes of Extraordinary Meeting

- (3) Where in relation to any meeting of the authority the next such meeting is a meeting called under paragraph 3 (Extraordinary Meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority being a meeting called otherwise than under that paragraph shall be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) (signing of minutes) of that schedule.

6. ORDER OF BUSINESS

- (1) Except where the Council vary the order of business in accordance with paragraph (2) of this Procedure Rule, the order of business at every meeting of the Council shall be -

Chairman

- (a) To choose a person to preside if the Chairman and Vice-Chairman are absent;

Priority Business

- (b) To deal with any business required by statute to be done before any other business;

Minutes

- (c) To read and approve as a true record the minutes of the last meeting of the Council, provided that if a copy of such minutes has been circulated to each member of the Council previously, the minutes shall be taken as read;

Statute

- (d) To deal with business expressly required by statute to be done;

Announcements

- (e) To receive any announcements from the Chairman, Leader of the Council, members of the Cabinet or Chief Executive;

Written Questions

- (f) To answer written questions asked in pursuance of Council Procedure Rule 8 (2). Provided that the Chairman may direct that any question relating to the report of the Leader of the Council or of a committee or sub-committee chairman or to the minutes associated therewith shall be deferred until the report is considered;

Adjourned Business

- (g) To dispose of business (if any) remaining from the last meeting;

Reports and Minutes

- (h) To receive reports from the Cabinet and the minutes previously circulated since last Council meeting, of Cabinet, Committees, Sub-Committees and the Governance Review Task Group;

Verbal Questions

- (i) To answer verbal questions to the Leader of the Council and the relevant chairmen of committees, sub-committees and the Governance Review Task Group, asked in pursuance of Council Procedure Rule 9 (1) upon items contained within reports or in the minutes listed on the Agenda and previously circulated since the last Full Council meeting, of committees, sub-committees and the Governance Review Task Group, and to consider motions arising therefrom; and to allow committee chairmen or, at the invitation of the relevant portfolio holder, the relevant task group chairman, to make a brief statement to the Council;

Notices of Motion

- (j) To consider motions of which notice has been given in accordance with Council Procedure Rule 7(3).

Other Business

- (k) To deal with any other business specified in the Summons.

Variation of Order

- (l) A motion to vary the order of business –
 - (a) shall not displace business falling under items (a) and (b) in paragraph (1) of this Council Procedure Rule.
 - (b) may be proposed at any time when an item of business on the agenda has been disposed of.

7. MOTIONS

Relevance of Motion

- (1) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the district.

Motions which maybe moved without Notice

- (2) Except as hereinafter provided the following motions may be moved without notice:
 - (a) Appointment of a chairman of a meeting at which the motion is made;
 - (b) Motions relating to the accuracy of the minutes, closure, adjournment , or order of business;
 - (c) Reference of something to an appropriate body or individual;
 - (d) Motions under Section 100A (4) of the Local Government Act 1972 to exclude the public;
 - (e) Approval of Council minutes as a true record;
 - (f) Verbal motions arising as a result of the Council's consideration of the reports of the Leader of the Council or chairmen of committees or as a result of questions asked about matters referred to in the Cabinet / Leader of the Council's report or the minutes of committees or sub-committees.
 - (g) That leave be given to withdraw a motion;
 - (h) Amendments to motions;
 - (i) Extending the time limit for speeches;
 - (j) That an item of business specified in the summons to attend the meeting have precedence;
 - (k) Suspending Council Procedure Rules (subject to Council Procedure Rule 19) or any one of more of them;

- (l) Giving consent or leave of the Council where such consent or leave is required by these Council Procedure Rules
- (m) That the voting on a question shall be by ballot;
- (n) Motions under Council Procedure Rule 9(14); and
- (o) Motions to carry out a statutory duty of the Council, which in the opinion of the Chairman, is of an urgent nature.

Proviso for Motions with Financial Effect

Provided that any motion (other than a motion to refer a matter to an appropriate body or individual) which would affect the income or expenditure of any committee to the extent that a Supplementary Estimate would be required in terms of the Council's Financial Procedure Rules, shall not be considered unless and until that body or individual shall have had an opportunity to consider the matter in the manner determined by Financial Procedure Rules.

Notice of Motions

- (3) Every motion (other than a motion which under paragraph 7(2) above may be moved without notice) shall be in writing, signed by the member or members giving the notice and delivered at least nine clear working days before the next meeting of the Council, to the Chief Executive by whom it shall be dated, numbered in the order in which it is received and entered in a book which shall be open to the inspection of every member of the Council.

Motion to be set out in Summons

- (4) The Chief Executive shall set out in the summons for every meeting all notices of motion duly given and not withdrawn in the order in which they have been received but failure so to do shall not preclude the moving of a motion which has been properly received.

Motion not Moved

- (5) If a motion, notice of which is thus set out in that summons, be not moved either by the member who gave notice thereof or by some other member, or is not seconded, it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.

Alteration of Motion

- (6) A member may, with the consent of the Council, alter a motion which he / she has proposed, or of which notice has been given, if the alteration is one which could have been moved as an amendment thereto.

Reference to Appropriate Body or Individual

- (7) If the subject matter of any motion of which notice has been duly given comes within the province of any appropriate body or individual, it shall, upon being formally moved and seconded, stand referred without discussion to such body or individual, as the Council may determine, for consideration; provided that the Chairman may, at his / her discretion, allow the motion to be dealt with at the meeting at which it is brought forward.

Rescission of Earlier Resolution

- (8) No motion to rescind any resolution passed 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 unless the notice thereof given in pursuance of Council Procedure Rule 7 bears the names of at least ten members of the Council. When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months.

Provided that this Council Procedure Rule shall not apply to motions moved in pursuance of a recommendation of the Cabinet or a committee.

8. QUESTIONS

Questions which may be asked without Notice

- (1) A member of the Council may without notice ask the Leader of the Council or the chairman of a committee or other member introducing the report of the Cabinet or a committee, any question upon an item of the report when that item is under consideration by the Council.

Questions which may only be asked after Notice

- (2) (a) A member may, at any meeting of the Council except an Annual Meeting, ask a question upon any matter relating to the business of the Council if notice in writing setting out the question to be put shall have been delivered to the Chief Executive at least four clear working days before the date of the next meeting of the Council. The Chief Executive shall, as soon as practicable, inform the Leader of the Council or the Chairman of the appropriate committee or sub-committee of the terms of such question. Any question of which notice has been given shall be put and replied to verbally without comment and, in addition thereto, a written copy of every question put and reply given shall, if practicable, be circulated to all members of the Council present at the meeting at which the question has been asked.
- (b) With the permission of the Chairman a member may be put to him / her or to the Leader of the Council or the chairman of any committee a question relating to urgent business (of which notice has not been given in accordance with the preceding sub-paragraph); provided that a written copy of such question shall be delivered to the office of the Chief Executive not later than 9.30 a.m. on the day of the meeting.

Questions and Replies to be received without Discussion

- (3) Except as hereinafter provided questions and replies (whether the subject of notice or otherwise) shall be received without discussion and no motion shall be moved or considered nor any speech made on the questions or the replies provided that after the answer to any question has been given the member may ask one supplementary question but such supplementary question shall relate only to the subject matter of the original question and the question may not be preceded by a statement.

Ruling on Questions

- (4) If the Chairman of the Council considers that any question is out of order, of a personal nature, or is contrary to the Council's interest, he / she shall not allow the question to be put and shall inform the member concerned accordingly.

Reference to Documents etc

- (5) Any person to whom a question has been put may decline to answer. Where any information asked for or required by any such question, is contained in any convenient document (which shall be determined by the Chairman of the Council), it shall be deemed a sufficient reply if such document is indicated and tabled at the meeting.

9. CONDUCT OF DEBATE AT COUNCIL MEETINGS

Motions and Amendments

- (1) (a) Except as provided in the next following sub-paragraph a motion or amendment shall not be discussed until it has been proposed and seconded, and unless notice has already been given in accordance with Council Procedure Rule 7 it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.

(b) A motion moved by the Chairman of the Council does not require to be seconded.

Secunder may reserve his Speech

- (2) A member when seconding a motion or amendment may, if he / she then declares his / her intention to do so, reserve his / her speech until a later period of the debate.

Only one Member to Stand at a Time

- (3) A member shall stand when speaking (unless the Chairman permits him / her to remain seated) and shall address the Chairman. If two or members rise the Chairman shall call on one to speak; the other or others shall then sit. While a member is speaking the other members shall remain seated unless rising to a point of order or in personal explanation.

Precedence of Chairman

- (4) Whenever the Chairman rises during the debate a member then speaking or standing shall resume his / her seat and the Council shall be silent.

Relevance and Length of Speeches

- (5) A member shall direct his / her speech to the subject under discussion, or to a personal explanation, or to a motion or amendment to be proposed by him / her or to a point of order.

- (2) (a) A member speaking on a motion (other than one under paragraph (15) of this Council Procedure Rule) or on an amendment or to an explanation or to some particular question of order, shall not speak for more than five minutes without the consent of the Council, provided that this restriction shall not extend to the Leader of the Council or the chairman or vice-chairman of a committee, or in their absence to a member thereof, moving the adoption of any part of a report of that committee.
- (b) The Council may by resolution extend this time and, upon a motion to do so the time shall be specified and the motion shall be put to the vote without discussion thereon.

-When a Member May Speak Again

- (7) 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 provided that in the case of the mover of the motion this right shall only be exercisable in accordance with the provisions of paragraph (13) of this Council Procedure Rule;
 - (b) if the motion has been amended since he / she last spoke, to move a further amendment;
 - (c) if his / her first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he / she spoke was carried;
 - (d) to make a speech which, in accordance with paragraph (2) of this Council Procedure Rule, has been reserved by him / her as the seconder of the motion;
 - (e) in exercise of a right of reply given by paragraphs (13) or (15) of this Council Procedure Rule;
 - (f) on a point of order;
 - (g) by way of personal explanation; and
 - (h) to move a resolution in accordance with paragraph (15) of this Council Procedure Rule.

Character of Amendments

- (8) An amendment shall be relevant to the motion and shall be either:-
 - (a) to refer a subject of debate to an appropriate body or individual for consideration or reconsideration; or
 - (b) to omit a word or words; or
 - (c) to omit a word or words and insert or add others; or
 - (d) to add a word or words;

but such omission or addition shall not have the effect of introducing a new proposal into or of negating the motion before the Council. The Chairman may, however, accept an amendment in any other appropriate or convenient form, provided it is directly relevant to the motion and is not, in substance, a negative thereof.

Disposal of Amendments

- (9) 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. Notice of intention to move a further amendment, and the nature thereof, may be given to the Chairman before a vote is taken on the amendment before the meeting and the Chairman 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.
- (10) 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.

Alteration of Motions

11. A member may with the consent of the Council, signified without discussion, alter a motion of which he / she has given notice, or, with the consent of his / her seconder, alter a motion which he / she has moved if the alteration is in either case, one which could properly have been moved as an amendment thereto.

Withdrawal of Motion or Amendment

12. A motion or amendment may be withdrawn by the proposer with the concurrence of his / her 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.

Right of Reply

- (13) (a) The mover of any motion (including the Leader of the Council or a chairman of a committee or other person who moves the adoption of a recommendation of the Cabinet or a committee) shall have a right to reply at the close of the debate upon such motion immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate upon the amendment but shall not otherwise speak upon the amendment.
- (c) The mover of the amendment shall have a right to reply to the debate on his / her amendment immediately before the right of reply conferred by sub-paragraph (ii) above.
- (d) A member exercising a right of reply shall not introduce new matter.

- (e) After every reply to which this Council Procedure Rule refers, a decision shall be taken without further discussion subject to the provisions of the next following sub-paragraph.
- (f) The Chairman of the Council may, if he / she thinks fit, sum up the debate before putting a motion or amendment and if such debate involves questions of a legal, technical or administrative nature, he / she may request the appropriate officer to draw the attention of the Council to any relevant factors.
- (g) When a motion has under Council Procedure Rule 7(1) been referred to an appropriate body or individual for consideration and report, then the mover of that motion shall, when the report and any appropriate recommendation of that body or individual on the subject matter of the motion is before the Council, have a right of reply immediately before any right of reply exercisable in pursuance of sub-paragraphs 13(a), (b) or (f) above.

Motions which may be moved while a Motion is under Discussion

- (14) When a motion is under debate no other motion shall be moved except the following:
 - (a) to amend the motion;
 - (b) to postpone consideration of the motion;
 - (c) to adjourn the meeting;
 - (d) to adjourn the debate;
 - (e) to proceed to the next business;
 - (f) that the question be now put;
 - (g) that the member named be not further heard;
 - (h) that the member named do leave the meeting;
 - (i) that the subject of debate be referred back to an appropriate body or individual; and
 - (j) to exclude the public in pursuance of a motion under Section 100A (4) of the Local Government Act 1972

Closure Motions

- (15) 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 Chairman (unless in his / her opinion the matter before the meeting has been insufficiently discussed) shall proceed as follows:-

- (a) on a motion to proceed to the next business he / she shall first give the mover of the original motion a right of reply to the motion to proceed to the next business and then put to the vote the motion to proceed to the next business;
- (b) on a motion that the question be now put he / she shall first put to the vote the motion that the question be now put and if it is passed then give the movers of any amendments and the mover of the original motion their rights of reply under sub-paragraph 13(a) and 13(b) of this Council Procedure Rule before putting the amendment (if any) and the motion to the vote; and
- (c) on a motion to adjourn the debate or the meeting if in his / her opinion the matter before the meeting cannot reasonably be sufficiently discussed on that occasion he shall put the adjourning motion to the vote without giving the movers of any amendments or the mover of the original motion their rights on that occasion.

Points of Order

- (16) A member may rise on a point of order or in personal explanation but a personal explanation shall be confined to explaining some material part of a former speech by him / her at the same meeting which may have been misunderstood. A member so rising shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Council Procedure Rule or Statutory Provision and member shall, if the Chairman so requires, specify the Council Procedure Rule or Statutory Provision and the way in which he /she considers it has been broken
- (17) The ruling of the Chairman on a point of order or precedence or on the admissibility of a personal explanation or the relevance or propriety of a motion or amendment shall be final and not open to discussion.

Interests

- (18) Where any member has given a general notice of a personal or prejudicial interest he / she shall nevertheless orally remind a meeting at which a contract or other matter affecting that interest is to be considered of that interest. Any such reminder shall be recorded in the minutes of the meeting.
- (19) Where any member has declared a prejudicial interest in a contract, grant, proposed contract or other matter, he / she shall withdraw from the room in which the meeting is being held while the matter is under consideration unless:
 - a) a dispensation has been granted by the Standards Committee; or
 - b) the contract, grant, proposed contract or other matter is before the meeting only as part of the minutes or report of the Cabinet or minutes of a committee or sub-committee (in the case of a meeting of the Council) or of a sub-committee (in the case of a meeting of a committee), and is in either case not itself the subject of debate.
- (20) Any member who attends a meeting of the Cabinet or a committee or sub-committee, whether or not as a member of the Cabinet or of that committee or

sub-committee, and whether or not he or she shall have any right to speak at that meeting, shall make the same disclosures of personal or prejudicial interests, and shall be under the same obligations to withdraw from the meeting as if he or she were a member of the Cabinet or of that committee or sub-committee.

10. DISORDERLY CONDUCT

Offensive Behaviour

- (1) No member may use offensive expressions concerning any other member.

Irrelevance and Repetition

- (2) The Chairman of the Council shall call attention to continued irrelevance, tedious repetition, unbecoming language, or any breach of order on the part of a member and may direct such member, if speaking, to discontinue his / her speech.

Removal of Member

- (3) If a member misconducts himself / herself by persistently disregarding the authority of the Chairman or by disturbing the business of the Council, or by behaving irregularly, improperly or offensively, any member may move "that the member named leave the meeting" or "that the member named be not further heard" in either case for the remainder of the meeting or for such less period as may be specified in the motion. Such motion, if seconded, shall be put and determined without discussion.

Continuing Misconduct by a named Member

- (4) If such a motion is carried and the member named does not comply with the decision the Chairman may suspend the sitting of the Council for such period as he /she shall consider expedient and in addition may give such directions as he / she shall consider appropriate for the removal of the member and the restoration of order.

General Disturbance

- (5) If a member of the public interrupts the proceedings at any meeting, or it becomes necessary for the suppression or prevention of disorderly conduct or other misbehaviour at the meeting, the Chairman may, after warning him / her, order his / her removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public the Chairman may order that part to be cleared.

Suspension of Meeting

- (6) In the event of serious disorder or persistent disregard of his / her authority the Chairman may, without prejudice to any other powers vested in him / her, direct that the meeting be suspended.

11. VOTING ON APPOINTMENTS

Procedure on Three or more Nominations

Where there are three or more 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 or persons having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.

12. EXCLUSION OF THE PUBLIC

Public or Private Debate

Members of the public and press may only be excluded in accordance with the Access to Information Procedure Rules contained in Part 4 of this Constitution or Council Procedure Rule 10 (5) General Disturbance.

13 SEALING OF DOCUMENTS

Authority for Sealing

- (1). A resolution of the Council, or of the Cabinet or of a committee or sub-committee in exercise of powers delegated to them by the Council, shall be sufficient authority for sealing any document necessary to give effect to the resolution.

Attestation of Sealing

- (2). The Common Seal of the Council shall be attested by any two officers authorised by the Proper Officer of the Council.

14. AUTHENTICATION OF DOCUMENTS

Any document which will be a necessary step in legal proceedings on behalf of the Council and any certified extract of any proceedings of the Council shall be signed by the Chief Executive or the Head of Legal & Democratic Services unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings.

15. INSPECTION OF LANDS, PREMISES, ETC

Inspection of Lands

- (1) A member shall not, unless authorised to do so by the Council or the relevant committee or the head of the relevant department, inspect any lands, premises, or works which the Council have a right or duty to inspect.

Issue of Orders

- (2) A member shall not issue any order with regard to any matter under the jurisdiction of the Council or as regards any works which are being carried out by or on behalf of the Council or give any instructions to any employee of the Council.

16. PUBLIC STATEMENTS

Press Statements and Interviews by Officers

No statement or interview to the press, radio or television concerning Council affairs shall be made or given by any member of the Council's staff other than the Chief Executive or the any Strategic Director of the Council who shall inform the Chairman of the Council, Leader of the Council or chairman of committee concerned as the case may be as soon as practicable before or after any such statement or interview is made or given, provided that the Chief Executive or the Head of Legal and Democratic Services of the Council may authorise some other members of the Council's staff to make a statement or give an interview if necessary or advisable.

17. APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

Appointment, Terms of Reference and Size of Committees

- (1) Subject to sections 101 and 102 of the 1972 Act, at their annual meeting after each ordinary election of councillors, the Council shall appoint at least one scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution).
- (2) The Council may at any time amend resolutions under the previous paragraph.

Terms of Reference

- (3) Every committee set up under this Council Procedure Rule, and every sub-committee set up by such a committee, shall continue to discharge the functions committed to them until the Council or committee, as the case may be, resolve otherwise.
- (4) Subject to section 102 (5) of the 1972 Act (councillor not re-elected to cease to be a member of a committee) and paragraph (7), every person appointed as a voting member of such a committee or sub-committee and every person appointed to exercise other functions in relation to a committee shall continue as such until the appointment is terminated by the Council.

Allocation of Committee and Sub-Committee Seats

- (5) Whenever
 - (a) The Council is required to review the allocation of seats between political groups; or
 - (b) The Council resolves to carry out such a review; or
 - (c) A committee is required to review the allocation of seats on a sub-committee between political groups; or
 - (d) A committee resolves to carry out such a review

the Proper Officer shall submit a report to the Council or committee (as the case may be), showing what allocation of seats would, in his / her opinion, best meet the requirements of section 15 (4) of the 1989 Act.

- (6) In the light of such a report, the Council or committee, as the case may be, shall determine the allocation of seats to political groups.
- (7) Whenever an appointment of a voting member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the Proper Officer shall make or terminate the appointment accordingly.

Note: The effect of the Local Government and Housing Act 1989 is that, where a seat is allocated to a political group, the decision on which member of the Council is to fill that seat rests with that political group.

Appointment of Sub-Committees

- (8) Subject to any resolution by the Council under this Council Procedure Rule, every committee may appoint sub-committees for such purposes as they think fit, and may make arrangements for a sub-committee to discharge any of the functions of the Council which the committee may discharge.
- (9) The person appointed to preside at the meetings of a committee, and his / her deputy, may attend and speak and move or second motions at a meeting of any sub-committee appointed by that committee, but may not vote unless appointed as a voting member.

Note: A member of the Council has rights at common law to attend, but not to speak or vote, at meetings of any committee or sub-committee where the acquisition of information in this way is necessary for his / her work as a councillor.

Note: Under Sections 11 to 15 of the Local Government and Housing Act 1989;

- (i) *it is for the Council to decide what committees there shall be and how large they shall be;*
- (ii) *the Council is obliged to allocate the seats to be occupied by members of the Council to the political groups (if any) into which the Council is divided;*
- (iii) *those political groups then nominate the members of the Council whom they wish to see occupy those seats; the nominees need not be a member of the political group which nominates them;*
- (iv) *the Council must then appoint the nominees of the political groups to the seats allocated; the Council itself appoints to any seats which are not allocated to political groups (such cases arise where there are members of the Council who are not members of a political group); they also appoint to any seats which have been allocated and but to which no nomination has been made within three weeks.*
- (v) *the Leader of the Majority Group on the Council, in terms of the information supplied to the Chief Executive under Section 15 of the Local Government and Housing Act 1989, shall be recognised as “Leader of the Council” and the Deputy Leader of that group shall be recognised as “Deputy Leader of the Council”.*
- (vi) *If there is no single majority group, there shall be no recognised Leader of the Council until and unless the Council by resolution determines otherwise.*

18. APPOINTMENTS ON OTHER BODIES

Persons appointed by the Council or the Cabinet to serve on other bodies shall be appointed for such time as may be specified or otherwise shall serve until they resign, are dismissed, or their successor is appointed. Such persons may continue to serve, subject to any rules of the body on which they serve, notwithstanding that they may or may not have ceased to be members of the Council.

19. VARIATION, REVOCATION AND SUSPENSION OF COUNCIL PROCEDURE RULES

Variation, Revocation or Suspension

Any of the foregoing Council Procedure Rules, except 4(5) and 5(3) may be varied, revoked or suspended at a meeting of the Council with the consent of a majority of the members of the Council then present, but not otherwise.

20. CONSTRUCTION OR APPLICATION OF COUNCIL PROCEDURE RULES

Ruling of Chairman to be Final

- (1) The ruling of the Chairman as to the construction or application of any of these Council Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.
- (2) All of these Council Procedure Rules apply to meetings of full Council.

21. INTERPRETATION

In these Council Procedure Rules, if not inconsistent with the context, the expression:-

“**Chairman**” means the Chairman of the Council for the time being but any power or duty assigned to the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

“**Committee**” includes sub-committee and task groups, where appropriate.

“**Council**” means the Suffolk Coastal District Council; and

“**Member**” means a member of the Council.

The Interpretation Act 1989 or any statutory modification thereof shall, unless the context otherwise requires apply to these Standing Orders.

Statutory Provisions Concerning Meetings of the Council.

LGA 1972, Sch 12 paras 1-4.

1. (1) *A principal Council shall in every year hold an annual meeting.*
- (2) *The Annual meeting of a principal Council shall be held -*

- (a) *in a year of ordinary elections of Councillors to the Council, on the eighth day after the day of retirement of Councillors or such other day within the twenty-one days immediately following the day of retirement as the Council may fix;*
 - (b) *any other year, on such day in the month of March, April or May as the Council may fix.*
- (4) *An Annual Meeting of a principal Council shall be held at such hour as the Council may fix, or if no hour is so fixed at twelve noon.*
- 2. (1) *A principal Council may in every year hold, in addition to the annual meeting, such other meetings as they may determine.*
- (2) *Those other meetings shall be held at such hour and on such days as the Council may determine.*
- 3. (1) *An Extraordinary Meeting of a principal Council may be called at any time by the Chairman of the Council.*
- (2) *If the Chairman refuses to call an Extraordinary Meeting of a principal Council after a requisition for that purpose, signed by five members of the Council, has been presented to him / her, or if, without so refusing, the Chairman does not call an Extraordinary Meeting within seven days after the requisition has been presented to him / her, then any five members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an Extraordinary Meeting of the Council.*
- 4. (1) *Meetings of a principal Council shall be held at such place, either within or without their area, as they may direct.*
- (2) *Five clear days at least before a meeting of a principal Council -*
 - (a) *notice of the time and place of the intended meeting shall be published at the Council's offices, and where the meeting is called by members of the Council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and*
 - (b) *a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the Proper Officer of the Council, shall, subject to sub-paragraph (3) below, be left at or sent by post to the usual place of residence of every member of the Council.*
- (3) *If a member of a principal Council gives notice in writing to the Proper Officer of the Council that he / she desires summonses to attend meetings of the Council to be sent to him at some address specified in the notice other than his / her place of residence, any summons addressed to him / her and left at or sent by post to that address shall be deemed sufficient service of the summons.*

(N.B. The Chief Executive and the Head of Legal & Democratic Services have been appointed Proper Officers for the purposes of this Section.)

- (4) *Want of service of a summons on any member of a principal Council shall not affect the validity of a meeting of the Council.*

- (5) *Except in the case of business required by or under this or any other Act to be transacted at the Annual Meeting of a principal Council and other business brought before that meeting as a matter of urgency in accordance with the Council's Procedure Rules, no business shall be transacted at a meeting of the Council other than that specified in the summons relating thereto.*

**Statutory Provisions concerning the Chairman and Vice-Chairman.
LGA 1972. Sections 3-5.**

3. (1) *The Chairman of a principal Council shall be elected annually by the Council from among the councillors*
- (2) *The Chairman shall, unless he / she resigns or becomes disqualified, continue in office until his / her successor becomes entitled to act as Chairman.*
- (3) *During his term of office the Chairman shall continue to be a member of the Council notwithstanding the provisions of this Act relating to the retirement of councillors.*
- (4) *The Chairman of a district council shall have precedence in the district, but not so as prejudicially to affect Her Majesty's royal prerogative.*
- (5) *A principal Council may pay the Chairman for the purpose of enabling him/ her to meet the expenses of his/ her office such allowance as the Council think reasonable.*
4. (1) *The election of the Chairman shall be the first business transacted at the Annual Meeting of a principal Council.*
- (2) *If, apart from section 3(3) above or section 5(2) below, the person presiding at the meeting would have ceased to be a member of the Council, he / she shall not be entitled to vote in the election except in accordance with sub-section (3) below.*
- (3) *In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he / she may have.*
5. (1) *A principal Council shall appoint a member of the Council to be Vice-Chairman of the Council.*
- (2) *The Vice-Chairman shall, unless he / she resigns or becomes disqualified, hold office until immediately after the election of a Chairman at the next annual meeting of the Council and during that time shall continue to be a member of the Council notwithstanding the provisions of this Act relating to the retirement of Councillors.*
- (3) *Subject to any Procedure Rules made by the Council, anything authorised or required to be done by, to or before the Chairman may be done by, to or before the Vice-Chairman.*
- (4) *A principal Council may pay the Vice-Chairman for the purpose of enabling him / her to meet the expenses of his/ her office such allowance as the Council think reasonable.*

LGA 1972 Sch 12 para 5.

5. (1) *At the meeting of a principal Council the Chairman, if present, shall preside.*
- (2) *If the Chairman is absent from a meeting of a principal Council, then (a) the Vice-Chairman of the Council, if present, shall preside.*

- (3) *If (a) in the case of a principal Council both the Chairman and Vice-Chairman of the Council are absent from a meeting of the Council (c) another member of the Council chosen by the members of the Council present shall preside.*

Statutory Provisions concerning Record of Attendances.

LGA 1972 Sch 12 para 40.

40. *The names of the members present at a meeting of a local authority shall be recorded.*

Statutory Provisions Concerning Quorum.

LGA 1972 Sch 12 paras 6 and 45.

6. *Subject to paragraph 45 below, no business shall be transacted at a meeting of a principal Council unless at least one quarter of the whole number of members of the Council is present.*
45. *Where more than one-third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the Authority, the quorum of the Authority shall be determined by reference to the number of members of the Authority remaining qualified instead of by reference to the whole number of members of the Authority.*

Statutory Provisions Concerning Voting.

LGA 1972 Sch 12 para 39.

39. (1) *Subject to the provisions of any enactment (including any enactment in this Act) all questions coming or arising before a local authority shall be decided by a majority of the members of the Authority present and voting thereon at a meeting of the Authority.*
- (2) *Subject to those provisions in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.*

Statutory Provisions Concerning Minutes.

LGA 1972 Sch 12 para 41.

41. (1) *Minutes of the proceedings of a meeting shall, subject to sub-paragraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next following meeting of the Authority by the person presiding thereat, and any minutes purporting to be so signed, shall be received in evidence without further proof.*
- (2) *Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of meetings of a local authority may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next following meeting of the Authority, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.*
- (3) *Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.*
- (4) *For the purposes of sub-paragraphs (1) and (2) above the next suitable meeting of a local authority is their next following meeting or, where procedural rules made by the*

authority in accordance with regulations under Section 20 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting

Statutory Provision Concerning Order of Business.
LGA 1972 Section 4(1).

4. (1) *The election of the Chairman shall be the first business transacted at the Annual Meeting of a principal Council.*

Statutory Provisions Concerning Interests of Members

LGA 2000 Section 81

Disclosure and Registration of Members' Interests etc.

- 81 (1) *The monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority.*
- (2) *The mandatory provisions of the model code applicable to each relevant authority ("the mandatory provisions") must require the members and co-opted members of each authority to register in that authority's register maintained under subsection (1) such financial and other interests as are specified in the mandatory provisions.*
- (3) *The mandatory provisions must also-*
- (a) *require any member or co-opted member of a relevant authority who has an interest specified in the mandatory provisions under subsection (2) to disclose that interest before taking part in any business of the authority relating to that interest,*
 - (b) *make provision for preventing or restricting the participation of a member or co-opted member of a relevant authority in any business of the authority to which an interest disclosed under paragraph (a) relates.*
- (4) *Any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).*
- (5) *The Secretary of State may prescribe in regulations the circumstances in which standards committees may grant dispensations under subsection (4).*
- (6) *A relevant authority must ensure that copies of the register for the time being maintained by their monitoring officer under this section are available at an office of the authority for inspection by members of the public at all reasonable hours.*
- (7) *As soon as practicable after the establishment by their monitoring officer of a register under this section, a relevant authority must-*
- (a) *publish in one or more newspapers circulating in their area a notice which-*
 - (i) *states that copies of the register are available at an office of the authority for inspection by members of the public at all reasonable hours, and*

- (ii) specifies the address of that office, and
 - (b) inform the Standards Board for England that copies of the register are so available.
- (8) In its application to standards committees of relevant authorities in Wales (other than police authorities), subsection (5) has effect as if for the reference to the Secretary of State there were substituted a reference to the National Assembly for Wales.

The Local Authorities (Model Code of Conduct) Order 2007

The Model Code of Conduct – Authorities Operating Executive Arrangements

Part 1

General Provisions

Introduction and interpretation

1. (1) This Code applies to you as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State..

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. *(1) You must treat others with respect.*

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006[14]);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. *You must not—*

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.*

6. *You—*

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986[[15](#)].

7. *(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—*

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

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

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. *(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.*

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000[16].

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to scrutiny committees

11. You also have a prejudicial interest in any business before a scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) *Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—*
- (a) *you must withdraw from the room or chamber where a meeting considering the business is being held—*
- (i) *in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;*
- (ii) *in any other case, whenever it becomes apparent that the business is being considered at that meeting;*
- unless you have obtained a dispensation from your authority's standards committee;*
- (b) *you must not exercise executive functions in relation to that business; and*
- (c) *you must not seek improperly to influence a decision about that business.*
- (2) *Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.*

Part 3

Registration of Members' Interests

Registration of members' interests

13. (1) *Subject to paragraph 14, you must, within 28 days of—*
- (a) *this Code being adopted by or applied to your authority; or*
- (b) *your election or appointment to office (where that is later),*
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.*
- (2) *Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.*

Sensitive information

14. (1) *Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.*
- (2) *You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive*

information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

The Relevant Authorities (Standards Committees) (Dispensation) Regulations 2002

Circumstances in which dispensations may be granted

3. - (1) *The authority's standards committee may, subject to paragraph (2) below, grant a dispensation to a member in the following circumstances -*

(a) the transaction of business of the authority would, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because -

(i) the number of members of the authority that are prohibited from participating in the business of the authority exceeds 50% of those members that are entitled or required to so participate; or

(ii) the authority is not able to comply with any duty which applies to it under section 15(4) of the Local Government and Housing Act 1989;

(b) the member has submitted to the standards committee a written request for a dispensation explaining why it is desirable; and

(c) the standards committee concludes that having regard to the matters mentioned in paragraph (a) above, the content of the application made pursuant to paragraph (b) above, and to all the other circumstances of the case, it is appropriate to grant the dispensation.

(2) *Nothing in sub-paragraph (1) above shall permit a dispensation to be granted -*

(a) in respect of participation in business of the authority conducted more than four years after the date on which the dispensation is granted; or

(b) where the effect of the mandatory provisions from which a dispensation is sought is that -

(i) a member is prohibited from participating in the consideration of a matter at a meeting of an overview and scrutiny committee of the authority, or sub-committee of that committee, where that consideration relates to any decision made or action taken by any other of the authority's committees, sub-committees, joint committees, or joint sub-committees of which he may also be a member; or

(ii) a member of the authority's executive is prohibited from exercising functions which are the responsibility of the executive of the authority and which would otherwise be discharged by him solely.

Statutory provisions concerning committees.

LGA 1972 Section 101 (1), (2) and (4)

101 (1) *Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions.*

(a) *by a committee, a sub-committee or an officer of the Authority; or*

(b) *by any other local authority.*

(2) *Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee or an officer of the authority and where by virtue of this section any functions of local authority may be discharged by a sub-committee of the authority, then, unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.*

(3) *Any arrangements made by a local authority or committee under this Section for the discharge of any functions by a committee, sub-committee, officer or local authority shall not prevent the local authority or committee by whom the arrangements are made from exercising those functions*

Local Government Act, 1972s 101 (1), (4), (5)

102 (1) *For the purpose of discharging any function in pursuance of arrangements made under Section 101 above -*

(a) *a local authority may appoint a committee or sub-committee of the authority; or*

(b) *any such committee may appoint one or more sub-committees.*

A local authority may appoint a committee to advise the appointing authority on any matter relating to the discharge of their functions, and any such committee may appoint one or more sub-committees to advise the committee with respect to any such matter.

Statutory provision concerning Standing Orders for Committees etc.

LGA 1972 Section 106

106 *Standing Orders may be made as respects any committees of a local authority by that authority or as respects a joint committee of two or more local authorities, whether appointed or established under this Part of this Act or any other enactment, by those authorities with respect to the quorum, proceedings and place of meeting of the committee or joint committee (including any sub-committee) but, subject to any such Standing Orders, the quorum proceedings and place of meeting shall be such as the committee, joint committees or sub-committees may determine.*

Procedures relating to Committees

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MEETINGS OF COMMITTEES AND SUB-COMMITTEES

22. (1) The Council may fix the date of ordinary meetings of committees and sub-committees. *Dates of Meetings*
- (2) Committees and sub-committees may fix the time or place of their ordinary meetings. *Place and Time of Meetings*
- (3) For the first ordinary meeting of any committee or sub-committee, the Chairman of the Council or, if a person has been appointed to preside in a committee, that person may fix any details which have not otherwise been fixed.
- (4) For any other meeting of a committee or sub-committee, the Chairman of the Council or the person appointed to preside in that committee or sub-committee, after consultation (so far as practicable) with such persons as appear to him / her to be representative of the political groups to which have been allocated seats on the committee or sub-committee, may cancel or change any of the details of place, date or time already fixed for a meeting of the committee, other than one called under paragraph (6).
- (5) The person appointed to preside at meetings of a committee or sub-committee, his / her deputy, or the Chairman of the Council may call a special meeting of the committee or sub-committee at any time. *Special Meetings*
- If,
- (6)
- (a) A requisition for a special meeting of a committee or sub-committee, signed by at least two, or one quarter of the total number of the voting members of a committee or sub-committee, whichever is greater, has been presented to the person appointed to preside at their meetings; and
- (b) Either he / she has refused to call a meeting, or, without him / her so refusing, no special meeting has been called within seven days of the presentation of the requisition.
- then, any two, or one quarter of the number, of the members of the committee or sub-committee, whichever is greater, may forthwith call a special meeting of the committee or sub-committee.
- (7) If any person decides to call a special meeting of a committee or sub-committee, he / she shall forthwith give notice that he / she has done so to the Proper Officer, specifying the business proposed to be transacted, the Proper Officer shall forthwith give notice to all members of the committee or sub-committee and all persons entitled to receive their papers.

- Any requisition under paragraph (6) may be presented by being left with the Proper Officer.
- (8) Except where authorised by statute or ordered by the Council business shall not be transacted at a meeting :- *Quorum*
- (9)
- (a) Of any committee unless a quorum of at least five members thereof is present; and
- (b) Of any sub-committee unless a quorum of at least three members thereof is present.
- (10) If during any meeting of a committee a quorum be not present the meeting shall stand adjourned and the consideration of any business not then transacted shall be adjourned to the next ordinary meeting of the committee or to such other time as may be fixed by the chairman of the committee. *Adjournment if no Quorum Present*
- 23 Evening meetings of committees, sub-committees and task groups shall last no longer than three hours or as near as possible thereto unless the chairman and a majority of other members of the committee or sub-committee so agree in order to conclude the business. *Time Limits on Meetings*

CHAIRMEN OF COMMITTEES

- 24 (1) Except as hereinafter provided every committee shall, at its first meeting after the Annual Meeting of the Council, before proceeding to any other business, elect by ballot a chairman and, if it so desires, a vice-chairman for the year. In the absence of the chairman and vice-chairman, a chairman for the particular occasion shall be appointed from the members present. *Election of Chairman*
- (2) The provisions of Council Procedure Rule 11 shall apply to the election of a chairman or vice-chairman.
- (3) The chairman or vice-chairman of a committee shall hold office until his / her successor is appointed unless he / she resigns or ceases to be a member of the committee. *Terms of Office of Chairman and Vice Chairman*

ORDER OF BUSINESS

- 25 (1) The agenda paper shall set out the business to be considered at a meeting of a committee and no business other than that set out in the agenda paper or arising in consequence thereof shall be considered.
- (2) The order of business shall be as set out in the agenda paper – provided that, at any time after the minutes have been approved and after an item of business has been

disposed of, the chairman, or in his / her absence the person chosen to preside, or the committee may vary the order of any remaining business where this is considered necessary or desirable.

VOTING IN COMMITTEE

- 26 (1) Except as provided in Council Procedure Rule 24 (1) all matters shall be determined by a show of hands, except where, by motion moved, seconded and duly carried before the matter is voted upon, the committee decide that voting shall be by ballot. In the case of an equality of votes the chairman shall have a second or casting vote.

- (2) Before a vote is taken by way of show of hands any member of the committee, supported by not less than two other members, may request that the voting on the matter be recorded so as to show how each member present and voting gave his vote. Such record shall be entered in the minutes of the meeting together with a record of any member present but not voting.

Recorded Vote

REFERENCING UP

- 27 (1) This procedure rule applies where arrangements have been made for the discharge of a function of the Council by a committee or sub-committee.
- (2) Where a relevant matter (the "initial matter") has been voted upon by a committee or sub-committee and not fewer than two-fifths of the voting members present at the meeting, immediately after the question has been put to the vote, ask that the provisions of this Procedure Rule should be applied, the decision of the committee or sub-committee on the initial matter shall not take immediate effect, but shall be referred :-
- (a) in the case of a decision of a committee, to the next appropriate meeting of the Council, and
- (b) in the case of a decision by a sub-committee, to the next appropriate meeting of the committee ("the relevant committee") which constituted that sub-committee.
- (3) A decision on a matter referred under paragraph (2) shall take effect only when reviewed and approved :-
- (a) by the Council, where the decision was taken by a committee; and
- (b) by the relevant committee, where the decision was taken by a sub-committee.
- (4) Nothing in paragraph (2) or (3) above shall be construed as preventing a matter referred to a committee under paragraph

(2)(b) from being referred by that committee to the Council under paragraph (2)(a).

- (5) In paragraph (2) above a relevant matter is a matter arising in relation to functions falling to be discharged by a committee or sub-committee of the Council in pursuance of arrangements made under section 101 of the Local Government Act 1972 (Article 13 and Part 3 of this Constitution).

Paragraph (2) above shall not apply to any question arising on an item of business :-

- (6)
- (a) where the committee or sub-committee has, under an obligation arising from the nature of the business to be transacted, heard representations from persons other than members of the Council and those appointed by the Council to discharge a function in connection with the committee or sub-committee,
 - (b) which concerns the appointment, discipline or dismissal of a member of the authority's staff; or
 - (c) which concerns the determination of a planning application relating to District Council development.

RULES OF DEBATE

- 28 The general provisions of Council Procedure Rule 19 as to rules of debate shall, mutatis mutandis, apply to all meetings of committees and sub-committees except those parts of such procedure rule which relate to standing and to speaking more than once.

APPLICATION OF COUNCIL PROCEDURE RULES TO COMMITTEES

<u>Council Procedure Rule</u>	<u>Heading or Side-note</u>
1(7)	Cancellation of meetings
5	Minutes
9 (18-20)	Personal and Prejudicial Interests
10	Disorderly Conduct
11	Voting on Appointments
20	Construction of application of Procedure Rules
21	Interpretation

- 30 Council Procedure Rule 5 (Minutes) will not apply to the minutes of any meeting of a hearing panel considering an application under the Licensing Act 2003 (Hearings) Regulations.

Statutory Provisions Relating to Committees.
LGA 1972 Sch. 12. Paras 40-44

- 40 *The names of the members present at a meeting of a local authority shall be recorded.*
- 41 (1) *Minutes of the proceedings of a meeting shall, subject to sub-paragraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next following meeting of the authority by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.*
- (2) *Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and is signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.*
- 44 (1) *Paragraphs 39 to 43 above (except paragraph 41 (3)) shall apply in relation to a committee of a local authority (including a joint committee) or a sub-committee of any such committee as they apply in relation to a local authority.*
- (2) *Until the contrary is proved, where a minute of any meeting of any such committee or sub-committee has been made and signed in accordance with paragraph 41 above as applied by this paragraph, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and had the members present at the meeting shall be deemed to have been duly qualified..*

Revised March 2003

Statutory Provisions Concerning Voting.
LGA 1972 Sch. 121. Para 39.

- 39 (1) *Subject to the provisions of any enactment (including any enactment in this Act) all questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.*
- (2) *Subject to those provisions in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.*

Statutory Provisions Concerning Interests of Members
LGA 2000 Section 81 (1)

Disclosure and Registration of Members' Interests etc.

- 81 (1) *The monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority.*
- (2) *The mandatory provisions of the model code applicable to each relevant authority ("the mandatory provisions") must require the members and co-opted members of each authority to register in that authority's register maintained under subsection (1) such financial and other interests as are specified in the mandatory provisions.*
- (3) *The mandatory provisions must also-*

- (c) *require any member or co-opted member of a relevant authority who has an interest specified in the mandatory provisions under subsection (2) to disclose that interest before taking part in any business of the authority relating to that interest,*
 - (d) *make provision for preventing or restricting the participation of a member or co-opted member of a relevant authority in any business of the authority to which an interest disclosed under paragraph (a) relates.*
- (4) *Any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).*
- (5) *The Secretary of State may prescribe in regulations the circumstances in which standards committees may grant dispensations under subsection (4).*
- Revised March 2003
- (6) *A relevant authority must ensure that copies of the register for the time being maintained by their monitoring officer under this section are available at an office of the authority for inspection by members of the public at all reasonable hours.*
- (7) *As soon as practicable after the establishment by their monitoring officer of a register under this section, a relevant authority must-*
- (a) *publish in one or more newspapers circulating in their area a notice which-*
 - (iii) *states that copies of the register are available at an office of the authority for inspection by members of the public at all reasonable hours, and*
 - (iv) *specifies the address of that office, and*
 - (b) *inform the Standards Board for England that copies of the register are so available.*
- (8) *In its application to standards committees of relevant authorities in Wales (other than police authorities), subsection (5) has effect as if for the reference to the Secretary of State there were substituted a reference to the National Assembly for Wales.*

The Local Authorities (Model Code of Conduct) Order 2007
Model Code of Conduct

Part 2 – Interests

Personal Interests

8.—(1) *You have a personal interest in any business of your authority where either—*

- (a) *it relates to or is likely to affect—*
 - (i) *any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;*
 - (ii) *any body—*
 - (aa) *exercising functions of a public nature;*
 - (bb) *directed to charitable purposes; or*
 - (cc) *one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),*

- of which you are a member or in a position of general control or management;*
- (iii) any employment or business carried on by you;*
 - (iv) any person or body who employs or has appointed you;*
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;*
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);*
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);*
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;*
 - (ix) any land in your authority's area in which you have a beneficial interest;*
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;*
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or*
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—*
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or*
 - (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.*
- (2) In sub-paragraph (1)(b), a relevant person is—*
- (a) a member of your family or any person with whom you have a close association; or*
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;*
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).*

Disclosure of personal interests

9.—(1) *Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.*

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

10.—*(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.*

(2) You do not have a prejudicial interest in any business of the authority where that business—

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;*
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or*
- (c) relates to the functions of your authority in respect of—*
 - (i) this sub-paragraph does not apply to your authority;*
 - (ii) this sub-paragraph does not apply to your authority;*
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;*
 - (iv) an allowance, payment or indemnity given to members;*
 - (v) any ceremonial honour given to members; and*
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.*

Prejudicial interests arising in relation to overview and scrutiny committees

11. *You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where-*

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and*
- (b) at the time the decision was made or action was taken you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.*

Effect of prejudicial interests on participation

12.—*(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—*

- (d) you must withdraw from the room or chamber where a meeting considering the business is being held—*
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;*
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;*
- unless you have obtained a dispensation from your authority's standards committee; and*

(e) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 1

Registration of Members' Interests

Registration of members' interests

2.—*(1) Subject to paragraph 14, you must, within 28 days of—*

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

3.—*(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.*

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

8. *A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority's monitoring officer of the existence and nature of that gift or hospitality.*

Access to Information Procedure Rules

1. GENERAL

- 1.1 The Local Government Acts 1972 and 2000, the Local Government (Access to Information) Act 1985 and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended by The Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002 and the Local Government (Access to Information) (Variation) Order 2006 set down rights of access to local authority meetings, reports and documents subject to specified confidentiality provisions. The Acts also give local authorities duties to publish certain information.

2. DEFINITIONS

- 2.1 A “**key decision**” means an executive decision which is likely -
- (a) to result in the local authority incurring expenditure or making savings in excess of £50,000 or which is significant having regard to the local authority’s budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.
- 2.2 An “**executive decision**” means a decision made or to be made, by a decision-maker in connection with the discharge of a function which is the responsibility of the executive of a local authority.
- 2.3 In determining the meaning of “significant” in (a) or (b) above regard shall be had to any guidance for the time being issued by the Secretary of State.
- 2.4 “**Meetings**” does not include a meeting which is purely held to allow an officer(s) to brief members of a decision-making body or an individual decision-maker on matters related to the making of an executive decision.
- 2.5 “**Proper Officer**” is the Chief Executive or such other person authorised by him.

3. EXECUTIVE ARRANGEMENTS

- 3.1 These rules apply to all meetings of the Council, scrutiny committees, area committees, the Standards Committee and regulatory committees and public meetings of the Cabinet (together called “meetings”).
- 3.2 The rules also apply where an executive decision has been made by an individual member of the Cabinet or a key decision has been taken by an authorised officer.
- 3.3 These rules do not affect any more specific rights to information contained elsewhere in the Constitution or in general law.

4. ACCESS TO MEETINGS

- 4.1 Members of the public may attend all meetings of the Council, Cabinet, scrutiny committees and regulatory committees and meetings of the Cabinet where a key decision is to be made, subject to the exceptions in paragraph 11 of these rules.

5. NOTICES OF MEETING

- 5.1 The Council will give at least five clear working days notice of any meeting to which the public have access by posting details of the meeting at the Council Offices, Melton Hill, Woodbridge.

6. PROCEDURES PRIOR TO PUBLIC MEETINGS

- 6.1 An item of business shall only be considered at a public meeting:
- (a) where a copy of the agenda or part of the agenda, including the item, has been available for inspection by the public as required under Rule 7 below for at least five clear days before the meeting; or
 - (b) where the meeting is convened at shorter notice in accordance with Rule 16 (general exception) or 17 (cases of special urgency) below, a copy of the agenda including the item has been available for inspection by the public from the time that the meeting was convened.

7. ACCESS TO AGENDAS AND REPORTS

- 7.1 A copy of the agenda and every report (except those which are exempt or confidential) for a public meeting, will be open for inspection in the Council Offices, Melton Hill, Woodbridge, during normal office hours (8.45 a.m. – 5.15 p.m. Mondays to Thursdays and 8.45 a.m. to 4.45 p.m. on Fridays), or on the Council's Website (www.suffolkcoastal.gov.uk), at least five clear working days before the meeting. The requirement for five clear days notice of meetings will not apply to any meeting of a hearing panel considering an application in accordance with the Licensing Act 2003 (Hearings) Regulations.
- 7.2 If the Chief Executive or Head of Legal and Democratic Services thinks fit, the Council may exclude access by the public to a report or part of a report, which, in his or her opinion, relates to an agenda item during which the meeting is likely not to be open to the public. Such reports will be clearly marked "not for publication". Each report will indicate clearly that it contains confidential information and the category of information disclosed (as specified under Schedule 12A of the Local Government Act 1972) by virtue of which the decision-making body is likely to exclude the public. In the case of executive reports, the report will also state, when appropriate, that it contains the advice of a political adviser or assistant.

8. SUPPLY OF COPIES

- 8.1 The Council will supply copies of:
- (a) Any agenda and reports which are open to public inspection;

- (b) Any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) If the Chief Executive or Head of Legal and Democratic Services think 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.

9. BACKGROUND PAPERS

- 9.1 The originating Senior Officer will set out in every report, (except those which are exempt or confidential), a list of background papers relating to the subject matter of the report which in his / her opinion:-
- (a) disclose any facts or matters on which the report or an important part of the report is based; and
 - (b) have been relied on to a material extent in preparing the report.
- 9.2 Background papers will not include published works or those which disclose exempt or confidential information. Reports to the Cabinet will not include as a background paper any advice from a political advisor.
- 9.3 The Council will make available, for public inspection at the Council Offices:-
- (a) a copy of a list compiled by the originating officer of the background papers to the report or part of the report; and
 - (b) at least one copy of each of the documents included in that list.
- 9.4 These will remain available for public inspection for a period of four years from the date of the meeting.

10. SUMMARY OF THE PUBLIC'S RIGHT

- 10.1 These rules shall be taken to constitute a written summary of the public's rights to attend meetings and to inspect and copy documents.

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 proceedings, that confidential information would be disclosed.

11.2 Exempt Information –Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information will be disclosed. Exempt information is defined in the Local Government (Access to Information) (Variation) Order 2006 but is broadly information relating to personal privacy, information about Council negotiations for land, goods or services where disclosure would be likely to prejudice the Council's position, information about legal proceedings, investigation of crime and security matters.

A full statement of the meaning of Exempt Information is appended to the Access to Information Procedure Rules.

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

11.3 Meaning of Confidential Information

Confidential information is 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.

12. INDIVIDUAL EXECUTIVE DECISIONS

- 12.1 No key decision shall be taken by a Cabinet Member or an officer unless he or she has first received a report setting out the background to that decision, the available options and the implications of that decision. Provided that in cases of special urgency, the Cabinet Member or officer may take that key decision without first having received a report if he or she first obtains the agreement of the Chairman of the relevant Scrutiny Committee that the taking of the decision cannot reasonably be deferred to permit the preparation, publication and consideration of a report. If there is no chairman of a relevant Scrutiny Committee, or if the Chairman of the Committee is unable to act, then the agreement of the Chairman of the Council, or in his or her absence, the Vice-Chairman, will suffice.
- 12.2 Where a Cabinet member or an authorised officer receives a report which he or she intends to take into consideration when he or she makes a key decision they shall not make that decision until the report has been available for public inspection for at least five clear days after the report is received by the Cabinet member / officer.
- 12.3 The person who submits the report to the Cabinet member / officer shall, at the same time, supply a copy of it to the chairman of every relevant scrutiny committee, or where there is no chairman, to every member of the relevant scrutiny committee.
- 12.4 The originating Officer shall include, in any report required to be available for inspection by the public, a list of background papers for the report and shall ensure that sufficient copies of the background papers are available to meet every reasonable request from members of the public for them.

13. ACCESS TO RECORDS OF DECISIONS AND MINUTES

- 13.1 After a private meeting or a public meeting of a decision-making body at which an executive decision has been made, after an individual member has made an executive decision, after an authorised officer has made a key decision or after a committee has made a decision, the Proper Officer will ensure that:
- a record of the decision(s);
 - a record of the reasons for the decision;
 - details of alternative options considered and rejected by the decision-making body or individual; and

- a record of any conflict of interest in relation to any matter decided which is declared by any member of the decision-making body or an Cabinet member together with a record of any dispensation granted by the Council's Standards Committee is made available for public inspection – normally within two working days of the decision being made.
- 13.2 These documents, once prepared, will be available for the public to inspect at the Council Offices, Melton Hill, Woodbridge during normal office hours or on the Council's Website.
- 13.3 Within ten working days after every meeting of the Council, scrutiny, regulatory, Standards and other committees, the Council will make available copies of 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.
- 13.4 Records of decisions and minutes published in accordance with paragraphs 13.1 and 13.3 above shall continue to be available to the public for six years after the meeting date.

14. PUBLICITY IN CONNECTION WITH KEY DECISIONS

The Proper Officer shall publish a document which states:-

- (a) that key decisions are to be made on behalf of the District Council;
- (b) that a plan (to be known as the "Forward Plan") containing particulars of the matters in respect of which those decisions are to be made, will be prepared on a monthly basis by the local authority;
- (c) that the Forward Plan will contain details of key decisions;
- (d) that the current Forward Plan may be inspected in the Council Offices during normal office hours or on the Councils website;
- (e) that the Forward Plan will contain a list of the documents submitted to the decision-maker;
- (f) the address from which documents listed in the Forward Plan are available, subject to any restriction;
- (g) that other documents may be submitted to the decision-maker;
- (h) the procedure for requesting details of those documents; and
- (i) the dates in the following twelve months on which the Forward Plan will be published and available to the public.

This document shall be published:-

- (a) in at least one newspaper circulating in the Suffolk Coastal area; and

- (b) annually, on a date at least 14 days, but no more than 21 days, before the first Forward Plan of that year comes into effect.

15. FORWARD PLANS

- 15.1 A Forward Plan will be prepared by the Leader of the Council and shall contain details of all the matters likely to be the subject of key decisions in the District Council for a period of four months.
- 15.2 The Forward Plan will be updated on a monthly basis and a new Forward Plan will be produced at least 14 days before the first day of the four-month period covered.
- 15.3 The most recent Forward Plan shall be taken to have superseded any or each earlier plan.
- 15.4 Each current Forward Plan will be available for public inspection during normal office hours or on the Council's Website.
- 15.5 The Forward Plan shall contain the items below if they are available when the plan is prepared, or which the person preparing it may reasonably be expected to obtain;
 - (a) the matter in respect of which the decision is to be made;
 - (b) the name and title of any individual decision-maker or name and list of members of any decision-making body;
 - (c) the date on which, or the period within which, the decision is to be made;
 - (d) the identity of the principal groups or organisations whom the decision-maker proposes to consult before making the decision;
 - (e) the method of consultation;
 - (f) the steps that may be taken by any person who wishes to make representations to the local authority executive or to the decision-maker about the matter in respect of which the decision is to be made, and the date by which those steps are to be taken; and
 - (g) a list of documents submitted to the decision-maker for consideration when making the decision.
- 15.6 Where the public might be excluded from the meeting or documents relating to the decision need not be disclosed to the public then the Forward Plan shall contain details of the matter but may not contain any confidential or exempt information or particulars of the advice of a political adviser.

16. GENERAL EXCEPTION

- 16.1 If a matter, which is likely to be a key decision, has not been included in the Forward Plan, the decision may still be taken if:-
 - (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;

- (b) the Proper Officer has informed the chairman of the relevant scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Proper Officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least five clear days have elapsed since the Proper Officer complied with (b) and (c).

16.2 The call-in procedure will apply.

17. SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 16 (General Exception) cannot be followed, then the decision can only be taken if the decision-maker (if an individual) or the chairman of the body making the decision, obtains the agreement of the chairman of the relevant scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chairman of a relevant scrutiny committee, or if the chairman of each relevant scrutiny committee is unable to act, then the agreement of the Chairman of the Council, or in his or her absence the Vice-Chairman will suffice. The call-in procedure will apply

18. CABINET MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

The Cabinet will decide whether to hold meetings relating to matters which are not key decisions in public or private.

19. NOTICE OF PRIVATE MEETING OF THE CABINET

Members of the Cabinet will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

20. ATTENDANCE AT PRIVATE MEETINGS OF THE CABINET

20.1 Notice of private meetings of the Cabinet and its committees will be served on the chairmen of all scrutiny committees and sub-committees, at the same time as notice is served on members of the Cabinet. Where a scrutiny committee does not have a chairman, the notice will be served on all the members of that committee.

20.2 Where a decision is to be made at a private meeting of the Cabinet and that decision is within the remit of a scrutiny committee / sub-committee, the chairman of that committee / sub-committee, or in his / her absence the vice chairman, may attend that private meeting and with the consent of the person presiding, speak.

20.3 The Head of Paid Service, the Section 151 Officer and the Monitoring Officer, and their nominees, are entitled to attend any meeting of the Cabinet where a decision is to be made. Where a decision(s) is to be made, the Cabinet may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.

20.4 Where a decision(s) is to be made, a private Cabinet meeting may only take place in the presence of the Proper Officer or his / her nominee with responsibility for recording and publicising the decisions.

21. RIGHTS OF MEMBERS OF SCRUTINY COMMITTEES

21.1 Any member of a scrutiny committee is entitled to copies of any document which is in the possession or control of the Cabinet which contains material relating to:-

- (a) any business transacted at a public or private meeting of a decision-making body of the District Council;
- (b) any decision taken by an individual member of the Cabinet in accordance with executive arrangements; and
- (c) any key decision that has been made by an officer of the authority in accordance with executive arrangements.

21.2 Every member of the relevant scrutiny committee will receive a copy of any report relevant to a private decision of the Cabinet at the same time as it is furnished to the Cabinet.

21.3 No member of a scrutiny committee will be entitled to a copy of:-

- (a) a document or any part of a document that contains exempt or confidential information unless that information is relevant to an action or decision they are scrutinising or intend to scrutinise; and
- (b) a document or any part of a document that contains the advice of a political adviser.

22. REPORTS TO THE LOCAL AUTHORITY WHERE THE KEY DECISION PROCEDURE IS NOT FOLLOWED

Where an executive decision has been made and was not treated as being a key decision and the relevant scrutiny committee is of the opinion that it should have been treated as a key decision then any two members of the same scrutiny committee may require the executive decision maker to submit a report to the Council within such a reasonable period as the committee might specify. The report must include details of who made the decision, the decision and reasons for it and the reasons why the executive decision-maker did not consider the decision as a key decision.

23. ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS OF LOCAL AUTHORITIES

23.1 Any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business to be transacted at a public meeting shall be available for inspection by any member of the Council.

23.2 Any document which is in the possession, or under the control, of the Cabinet or its committees; and

- (a) contains any material relating to any business transacted at a private meeting;
- (b) contains any material relating to any decision made by an individual Cabinet member, or any key decision made by an authorised officer, in accordance with executive arrangements;

shall be available for inspection by any member of the District Council when the meeting concludes or immediately after the executive decision by an individual Cabinet member or key decision by an individual authorised officer has been made.

23.3 Where it appears to the Proper Officer that any document or part document contains:-

- (a) exempt information falling within paragraphs 1 and 2 of the categories of exempt information as defined in Part1 of Schedule 12A of the Local Government Act 1972 and;
- (b) the advice of a political adviser.

then paragraphs 23.1 and 23.2 above, will not apply.

23.4 The rights conferred by paragraphs 23.1 and 23.2 above are in addition to any other rights that a member of a local authority may have.

24. QUARTERLY REPORTS TO THE LOCAL AUTHORITY

The Leader of the Council shall submit to the District Council at quarterly intervals a report containing details of each executive decision taken during the preceding three months where the making of the decision was agreed as urgent. The report will include details of each decision made and a summary of the matters in respect of which each decision was made.

25. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

All members of the Council in attendance at public meetings of the Cabinet may speak with the permission of the person presiding.

26. PUBLICATION OF ADDITIONAL INFORMATION

The Council maintains a register containing:-

- (a) the name and address of every member of the Council;
- (b) the area each member represents; and
- (c) the name of every member of the Cabinet, scrutiny committees, Standards Committee and regulatory committees

27. BYELAWS

A copy of any byelaws made by a local authority may be open to inspection by the public at its offices and any person may purchase a copy. Requests should be made to the Democratic Services Manager.

References:

Local Government Act 1972

- 100A (1) *A meeting of a principal Council shall be open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings) under subsection (2) below or by resolution under subsection (4) below.*

(2) *The public shall be excluded from a meeting of the principal Council during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during the item, confidential information would be disclosed to them in breach of the obligation of confidence; and nothing in this Part shall be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.*

(3) *For the purposes of subsection (2) above, “confidential information” means -*

(a) *information furnished to the Council by a Government Department upon terms (however expressed) which forbid the disclosure of the information to the public; and*

(b) *information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court;*

and, in either case, the reference to the obligation of confidence is to be construed accordingly.

(4) *A principal Council may by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during an item there would be disclosure to them of exempt information, as defined in section 100I below.*

(5) *A resolution under subsection (4) above shall -*

(a) *identify the proceedings, or the part of the proceedings, to which it applies; and*

(b) *state the description, in terms of Schedule 12A to this Act, of the exempt information giving rise to the exclusion of the public,*

and where such a resolution is passed this section does not require the meeting to be open to the public during proceedings to which the resolution applies.

(6) *The following provisions shall apply in relation to a meeting of a principal Council, that is to say -*

(a) *public notice of the time and place of the meeting shall be given by posting it at the offices of the Council five clear days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;*

(b) *while the meeting is open to the public, the Council shall not have power to exclude members of the public from the meeting; and*

(c) *while the meeting is open to the public, duly accredited representatives of newspapers attending the meeting for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the Council or not on the telephone, for telephoning the report at their own expense.*

(7) *Nothing in this section shall require a principal Council to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present*

to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.

- (8) *This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.*

SCHEDULE 12A - LOCAL GOVERNMENT ACT 1972

ACCESS TO INFORMATION: EXEMPT INFORMATION

PART I - DESCRIPTIONS OF EXEMPT INFORMATION

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 office 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

8. *Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:*
 - (a) *The Companies Act 1985*
 - (b) *The Friendly Societies Act 1974*
 - (c) *The Friendly Societies Act 1992*
 - (d) *The Industrial and Provident Societies Acts 1965 to 1978*
 - (e) *The Building Societies Act 1986*
 - (f) *The Charities Act 1993*
9. *Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992*
10. *Information which –*
 - (a) *falls within any of paragraphs 1 to 7 above: and*

(b) is not prevented from being exempt by virtue of paragraph 8 or 9 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.

Local Government Act 1972

100F(1) Any document which is in the possession or under the control of a principal Council and contains material relating to any business to be transacted at a meeting of the Council or a committee or sub-committee of the Council shall, subject to subsection (2) below, be open to inspection by any member of the Council.

(2) Where it appears to the Proper Officer that a document discloses exempt information of a description for the time being falling within any of paragraphs 1-6, 9, 11, 12 and 14 of Part I of Schedule 12A to this Act, subsection (1) above does not require the document to be open to inspection.

(3) The Secretary of State may by order amend subsection (2) above -

(a) by adding to the descriptions of exempt information to which that subsection refers for the time being; or

(b) by removing any description of exempt information to which it refers for the time being.

(4) Any statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) The rights conferred by this section on a member of a principal Council are in addition to any other rights he may have apart from this Section.

Section 22 of The Local Government Act 2000

22. (1) Meetings of a local authority executive, or a committee of such an executive, are to be open to the public or held in private.

(2) Subject to regulations under subsection (9), it is for a local authority executive to decide which of its meetings, and which of the meetings of any committee of the executive, are to be open to the public and which of those meetings are to be held in private.

(3) A written record must be kept of prescribed decisions made at meetings of local authorities executives, or committees of such executives, which are held in private.

(4) A written record must be kept of prescribed decisions made by individual members of local authority executives.

(5) Written records under subsection (3) or (4) must include reasons for the decisions to which they relate.

(6) Written records under subsections (3) and (4), together with such reports, background papers or other documents as may be prescribed, must be made available to members of the public in accordance with regulations made by the Secretary of State.

- (7) *Regulations under subsection (6) may make provision for or in connection with preventing the whole or part of any record or document containing prescribed information from being made available to members of the public.*
- (8) *The Secretary of State may by regulations make provision –*
- (a) *with respect to the access of the public to meetings of joint committees, or sub-committees of such committees, at which decisions are made in connection with the discharge of functions which are the responsibility of executives (including provision enabling such meetings to be held in private);*
 - (b) *for, or in connection with requiring written records to be kept of decisions made at meetings which by virtue of paragraph (a) are held in private;*
 - (c) *for, or in connection with requiring written records falling within paragraph (b) to include reasons;*
 - (d) *for, or in connection with requiring any such written records to be made available to members of the public;*
 - (e) *for, or in connection with requiring documents connected with decisions to which any such written records relate to be made available to members of the public.*
- (9) *The Secretary of State may by regulations make provision -*
- (a) *as to the circumstances in which meetings mentioned in subsection (2), or particular proceedings at such meetings, must be open to the public;*
 - (b) *as to the circumstances in which meetings mentioned in subsection (2), or particular proceedings at such meetings, must be held in private;*
 - (c) *with respect to the information which is to be included in written records kept by virtue of this section;*
 - (d) *with respect to the reasons which are to be included in any such written records;*
 - (e) *with respect to the persons who are to produce, keep or make available any such written records;*
 - (f) *for or in connection with requiring any such written records to be made available to members of local authorities or to overview and scrutiny committees or sub-committees;*
 - (g) *for, or in connection with requiring documents connected with decisions to which any such written records relate to be made available to members of local authorities or to overview and scrutiny committees or sub-committee;*
 - (h) *for, or in connection with requiring information to be made available by electronic means;*
 - (i) *for, or in connection with conferring rights on members of the public, members of local authorities or overview and scrutiny committees or sub-committees in relation to records or documents;*

- (j) *for, or in connection with the creation of offences in respect of any rights or requirements conferred or imposed by virtue of this section.*
- (10) *The Secretary of State may by regulations make provision for or in connection with requiring prescribed information about prescribed decisions made in connection with the discharge of functions which are the responsibility of a local authority executive to be made available to members of the public or members of the authority.*
- (11) *The provision which may be made under subsection (10) includes provision –*
 - (a) *requiring prescribed information to be made available in advance of the prescribed decisions mentioned in that subsection;*
 - (b) *as to the way or form in which prescribed information is to be made available.*
- (12) *The Secretary of State may by regulations make provision which, in relation to meetings of-*
 - (a) *local authority executives or committees of such executives; or*
 - (b) *joint committees, or sub-committees of such committees, falling within subsection (8)(a),*

applies or reproduces (with or without modifications) any provisions of Part VA of the Local Government Act 1972.

- (13) *In this section-*

"joint committee" means a joint committee falling within section 101(5)(a) of the Local Government Act 1972;

"prescribed" means prescribed by regulations made by the Secretary of State.

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended by The Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002

Recording of Executive Decisions made at Meetings

- 3. (1) *As soon as reasonably practicable after a private meeting or a public meeting of a decision-making body at which an executive decision has been made, the Proper Officer, or in the event that the Proper Officer is not present at that meeting, the person presiding, shall ensure that a written statement is produced in respect of every executive decision made at that meeting which must include the information specified in paragraph (2).*
- (2) *The statement referred to in paragraph (1) must include:-*
 - (a) *a record of the decision;*
 - (b) *a record of the reasons for the decision;*

- (c) *details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;*
 - (d) *a record of any conflict of interest in relation to the matter decided which is declared by any member of the decision making body which made the decision; and*
 - (e) *in respect of any declared conflict of interest, a note of any dispensation granted by the local authority's standards committee.*
- (3) *For the purposes of paragraph (1) of this regulation "person presiding" means the person actually presiding, or the person nominated to preside, at that meeting.*
 - (4) *Executive decisions made by decision making bodies are prescribed decisions for the purposes of section 22(3) of the 2000 Act (duty to keep written records of private meetings).*

Recording of Executive Decisions made by Individuals

- 4. (1) *As soon as is reasonably practicable after an individual member has made any executive decision he shall produce, or if he instructs the Proper Officer to do so, the Proper Officer shall produce, a written statement in respect of that executive decision which includes the information specified in paragraph (2).*
- (2) *The statement referred to in paragraph (1) must include –*
 - (a) *a record of the decision;*
 - (b) *a record of the reasons for the decision;*
 - (c) *details of any alternative options considered and rejected at the time by the member when he made the decision;*
 - (d) *a record of any conflict of interest declared by any executive member who is consulted by the member, in relation to the decision; and*
 - (e) *in respect of any declared conflict of interest a note of any dispensation granted by the local authority's standards committee.*
- (3) *Executive decisions made by individual members of local authority executives are prescribed decisions for the purposes of section 22(4) of the 2000 Act (duty to keep a written record of decisions made by individual members of local authority executives).*
- (4) *As soon as is reasonably practicable after an officer has made a decision which is a key decision, the officer shall produce a written statement which must include –*
 - (a) *a record of the decision;*
 - (b) *a record of the reasons for the decision;*
 - (c) *details of any alternative options considered and rejected by the officer at the time when he made the decision; a record of any conflict of interest declared, in relation to the decision, by any executive member who was consulted by the officer who made the decision; and*

- (d) *in respect of any declared conflict of interest in relation to the decision a note of any dispensation granted by the local authority's Standards Committee.*

Inspection of Documents following Executive Decisions

5. (1) *Subject to regulation 21, after a private meeting or a public meeting of a decision-making body at which an executive decision has been made, after an individual member has made an executive decision or after an officer has made a key decision the Proper Officer shall ensure that a copy of –*

- (a) *any records prepared in accordance with regulations 3 or 4 and*
(b) *any report considered at the meeting or, as the case may be, considered by the individual member or officer and relevant to a decision recorded in accordance with regulations 3 or 4 or, where only part of the report is relevant to such a decision, that part,*

shall be available for inspection by members of the public, as soon as is reasonably practicable, at the offices of the relevant local authority.

- (2) *Where a request on behalf of a newspaper is made for a copy of any of the documents available for public inspection under paragraph (1), those documents shall be supplied for the benefit of the newspaper by the local authority on payment by the newspaper to the local authority of postage, copying or other necessary charge for transmission.*

Inspection of Background Papers

6. *Subject to regulation 21, when a copy of the whole or part of a report for a private meeting or a public meeting is made available for inspection by members of the public in accordance with regulation 5 or 11, at the same time -*

- (a) *a copy of a list compiled by the Proper Officer of the background papers to the report or part of the report, must be included in the report or, as the case may be, part of the report; and*
(b) *(b) at least one copy of each of the documents included in that list,*

shall be available for inspection by the public at the offices of the relevant local authority.

Meetings of Local Authority Executives and their Committees to be held in Public

7. (1) *Subject to regulation 21, where the executive leader, section 11 (2) mayor or council manager (as the case may be) or any other person likely to preside at the meeting reasonably believes that one of the circumstances specified in paragraph (2) below applies in relation to a meeting, or part of a meeting, of a decision-making body, that meeting or part of a meeting must be held in public.*

- (2) *The circumstances are –*

- (a) *A decision to be made will be a key decision;*
(b) *A matter that is included on the Forward Plan or is the subject of a notice given under regulation 15 is likely to be discussed; and*

- (i) *the decision on the matter is likely to be made within 28 days; and*
 - (ii) *an officer who is not a political adviser, assistant or council manager will be present at the discussion.*
- (2A) *For the purposes of paragraph (1), "meeting" does not include a meeting to which the circumstances specified in paragraph (2)(b) apply and the principal purpose of which is for an officer of the local authority to brief a decision-maker on matters connected with the making of an executive decision.*
- (3) *In accordance with section 38 of the 2000 Act, in determining the meaning of "principal purpose" for the purposes of paragraph (2), regard shall be had to any guidance for the time being issued by the Secretary of State.*

Key Decisions

8. (1) *In these regulations a "key decision" means an executive decision which, is likely –*
- (a) *to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates or;*
 - (b) *to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.*
- (2) *In accordance with section 38 of the 2000 Act, in determining the meaning of "significant" for the purposes of paragraph (1) regard shall be had to any guidance for the time being issued by the Secretary of State.*

Individual Executive Decisions

9. (1) *Where an executive member or officer receives a report, which he / she intends to take into consideration when he / she makes a key decision, he / she shall not make the that decision until the report has been available for public inspection, pursuant to paragraph (2), for at least five clear days.*
- (2) *Subject to regulation 21, the member or officer making the decision referred to in paragraph (1) shall ensure that the Proper Officer makes the report referred to in that paragraph available for inspection by the public as soon as is reasonably practicable after that officer or member receives it.*
- (3) *Where a report has been submitted to an executive member or officer with a view to it being considered by him / her when he / she makes a key decision, the person who submitted the report shall, as soon as is reasonably practicable, supply a copy of it to the chairman of every relevant overview and scrutiny committee or where there is no chairman to every member of the relevant overview and scrutiny committee.*
- (4) *The Proper Officer shall, in any report required by paragraph (2) to be available for inspection by the public include a list of background papers for the report or part of the report, and shall ensure that sufficient copies of the background papers are available, or that facilities exist for the production of sufficient copies of those papers, to meet every reasonable request from members of the public for them.*

Procedures prior to public meetings

10. *An item of business shall only be considered at a public meeting –*

- (a) where a copy of the agenda or part of the agenda, including the item, has been available for inspection by the public as required by regulation 11 for at least five clear days before the meeting or;*
- (b) where the meeting is convened at shorter notice in accordance with regulation 15 or 16, a copy of the agenda including the item has been available for inspection by the public from the time that the meeting was convened.*

Access to Agenda and Connected Reports

11. *(1) Subject to paragraph (2), a copy of the agenda and every report for a public meeting shall be available for inspection by the public at the offices of the local authority when they are made available to the members of the executive or decision-making body responsible for making the decision to which they relate.*

(2) If the Proper Officer thinks fit, there may be excluded from the copy of any report provided pursuant to paragraph (1) the whole, or any part, of the report which relates only to the transaction of an item of business during which, in his / her opinion, the meeting is likely not to be open to the public.

(3) Subject to paragraph (4), any document which is required by paragraph (1) to be available for inspection by the public shall be available for such inspection for at least five clear days before the meeting, except that –

(a) where the meeting is convened at shorter notice in accordance with regulation 15 or 16, a copy of the agenda and associated reports shall be available for inspection at the time the meeting is convened; and

(b) where an item which would be available for inspection by the public is added to the agenda, a copy of the revised agenda, and of any report relating to the item for consideration at the meeting, shall be available for inspection by the public when the item is added to the agenda.

(4) Nothing in paragraph (3) shall require a copy of the agenda, item or report to be available for inspection by the public until a copy is available to members of the decision-making body concerned.

(5) Where by virtue of paragraph (2) the whole or any part of a report for a public meeting is not available for inspection by the public –

(a) every copy of the whole report or of the part of the report, as the case may be, shall be marked "not for publication"; and

(b) there shall be stated on every copy of the whole or the part of the report –

(i) that it contains confidential information;

(ii) by reference to the descriptions in Schedule 12A to the 1972 Act, the description of exempt information by virtue of which the decision making

- body discharging the executive function are likely to exclude the public during the item to which the report relates; or*
- (iii) *that the report or the part of the report contains the advice of a political adviser or assistant as the case may be.*
- (6) *Except during any part of a public meeting during which the public are excluded, the local authority shall make available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.*
- (7) *Subject to regulation 21, a local authority shall, following any request on behalf of a newspaper and on payment being made of postage charges or any other necessary charge for transmission, supply to the newspaper –*
- (a) *a copy of the agenda for a public meeting and a copy of each of the reports for consideration at the meeting;*
- (b) *such further statements or particulars, if any, as are necessary to indicate the nature of the items contained in the agenda; and*
- (c) *if the Proper Officer thinks fit in the case of any item, a copy of any other document supplied to members of the executive in connection with the item.*
- (8) *Paragraph (3) applies in relation to copies of reports provided pursuant to paragraph (6) or (7) as it applies in relation to copies of reports provided pursuant to paragraph (1).*

Publicity in connection with key decisions

12. (1) *The executive Leader or, as the case may be, the section 11(2) mayor or the council manager shall instruct the Proper Officer to publish, in accordance with paragraph (2), a document which states –*
- (a) *that key decisions are to be made on behalf of the local authority;*
- (b) *that a plan (to be known as the "Forward Plan") containing particulars of the matters in respect of which those decisions are to be made, will be prepared on a monthly basis by the local authority;*
- (c) *that a Forward Plan will contain details of the key decisions likely to be made by the local authority for the four month period following the publication of the Forward Plan;*
- (d) *that each current Forward Plan may be inspected at all reasonable hours and free of charge at the local authority's offices;*
- (e) *that each Forward Plan contains a list of the documents submitted to the decision makers for consideration in relation to the matters in respect of which decisions are to be made;*
- (f) *the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;*

- (g) *that other documents relevant to those matters may be submitted to the decision-makers;*
 - (h) *the procedure for requesting details of those documents (if any) as they become available; and*
 - (i) *the dates in each month in the following twelve months on which each Forward Plan will be published and available to the public at the local authority's offices.*
- (2) *The document referred to in paragraph (1) shall be published –*
- (a) *in at least one newspaper circulating in the area of the local authority; and*
 - (b) *annually, on a date at least 14 days, but not more than 21 days before the first Forward Plan of that year comes into effect.*

Forward Plans

13. (1) *A Forward Plan shall be prepared, in accordance with this regulation and regulation 14, by the executive leader or, as the case may be, by the section 11(2) mayor or the council manager and the first such Forward Plan shall be prepared as soon as is reasonably practicable after the authority has adopted executive arrangements.*
- (2) *A Forward Plan shall contain details of all the matters likely to be the subject of key decisions in the relevant authority for a period of four months; and the first such plan shall have effect from the first working day of any month.*
- (3) *A Forward Plan shall be updated on a monthly basis, and a new Forward Plan produced at least 14 days prior to the first day upon which the Forward Plan will come into effect, with any outstanding matters contained in the previous Forward Plan being included in the latest Forward Plan.*
- (4) *The most recent Forward Plan shall be taken to have superseded any earlier plan or, as the case may be, each earlier plan.*

Content of the Forward Plan

14. (1) *Subject to regulation 15 (2) each Forward Plan shall contain, as regards each matter referred to in regulation 13(1) such of the particulars specified in paragraph (2) as are available when the plan is prepared or which the person preparing it may then reasonably be expected to obtain.*
- (2) *The particulars referred to in paragraph (1) are –*
- (a) *the matter in respect of which the decision is to be made;*
 - (b) *where the decision-maker is an individual his / her name, his / her title if any and, where the decision maker is a decision-making body, its name and a list of its members;*
 - (c) *the date on which, or the period within which, the decision is to be made;*
 - (d) *the identity of the principal groups or organisations whom the decision-maker proposes to consult before making the decision;*

- (e) *the means by which any such consultation is proposed to be undertaken;*
 - (f) *the steps that may be taken by any person who wishes to make representations to the local authority executive or to the decision-maker about the matter in respect of which the decision is to be made, and the date by which those steps are to be taken; and*
 - (g) *a list of the documents, submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made.*
- (3) *Where, in relation to any matter –*
- (a) *the public may be excluded under regulation 21(1) from the meeting at which that matter is to be discussed; or*
 - (b) *documents relating to the decision need not, because of regulation 21(5), be disclosed to the public,*

the Forward Plan shall contain particulars of the matter but may not contain any confidential or exempt information or particulars of the advice of a political adviser or assistant.

General Exception

15. (1) *Subject to regulation 16, where the inclusion of a matter on the Forward Plan is impracticable and the matter would be a key decision, that decision shall only be made –*
- (a) *where the Proper Officer has informed the chairman of the relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee by notice in writing, of the matter about which the decision is to be made;*
 - (b) *where the Proper Officer has made available at the offices of the local authority for inspection by the public a copy of the notice given pursuant to paragraph (a); and*
 - (c) *after five clear days have elapsed following the day on which the Proper Officer made available the notice referred to in sub-paragraph (b).*
- (2) *Where paragraph (1) applies to any matter, regulation 14 need not be complied with in relation to that matter.*

Cases of Special Urgency

16. *Where the date by which an executive decision that would be a key decision must be made, makes compliance with regulation 15 impracticable, the decision shall only be made where the decision-maker has obtained agreement from –*
- (a) *the chairman of the relevant overview and scrutiny committee or;*
 - (b) *if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the chairman of the relevant local authority or;*
 - (c) *where there is no chairman of either the relevant overview and scrutiny committee or of the relevant local authority the vice-chairman of the relevant local authority,*

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

Additional Rights of Access to Documents for Members of Local Authorities

17. (1) *Subject to paragraphs (3) and (4), any document which –*
- (a) *is in the possession, or under the control, of the executive of a local authority; and*
 - (b) *contains material relating to any business to be transacted at a public meeting,*

shall be available for inspection by any member of the local authority.

- (2) *Subject to paragraphs (3) and (4) any document which –*
- (a) *is in the possession, or under the control, of the executive of a local authority; and*
 - (b) *contains material relating to -*
 - (i) *any business transacted at a private meeting;*
 - (ii) *any decision made by an individual member in accordance with executive arrangements; or*
 - (iii) *any key decision made by an officer in accordance with executive arrangements,*

shall be available for inspection by any member of the local authority when the meeting concludes or, where an executive decision is made by an individual member or a key decision made by an officer, immediately after the decision has been made.

- (3) *Where it appears to the Proper Officer that compliance with paragraph (1) or (2) in relation to a document or part of a document would involve the disclosure of exempt information of a description falling within any of paragraphs 1 and 2 of Part I of Schedule 12A to the 1972 Act, paragraph (1) or (2), as the case may be, shall not apply as regards that document or part.*
- (4) *Where it appears to the Proper Officer that compliance with paragraph (1) or (2) in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant, that paragraph shall not apply as regards that document or part.*
- (5) *The rights conferred by paragraphs (1) and (2) are in addition to any other rights that a member of a local authority may have.*

Additional Rights of Access to Documents for Members of Overview and Scrutiny Committees

18. (1) *Subject to paragraph (2), a member of an overview and scrutiny committee of a local authority shall be entitled to a copy of any document which –*
- (a) *is in the possession or under the control of the executive of that authority; and*
 - (b) *contains material relating to –*
 - (i) *any business that has been transacted at a private meeting or a public meeting of a decision making body of that authority;*

- (ii) *any decision that has been made by an individual member of that executive in accordance with executive arrangements; or*
 - (iii) *any key decision that has been made by an officer of the authority in accordance with executive arrangements.*
- (2) *No member of an overview and scrutiny committee shall be entitled to a copy –*
- (a) *of any such document or part of a document as contains exempt or confidential information unless that information is relevant to –*
 - (i) *an action or decision that he / she is reviewing or scrutinising or;*
 - (ii) *any review contained in any programme of work of such a committee or sub-committee of such a committee; or*
 - (b) *of a document or part of a document containing advice provided by a political adviser or assistant.*

Reports to the Local Authority where the Key Decision procedure is not followed

19. (1) *Where an executive decision has been made and –*
- (a) *was not treated as being a key decision; and*
 - (b) *a relevant overview and scrutiny committee are of the opinion that the decision should have been treated as a key decision,*
- that overview and scrutiny committee may require the executive which is responsible for the decision to submit a report to the relevant local authority within such reasonable period as the committee may specify.*
- (2) *A report under paragraph (1) shall include details of –*
- (a) *the decision and the reasons for the decision;*
 - (b) *the decision making body by which, or the individual by whom, the decision was made; and*
 - (c) *if the executive of the relevant local authority are of the opinion that the decision was not a key decision, the reasons for that opinion.*

Quarterly Reports to the Local Authority

20. (1) *The executive leader or, as the case may be, the section 11(2) mayor or the council manager shall submit to the local authority at quarterly intervals a report containing details of each executive decision taken during the preceding three months where the making of the decision was agreed as urgent in accordance with regulation 16.*
- (2) *A report submitted for the purposes of paragraph (1) shall include –*
- (a) *particulars of each decision made; and*
 - (b) *a summary of the matters in respect of which each decision was made.*

Confidential Information, Exempt Information and Advice of a Political Adviser or Assistant

21. (1) *Subject to paragraph (3), nothing in these Regulations shall prevent the exclusion of the public from a meeting of a decision-making body that is exercising an executive function where –*
- (a) *it is likely, in view of the nature of the business to be transacted or of the nature of the proceedings, that if members of the public were present during the transaction of an item of business, confidential information would be disclosed to them in breach of the obligation of confidence;*
 - (b) *a resolution has been passed, by the decision making body concerned, excluding the public during the transaction of an item of business where it is likely, in view of the nature of the item of business, that if members of the public were present during the transaction of that item, exempt information would be disclosed to them;*
 - (c) *a resolution has been passed, by the decision making body concerned, excluding the public during an item of business where it is likely, in view of the nature of the item, that if members of the public were present during the transaction of that item, the advice of a political adviser or assistant would be disclosed to them or;*
 - (d) *a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or to prevent misbehaviour at a meeting.*
- (2) *A resolution under paragraph (1) (b) shall –*
- (a) *identify the proceedings, or part of the proceedings, to which it applies; and*
 - (b) *state by reference to the descriptions in Schedule 12A to the 1972 Act (access to information: exempt information) the description of exempt information giving rise to the exclusion of the public*
- (3) *An exclusion of the public under sub-paragraph (a), (b) or (c) of paragraph (1) shall apply only to the part or parts of the meeting during which it is likely that confidential information, exempt information or the advice of a political adviser or assistant would be disclosed.*
- (4) *Nothing in these regulations shall -*
- (a) *authorise or require a local authority to disclose to the public or make available for public inspection any document or part of a document if, in the opinion of the Proper Officer, that document or part of a document contains or may contain confidential information; or*
 - (b) *require a local authority to disclose to the public or make available for public inspection any document or part of a document if, in the opinion of the Proper Officer, that document or part of a document contains or is likely to contain exempt information or the advice of a political adviser or assistant.*
- (5) *Where a member of a local authority executive or an officer makes an executive decision in accordance with executive arrangements, nothing in these regulations shall –*

- (a) *authorise or require documents relating to that decision to be disclosed to the public, or made available for public inspection where, the documents contain confidential information; or*
 - (b) *require documents relating to that decision to be disclosed to the public, or made available for public inspection where the disclosure of the documents would, in the opinion of the member or officer making the decision, give rise to the disclosure of exempt information or the advice of a political adviser or assistant.*
- (6) *Nothing in these regulations shall require a decision-making body or decision-maker to permit the taking of any photographs of any proceedings or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.*

Documents to be available for Inspection at the Offices of the Local Authority

22. (1) *Any document required by regulation 5, 6 or 11 to be available for inspection by members of the public shall be available for inspection –*
- (a) *at all reasonable hours at the offices of the local authority; and*
 - (b) *in the case of documents to be available for inspection pursuant to regulation 6, upon payment by the person seeking to inspect the documents of any reasonable fee required by the local authority.*
- (2) *Subject to paragraph (3), where a document is to be available for inspection by a person under any provision in these Regulations, the person may –*
- (a) *make a copy of the whole or part of the document; or*
 - (b) *require the person having custody of the document to supply him with a copy of the whole or part of the document,*
- upon payment by the person requiring the copy of any reasonable fee required by the local authority.*
- (3) *Paragraph (2) does not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is the local authority, nothing done pursuant to that paragraph shall constitute an infringement of the copyright.*
- (4) *Where any document required by these Regulations to be open to inspection by the public –*
- (a) *is supplied to, or available for inspection by members of the public; or*
 - (b) *is supplied for the benefit of any newspaper, pursuant to regulation 5(2) or 11(7),*
- the publication thereby of any defamatory matter contained in the document shall be privileged unless the publication is proved to be made with malice.*
- (5) *Any written record of an executive decision or any report required by regulation 5 to be available for inspection by the members of the public, shall be retained by the local authority and made available for inspection by the public for a period of at least six*

years beginning on the date on which the decision to which the record or report relates, was made.

- (6) Any background papers required by regulation 6 to be available for inspection by members of the public shall be retained by the local authority and be available for inspection by the public for a period of at least four years beginning on the date on which the decision, to which the background papers relate, was made.*
- (7) The rights conferred on any person by these Regulations to inspect, copy or be supplied with documents are in addition to any such rights that he may have apart from those under these Regulations.*

Offences

- 23.** *(1) A person who has custody of a document which is required by regulation 5, 6 or 11 to be available for inspection by members of the public commits an offence if, without reasonable excuse –*
 - (a) he / she intentionally obstructs any person exercising a right conferred under these Regulations to inspect, or to make a copy of the whole or part of the document; or*
 - (b) he / she refuses to supply a copy of the whole or part of the document in accordance with regulations 5(2), 11(7) or 22(2).*
- (2) A person who commits an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.*

Chapter 7, DETR Guidance

Budget and Policy Framework Procedure Rules

1. The Policy Framework

- 1.1 As is set out in Article 4 of this Constitution, the following plans and strategies will comprise the Council's Policy Framework
- (a) Council's Corporate Scorecard;
 - (b) Best Value Performance Plan;
 - (c) Community Strategy;
 - Local Strategic Partnership
 - (d) Crime and Disorder Reduction Strategy;
 - (e) Plans and strategies which together comprise the Development Plan;
 - (f) Food Safety Service Plan;
 - (g) Plan and strategy which comprise the Housing Investment programme;
 - (h) Local Agenda 21 Strategy
- 1.2 The appropriate Cabinet member, after consulting those stakeholders he/she considers appropriate, will make his/her proposals for the above plans and strategies available to members of the appropriate Scrutiny Committee and all other members of the Council.
- 1.3 In the case of the Development Plan, the Cabinet members' consultations will include the Development Control Committee and its sub-committees.
- 1.4 The appropriate Scrutiny Committee will meet to consider the Cabinet members' proposals and will make recommendations to the Cabinet about his/her proposals. Any member of the Council who is not a member of the Cabinet will be entitled to attend and speak at the meeting of the committee.
- 1.5 The Cabinet will consider any recommendations from the committee and will make recommendations to the full Council. The full Council will then determine the plan or strategy.
- 1.6 Once the full Council has approved the plan or strategy all those responsible for taking decisions on behalf of the Council will need to ensure that they are consistent with those plans and strategies. Material changes to any plan or strategy set out in section 1.1 above can only be made by following the process in sections 1.2 to 1.5 above, unless the matter falls within the Council's procedures for dealing with urgent matters.
- 1.7 In order that plans and strategies can be kept up-to-date and free from error or doubt, the Cabinet members whose portfolio includes overseeing the particular plan or strategy may, after consulting the Council's Monitoring Officer and appropriate Strategic Director or Head of Service, make amendments to the plan or strategy to:

- (a) correct typographical errors and any similar changes needed to ensure clarity;
 - (b) update any factual information contained in the plan or strategy; and
 - (c) make minor modifications necessary to take account of changes in circumstances of the Council and its partners or Government legislation.
- 1.8 Where a Cabinet member makes any changes under section 1.7 they will be reported to the next available meeting of the full Council.

2. The Budget

- 2.1 The Council's budget will be determined by a simple majority of those present at a meeting of the full Council. For the purpose of this Constitution the budget to be determined by the full Council will consist of:
- (a) the budget requirement as provided for in the Local Government Finance Act 1992;
 - (b) the revenue budget allocations to the different services provided by the Council as set out in the Best Value Performance Plan;
 - (c) the council taxes;
 - (d) the use of and contribution to reserves and balances;
 - (e) the capital expenditure; and
 - (f) the borrowing limits.
- 2.2 At key stages in the development of the Council's budget the Cabinet will, after consulting those stakeholders it considers appropriate, make its proposals available to members of the Corporate Services Scrutiny Committee and all other members of the Council.
- 2.3 For the purpose of section 2.2 above the key stages will include:
- (a) a review of issues likely to affect the Council's budget in the next financial year or subsequent years;
 - (b) the overall framework for the preparation of the budget;
 - (c) the budget information set out in section 2.1 (a) to (f) above.
- 2.4 At a meeting to consider the Cabinet's proposals, the Corporate Services Scrutiny Committee will determine its views on the proposals. At this meeting any member of the Council that is not a member of the Cabinet will be able to attend and speak.
- 2.5 The Cabinet will consider the views of the Corporate Services Scrutiny Committee and will make recommendations to the full Council about the items set out in section 2.1 above.
- 2.6 In order that the Council is able to respond quickly to changing circumstances some variations to the budget approved by the full Council can be made. The Council's

Financial Procedure Rules set out the circumstances under which these changes can be made without reference back to full Council. Any other changes, except those dealt with under the Council's urgency procedures, must be made by the full Council.

Conflict Resolution Procedure

- 3.1 The Cabinet will have five working days to object to a full Council decision before that decision takes effect.
- 3.2 If the Cabinet registers such an objection, the Council must reconsider the issue in the light of that objection.
- 3.3 Full Council may insist on its decision on the basis of a simple majority of those members present and voting.

Executive (Cabinet) Procedure Rules

1. How Does the Cabinet Operate?

1.1 Who may make executive decisions?

The Leader of the Council may provide for executive functions to be discharged by:-

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

1.2 Delegation by the Leader of the Council

At the Annual Meeting of the Council, the Leader of the Council will present to the Council a written record of delegations made by him / her for inclusion in the Council's Scheme of Delegation at Part 3 to this Constitution. The document presented by the Leader of the Council will contain the following information about executive functions in relation to the coming year:-

- (i) the names, addresses and wards of the people appointed to the Cabinet by the Leader of the Council;
- (ii) the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such committees comprising exclusively Cabinet members as the Leader of the Council appoints and the names of Cabinet members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and
- (v) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-Delegation of Executive Functions

- (a) Where the Cabinet, a committee of the Cabinet or an individual Cabinet member is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer.
- (b) Unless the Council directs otherwise, if the Leader of the Council delegates functions to the Cabinet, then the Cabinet may delegate further to a committee of the Cabinet or to an officer.
- (c) Unless the Leader of the Council directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.

- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's Scheme of Delegation and Executive Functions

- (a) Subject to (b) below the Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- (b) The Leader of the Council is able to decide whether to delegate executive functions. Therefore he / she may amend the Scheme of Delegation relating to executive functions at any time during the year. To do so, the Leader of the Council must give written notice to the next Ordinary Meeting of the Council and to the person, body or committee concerned. The notice must set out the extent of the amendment to the Scheme of Delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole.
- (c) Where the Leader of the Council seeks to withdraw delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when he / she has served it on its Chairman.

1.5 Conflicts of Interest

- (a) Where the Leader of the Council has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 Cabinet meetings – When and where?

The Cabinet will meet at least ten times per year at times to be agreed by the Leader of the Council. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader of the Council.

1.7 Public or private meetings of the Cabinet?

Meetings of the Cabinet at which key decisions are made shall be held in public, subject to the exceptions in contained in paragraph 11 of the Access to Information Procedure Rules in Part 4 of this Constitution.

The Cabinet will decide whether to hold meetings relating to matters which are not key decisions in public or private.

1.8 **Quorum**

The quorum for a meeting of the Cabinet shall be five, and for a committee of it, shall be 50% of its voting membership - subject to their being a minimum of two voting members present.

1.9 **How are decisions to be taken by the Cabinet?**

- (a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution.
- (b) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. **How are Cabinet meetings conducted?**

2.1 **Who presides?**

If the Leader of the Council is present he / she will preside. If the Leader of the Council is unavailable to do so, the Deputy Leader will preside.

If neither the Leader of the Council nor the Deputy Leader are present, then a person appointed to do so by those present shall preside.

2.2 **Who may attend?**

All members of the Council may attend public meetings of the Cabinet and may speak with the permission of the person presiding.

Members of the public may attend all public meetings of the Cabinet (that is, those meetings of the Cabinet at which key decisions are made), subject to the exceptions contained in paragraph 11 of the Access to Information Procedure Rules in Part 4 of this Constitution.

The Cabinet will decide whether to hold meetings relating to matters which are not key decisions in public or private.

Where a decision is to be made at a private meeting of the Cabinet and that decision is within the remit of a scrutiny committee / sub-committee, the chairman of that committee / sub-committee, or in his / her absence the vice-chairman, may attend that private meeting and with the consent of the person presiding, speak.

The Head of Paid Service, the Section 151 Officer and the Monitoring Officer, and their nominees, are entitled to attend any meeting of the Cabinet where a decision is to be made.

2.3 **What business?**

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

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;

- (iii) matters referred to the Cabinet (whether by a scrutiny committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from scrutiny committees; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Cabinet agenda?

The Leader of the Council will decide upon the schedule for the meetings of the Cabinet. He / she may put on the agenda of any Cabinet meeting any matter which he / she wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any member or officer in respect of that matter. The Proper Officer will comply with the Leader of the Council's requests in this respect.

Any member of the Cabinet may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he / she receives such a request the Proper Officer will comply.

The Proper Officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant scrutiny committee or the full Council have resolved that an item be considered by the Cabinet. However, there may only be up to two such items on any one agenda.

Any member of the Council may ask the Leader of the Council to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader of the Council agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the councillor who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting.

The Monitoring Officer and / or the Section 151 Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Section 151 Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

3. Application of Council Procedure Rules

The general provisions of the following Council Procedure Rules shall, mutatis mutandis, apply to all meetings of the Cabinet and its committees:

Council Procedure Rule	Heading or Side-Note
1(7)	Cancellation of meetings
11	Disorderly Conduct
5	Voting
10	Conduct of Debate

4. Task Groups

- 4.1 The Cabinet will be supported in its detailed work by ad-hoc, time limited, task and finish task/research groups, where it decides that this is the most appropriate means of carrying out any of its functions.
- 4.2 Such a task/research group will be set up by the Cabinet as and when necessary and will be run in accordance with the Appendix attached to these Procedure Rules.
- 4.3 The number of members sitting on a Cabinet task group will be decided upon when the task group is set up, to allow for a degree of flexibility.

5. Cabinet Member – Ward Member Protocol

Cabinet Members will not investigate or take action on matters raised with them by members of the public without first having consulted the ward member or members to whose ward the matter relates, unless there is a vacancy in the ward in question, or the absence or incapacity of the ward member would result in consideration of the matter being unreasonably delayed.

References:

Chapters 4–7, DETR Guidance

TASK GROUP PROTOCOL

Description: formal group set up by Cabinet or Scrutiny to carry out specific tasks relating to policy or projects.

- set up by Cabinet or a Scrutiny Committee - see para 4 Executive (Cabinet) Procedure Rules, para 16 Scrutiny Procedure Rules – to support detailed development of policy or project
- written terms of reference, including timescales, agreed by Cabinet or Scrutiny Committee prior to commencement
- task & finish principle embraced where possible. Standing Task Group only where task is continuous – e.g. Grants TG & ICT TG
- politically balanced with 5 to 11 members
- elects Chairman (& Vice Chairman if required) at first meeting
- serviced by Democratic Services and supported by professional Officers
- meetings open to public unless confidentiality required for an item – (Not for publication by virtue of a paragraph of Part 1 of Schedule 12A of the Local Government Act 1972)
- 5 days notice of meetings with published Agenda
- minutes signed as true record, published on inter/intranet and placed on Agenda of parent body at next appropriate meeting
- members appointed by political groups (substitution permitted). If option is exercised for membership to be appointed by name then substitution is not permitted
- co-option permitted but classed as 'non-voting'
- produces project plan/work plan
- produces written report(s)
- documents findings, evidence and recommendations in report(s), including, if appropriate, minority view
- meetings to link effectively with parent body
- cannot make decisions, only recommendations to Cabinet, individual Cabinet member or to Scrutiny Committees
- recommendations should be of a high standard requiring limited revision by the parent body
- up-dates Cabinet/Portfolio-holder/Scrutiny Committees as appropriate
- subject to this Task Group protocol

RESEARCH GROUP PROTOCOL

Description: small informal Member working groups set up to support Scrutiny Committees for the purpose of researching issues relating to policy scrutiny:

- set up by Scrutiny committees
- written terms of reference, including timescales agreed at outset by parent Scrutiny Committee
- very specific remit, short term task and finish (see para 16.2 of Scrutiny procedure rules)
- 3-5 members and reflect broad political balance where possible
- members appointed by name by Scrutiny committee
- co-option permitted but classed as 'non- voting'
- not serviced by Democratic Services but may request an Officer to be allocated for professional support & guidance
- no requirement to meet in public or five days notice of meeting
- no minutes, only bullet point notes, not on inter/intranet
- produces outline project plan/work plan
- should consult relevant Cabinet Member on Policy Development research
- produces written report, following moderation by the Head of Legal and Democratic Services, to parent Scrutiny Committee as a basis for further discussion and development
- documents findings, evidence and recommendations in report, including, if appropriate, minority view.
- meetings to link effectively with Scrutiny Committee
- up-dates parent Scrutiny Committee as appropriate
- cannot make decisions but may make recommendations to Scrutiny Committee
- subject to this Research Group protocol

Scrutiny - Procedure Rules

1. Procedure Rules

The Council will have two scrutiny committees which will be called "Corporate Services Scrutiny Committee and Community, Customers & Partners Scrutiny Committee".

2. Who may sit on Scrutiny Committees?

All councillors, except members of the Cabinet, may be members of an scrutiny committee. However no member may be involved in scrutinising a decision in which he / she has been directly involved.

3. Meetings

3.1 There will be at least six meetings of each scrutiny committee in each municipal year.

3.2 In addition, extraordinary meetings may be called by the chairman of the relevant scrutiny committee, by at least two members or one quarter of the of the total number of voting members of the committee, whichever is greatest or by the Proper Officer if he / she considers it necessary or appropriate.

4. Quorum

Except where authorised by statute or ordered by the Council business shall not be transacted at a meeting of any scrutiny committee unless a quorum of at least three members is present.

5. Chairman and Vice Chairman

The Chairman and Vice-Chairman of each Scrutiny Committee shall be elected by the voting members of the Committee at the first meeting of each Committee after the Annual Meeting of the Council.

The Vice-Chairman of each Scrutiny Committee shall be a member of a different political group to that of the Chairman of that Committee. If no other political group is represented amongst the membership of the Committee then the Vice-chairman shall be member of the same political group as the Chairman.

6. Work Programme

Both scrutiny committees will, subject to any requests from the Council or Cabinet relating to policy review, be responsible for setting their own work programme and in doing so shall take account of the wishes of those members of the committee who are not members of the majority political group.

7. Agenda Items

7.1 Any member of a scrutiny committee shall be entitled to give notice to the Proper Officer that he / she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee. The Proper Officer shall ensure that it is included on the next agenda.

- 7.2 Any three members of the Council who are not members of a scrutiny committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of a relevant scrutiny committee. If the Proper Officer receives such a notification, then he / she will include the item on the first available agenda of the relevant scrutiny committee for consideration by the committee.
- 7.3 Under s21A of the Local Government Act 2000, any councillor is entitled to refer to any Scrutiny Committee of which he/she is or is not a member any local government matter which is relevant to the functions of the committee (Councillor Call for Action).

For these purposes “local government matter” means a matter which

- (a) relates to the discharge of any function of the Council;
- (b) affects all or part of the electoral area for which the Councillor is elected or any person who lives or works in that area; and
- (c) is not an excluded matter.

An “excluded matter” means any matter which is a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 or a matter of any description specified in an order made by the Secretary of State.

- 7.4 A councillor, in considering whether to exercise the power which he/she has by virtue of Rule 7.3 must have regard to any guidance issued for the time being by the Secretary of State.
- 7.5 For the purposes of Rule 7.3, a councillor shall give notice to the Proper Officer and the Proper Officer shall ensure that the matter is included on the agenda for the next available meeting of the relevant Scrutiny Committee.
- 7.6 In considering whether or not to exercise any of its powers in relation to any matter referred to it under Rule 7.3, the Committee may have regard to any representations made by the Councillor as to why it would be appropriate for the committee to exercise any of its powers.
- 7.7 If the Committee decides not to exercise any of its powers in relation to a matter referred to it under Rule 7.3, it must notify the Councillor of its decision and the reasons for it.
- 7.8 If the Committee decides to exercise its powers in relation to a matter referred to it under Rule 7.3, then the Committee must provide the Councillor with a copy of any report or recommendations which it makes to the Council or to Cabinet in relation to the matter.

8. Scrutiny Committees

The role of the scrutiny committees in relation to the development of the Council's budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.

- (i) In relation to the development of the Council's approach to other matters not forming part of its budget and Policy Framework, scrutiny committee or sub-

committees may make proposals to the Cabinet in so far as they relate to matters within their terms of reference.

- (ii) Scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

9. Reports from Scrutiny Committees

- 9.1 Once it has formed recommendations on proposals for policy review, a scrutiny committee will prepare a formal report and submit it to the Proper Officer for decision by the Cabinet if the proposals are consistent with the existing budget and Policy Framework. If the recommendation would require a departure from or a change to the agreed budget and Policy Framework, the Cabinet shall make recommendations to full Council after making its proposals available to the Corporate Services Scrutiny Committee.
- 9.2 If a scrutiny committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- 9.3 Where a Scrutiny Committee makes a report or recommendations to the Council or Cabinet the Scrutiny Committee must, by notice in writing, require the Council or Cabinet
 - (a) to consider the report or recommendations
 - (b) to respond to the Scrutiny Committee indicating what (if any) action the Council or Cabinet proposes to take,
 - (c) to publish the response (if the Scrutiny Committee has published the report or recommendations)
 - (d) to provide the relevant Councillor with a copy of the response (if the Scrutiny Committee provided a copy of its report or recommendations to a Councillor under Rule 7.8)

and to do so within two months beginning with the date on which the Council or Cabinet received the report or recommendations or (if later) the notice.

10. Rights of Scrutiny Committee members to Documents

- 10.1 In addition to their rights as councillors, members of scrutiny committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 10.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and scrutiny committee as appropriate depending on the particular matter under consideration.

11. Reporting to Council, Cabinet or Regulatory Committee

- 11.1 Once a scrutiny committee has completed its deliberations on any matter it will forward a copy of its final report to the Proper Officer who will allocate it to either or both the Cabinet or appropriate regulatory committee and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and Policy Framework.
- 11.2 If the Proper Officer refers the matter to the Council he / she will also serve a copy on the Leader of the Council with notice that the matter is to be referred to Council.
- 11.3 The Cabinet or appropriate regulatory committee will have four weeks in which to respond to the scrutiny report and the Council shall not consider it within that period. When the Council does meet to consider any referral from a scrutiny committee on a matter which would impact on the budget and Policy Framework, it shall also consider the response of the Cabinet and / or appropriate regulatory committee to the scrutiny proposals.

12. Giving Evidence at Meetings

- 12.1 In reviewing decisions made or action taken in connection with the discharge of any Council function, scrutiny committees may hold enquiries and investigate the available options for future direction by scrutinising policy and may appoint advisers and assessors to assist them in this process. They may review documents, go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- 12.2 They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.
- 12.3 Scrutiny committees may also require any member of the Cabinet, the Head of Paid Service and / or any senior officer (as scheduled in Part 7 of the Constitution [Management Structure]) and / or any other appropriate officer selected by reason of their technical expertise to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and / or
 - (iii) their performance

and may require any other Councillor to attend before it to answer questions in relation to any function which is exercisable by that Councillor by virtue of s236 of the Local Government and Public Involvement in Health Act 2007

and it is the duty of those persons to attend if so required.

- 12.4 Where any member or officer is required to attend a scrutiny committee the chairman of that committee will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least five working days notice of the meeting at which he / she is required to attend. The notice will state the nature of the item on which he / she is required to give account and whether any papers are required to be produced for the committee.

- 12.5 (Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance to take place within a maximum of fourteen days from the date of the original request.)
- 12.6 In this situation the meetings are to be conducted in accordance with the following principles:-
- (i) the investigation shall be conducted fairly and all members of the committee shall be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) those assisting the committee by giving evidence shall be treated with respect and courtesy;
 - (iii) the investigation shall be conducted so as to maximise the efficiency of the investigation or analysis; and
 - (iv) any Senior Officer, or his / her designated officer, shall be entitled to accompany a member(s) of their staff to a meeting of the scrutiny committee when giving evidence

13. Attendance by others

Either committee may invite people other than those referred to above to address it, discuss issues of local concern and / or answer questions. It may wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

14. Call-In Procedures

- 14.1 When a decision is made by the Cabinet, Cabinet member or a committee of the Cabinet, or a key decision is made by an authorised officer with delegated authority from the Cabinet, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two working days of being made.
- 14.2 Chairmen of all scrutiny committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 14.3 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless it is called in.
- 14.4 During that period the Proper Officer shall call in a decision for scrutiny by a scrutiny committee if so requested by any two members of the same scrutiny committee or any five members of the Council. The members requesting call in shall be expected to attend the resulting meeting of a scrutiny committee (but non-attendance shall not render the meeting invalid).
- 14.5 Within five days of the decision to call-in a matter, the Proper Officer shall arrange a meeting of the appropriate scrutiny committee. The meeting shall be held as soon as is reasonably practicable having regard to the provision of the Access to Information Procedure Rules in Part 4 of this Constitution.

- 14.6 If having considered the decision the scrutiny committee is still concerned about it, it may refer the decision back to the decision-making body or person for reconsideration, setting out in writing the nature of its concerns. If referred to the decision-maker they shall then reconsider within fourteen working days amending the decision or not before adopting a final decision.
- 14.7 The scrutiny committee may, alternatively, refer the matter to full Council.
- 14.8 If the matter is referred to full Council and the Council does not object to a decision which has been made then no further action is necessary and the decision will become effective.
- 14.9 If the Council does object, it must determine whether or not the decision is contrary to the Policy Framework or contrary to, or not wholly consistent with, the budget, having received a report from the Chief Executive, the Monitoring Officer and/or the Chief Finance Officer.
- 14.10 If it determines that the decision is contrary to the Policy Framework or contrary to, or not wholly consistent with the budget, it is within the power of full Council only to make the decision and full Council may, therefore, in taking that responsibility,
- a) make a decision itself that amends the original decision.
 - b) defer the matter to the next meeting of full Council in order that any additional information, which full Council requires to make a fully informed decision, can be made available to it, provided that there is one deferral only.
 - c) request that the Cabinet considers any amendment to the Policy Framework or budget which Council considers to be necessary, arising from its consideration of the matter.
- 14.11 If it determines that the decision is not contrary to the Policy Framework or not contrary to, or not wholly consistent with the budget, full Council has no authority to take a decision itself, but may refer the matter back to the decision-maker together with its views on the decision.
- 14.12 If the decision is referred back in accordance with (4) then the decision-maker shall choose whether to amend the decision or not, in the light of the views expressed by Council, before reaching a final decision and implementing it. Where the decision was taken by the Cabinet a meeting of the Cabinet will be convened to consider the decision within fourteen working days of the Council's request. Where the decision was made by an individual, the individual will reconsider the decision within five working days of the Council's request."
- 14.13 Call-in should only be used in exceptional circumstances.

15. Call-in and Urgency

- 15.1 The call-in procedure set out above at paragraph 14.1 shall not apply where the decision being taken is urgent. The Chairman of the Council and (if there is a member in post) the chairman of the relevant scrutiny committee must agree a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state why in the opinion of the decision-

making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his / her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- 15.2 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

16. Task Groups

- 16.1 The terms of reference of the scrutiny committees will include the performance of all scrutiny functions on behalf of the Council and the appointment of such task groups as it considers appropriate to fulfil those functions.
- 16.2 The detailed work of the scrutiny committees may be carried out by ad-hoc, time limited, task and finish task groups or research groups, whichever the committee feels is the most appropriate means of carrying out any of its functions.
- 16.3 The task group/research group will be set up by the appropriate scrutiny committee as and when necessary.
- 16.4 The number of members sitting on the task groups/research groups will be decided upon when it is set up, to allow for a degree of flexibility.
- 16.5 Task Groups/Research Groups will be run in accordance with the Appendix attached to these Procedure Rules.
- 16.6 No member of the Cabinet will be able to sit on a task group/research group convened for the purpose of scrutiny or performance review
- 16.7 Where a scrutiny committee decides to set up a task group/research group for policy development it shall notify the Cabinet of this action.
- 16.8 The Cabinet will have five working days to object to this action before that decision takes effect.
- 16.9 If the Cabinet registers such an objection, the Council must consider the issue in the light of that objection.
- 16.10 Full Council may determine the objection on the basis of a simple majority of those members present and voting.

TASK GROUP PROTOCOL

Description: formal group set up by Cabinet or Scrutiny to carry out specific tasks relating to policy or projects.

- set up by Cabinet or a Scrutiny Committee - see para 4 Executive (Cabinet) Procedure Rules, para 16 Scrutiny Procedure Rules – to support detailed development of policy or project
- written terms of reference, including timescales, agreed by Cabinet or Scrutiny Committee prior to commencement
- task & finish principle embraced where possible. Standing Task Group only where task is continuous – e.g. Grants TG & ICT TG
- politically balanced with 5 to 11 members
- elects Chairman (& Vice Chairman if required) at first meeting
- serviced by Democratic Services and supported by professional Officers
- meetings open to public unless confidentiality required for an item – (Not for publication by virtue of a paragraph of Part 1 of Schedule 12A of the Local Government Act 1972)
- 5 days notice of meetings with published Agenda
- minutes signed as true record, published on inter/intranet and placed on Agenda of parent body at next appropriate meeting
- members appointed by political groups (substitution permitted). If option is exercised for membership to be appointed by name then substitution is not permitted
- co-option permitted but classed as 'non-voting'
- produces project plan/work plan
- produces written report(s)
- documents findings, evidence and recommendations in report(s), including, if appropriate, minority view
- meetings to link effectively with parent body
- cannot make decisions, only recommendations to Cabinet, individual Cabinet member or to Scrutiny Committees
- recommendations should be of a high standard requiring limited revision by the parent body
- up-dates Cabinet/Portfolio-holder/Scrutiny Committees as appropriate
- subject to this Task Group protocol

RESEARCH GROUP PROTOCOL

Description: Small informal Member working group set up for the purpose of researching ad-hoc issues relating to policy development or scrutiny:

- Set up by Scrutiny Committee / Task Group
- Written terms of reference, including timescales agreed at outset by parent Scrutiny Committee / Task Group
- Very specific remit, short term task and finish research group
- 3-5 members reflecting broad political balance where possible
- Members appointed by name by Scrutiny Committee / Task Group
- Co-option permitted but classed as “non-voting”
- Not serviced by Democratic Services, but may request an Officer to be allocated for professional support and guidance in the service area being researched.
- No requirement to meet in public or five days notice of meeting
- No minutes, only bullet point notes, not on inter/intranet
- Produces outline project plan/work plan
- Should consult relevant Cabinet Member on Policy Development research
- Produces written report to be presented to the Scrutiny Committee / Task Group as a basis for further discussion and development
- Documents, findings, evidence and recommendations in report, including, if appropriate minority view
- Meetings to link effectively with scheduled Scrutiny Committee / Task Group meetings
- Update parent Scrutiny Committee / Task Group as appropriate
- Will make recommendations to Scrutiny Committee / Task Group
- Subject to this Research Group protocol.

Financial Procedure Rules

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Financial Procedure Rules

INTRODUCTION AND GENERAL RESPONSIBILITIES

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 which provide the framework for managing the Council's financial affairs. They apply to every member and officer of the Council and anyone acting on its behalf.
2. The Financial Procedures Rules link in with other internal regulatory documents forming part of the Council's Constitution including, the Scheme of Delegation, the role of scrutiny committees, Members' and Officers' Codes of Conduct and Contract Procedure Rules.
3. The Financial Procedure Rules identify the financial responsibilities of the full Council, members, the Head of Paid Service, the Monitoring Officer, the Section 151 Officer, and Head of Finance and Strategic Directors. (For the purpose of these procedure rules, the term Senior Officer includes the posts of Chief Executive, Strategic Directors and Heads of Service). Senior Officers should maintain a written record where decision-making has been delegated to staff in their department.
4. 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.
5. Senior Officers are responsible for ensuring that all their staff are aware of the existence and content of the Council's Financial Procedure Rules and other internal regulatory documents and that they comply with them.
6. Any officer who fails to comply with Financial Procedure Rules may be subject to action under the Council's disciplinary procedures. Any member who fails to comply with Financial Procedure Rules may be the subject of a report to the Standards Committee.
7. The Section 151 Officer is responsible for maintaining a continuous review of Financial Procedure Rules and submitting any changes necessary to the Management Team and the Cabinet prior to seeking approval from the full Council.

PART A: FINANCIAL MANAGEMENT, BUDGETING AND CONTROL

1. FINANCIAL MANAGEMENT

- 1.1 The Cabinet is responsible for regulating and controlling the finances of the Council. The Cabinet is also responsible for establishing protocols to ensure that individual Cabinet members consult with relevant officers before taking a decision within their delegated authority. In doing so, the individual member must take account of the financial implications, and any legal and risk management issues that may arise from the decision.
- 1.2 The Section 151 Officer is responsible for the proper administration of the Council's financial affairs and has statutory duties that arise from:

- (a) Section 151 of the Local Government Act 1972;
 - (b) The Local Government Finance Act 1988;
 - (c) The Local Government Housing Act 1989;
 - (d) The Accounts and Audit Regulations 1996.
- 1.3 Section 114 of the Local Government Finance Act 1988 requires the Section 151 Officer to report to the full Council, Cabinet and external auditor if the authority or one of its officers:
- (a) has made, or is about to make, a decision which involves incurring unlawful expenditure;
 - (b) has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority;
 - (c) is about to make an unlawful entry in the authority's accounts.
- 1.4 Section 114 of the 1988 Act also requires:
- (a) the Section 151 Officer to nominate a properly qualified member of staff to deputise should he / she be unable to perform the duties under Section 114 personally;
 - (b) the local authority to provide the Section 151 Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under Section 114.
- 1.5 The Monitoring Officer, in accordance with Section 5 of the Local Government and Housing Act, 1989, shall prepare a report to the Council with respect to any proposal, decision or omission which constitutes, has given rise to or would give rise to:
- (a) a contravention by the Council, by the Cabinet, or any committee, sub-committee, member or officer or by any such joint committee of any enactment or rule of law or of any code of practice made by or under any enactment;
 - (b) any such maladministration or injustice as is mentioned in Part III of the Local Government Act, 1974;
- 1.6 The Monitoring Officer, together with the Section 151 Officer, is responsible for advising the Cabinet or full Council 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:
- (a) initiating a new policy;
 - (b) committing expenditure in future years to above the budget level;
 - (c) incurring interdepartmental transfers above virement limits; and

- (d) causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than specified later in these Financial Procedure Rules.
- 1.7 Section 5 of the Local Government and Housing Act 1989 requires the Council to provide the Monitoring Officer with such staff, accommodation and other resources as are, in his / her opinion, sufficient to allow his / her duties to be performed.
- 1.8 Each Senior Officer, in conjunction with the Section 151 Officer, is responsible to the Council for the accountability of staff and the security, custody and control of all other resources, including plant, materials, cash and stores relating to their department.
- 1.9 The Council is responsible for making and amending such Financial Procedure Rules as it considers necessary for the supervision and control of the finances and the assets of the Council.
- 1.10 Each Senior Officer will ensure that their staff understand and comply with these Financial Procedure Rules.

2. BUDGET PREPARATION AND CONTROL

- 2.1 The Cabinet, after receiving advice from Management Team will prepare a timetable each year for the preparation, submission and approval of revenue, capital and manpower budgets, in accordance with the Council's Budget and Policy Framework Procedure Rules.
- 2.2 The Section 151 Officer, after consultation with Management Team, will submit to the Cabinet and, where required, committees, a programme of capital expenditure and estimates of revenue income and expenditure in accordance with the budget timetable.
- 2.3 Each member of the Council shall be provided with a copy of the proposed capital programme and revenue estimates, together with a statement and report by the Section 151 Officer of their effect on the Council's finances, and the Council Tax to be levied before the meeting of the Council at which such matters will be discussed.
- 2.4 The inclusion of items in approved revenue estimates or capital programmes will constitute authority to incur such expenditure, subject to any constraints placed upon specific estimates or programmes by the Council or the Cabinet.
- 2.5 The Head of Finance will ensure that each Senior Officer has access to regular information about income and expenditure and other relevant information that may be required for budgets within their control.
- 2.6 Each Senior Officer will consult the Head of Finance if any matter under his or her control is likely to materially affect the finances of the Council. These matters will be discussed by Management Team before any commitment is incurred or before any report is submitted to the Cabinet or a committee.

Revenue Budget Virement and Carry Forwards

- 2.7 Each Senior Officer, after consultation with the Head of Finance, may vire between approved budgets under his or her control up to a sum of £15,000 on each occasion.

- 2.8 The Head of Finance, after consultation with the Cabinet Member for Fiscal and Democratic Services, may carry forward to the next financial year any unspent budget provisions which were provided for specific works or services and where it was not possible to complete these works or services during the budget year, subject to individual carry forwards not exceeding £15,000.
- 2.9 The Cabinet, after receiving a report from the relevant Senior Officer, may approve virement between approved budgets, subject to individual virements or carry forwards not exceeding £100,000.
- 2.10 The Cabinet, after receiving a report from the Head of Finance, may approve the carry forward of unspent budget provisions which were provided for specific works or services to enable those works or services to be completed.

Revenue Budget Supplementary Estimates

- 2.11 The Cabinet, after receiving a report from the relevant Senior Officer, may approve supplementary estimates of up to £100,000 on each occasion, provided that the total supplementary estimates granted in any year under this provision does not exceed £400,000.

Capital Programmes

- 2.12 Each Senior Officer will keep under review capital programme schemes under his or her control. Where it becomes likely that expenditure will exceed the provision in the approved programme by more than 10% or £50,000, whichever is the smaller, the Senior Officer will report the position to the Cabinet.
- 2.13 The Section 151 Officer will, after consultation with Management Team, report at least twice a year to the Cabinet on actual and anticipated spending on the capital programme. After considering this report the Cabinet will report the current position to the Corporate Management Committee to seek its views and to the Council for approval of any changes to the approved programme.

Emergencies

- 2.14 Nothing in these Financial Procedure Rules will prevent the Head of Paid Service from incurring expenditure where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent (Section 138 of the Local Government Act 1972), subject to a report on the action taken and expenditure incurred being reported to the next available meeting of the Cabinet.

Setting Fees and Charges

- 2.15 Those fees and charges which must be set by a regulatory committee will be reviewed at least annually by the appropriate committee. Where the fees and charges set are expected to result in income in the year differing from the estimated total budgeted income by more than £15,000 a report will be presented to the Cabinet by the relevant Senior Officer.
- 2.16 For those fees and charges set by Government regulation, the relevant Senior Officer is responsible for ensuring the correct fees and charges are levied, and for notifying the Head of Finance when changes are implemented. Where regulations require changes

to be made, the financial implications of those changes will be reported to the Cabinet by the relevant Senior Officer.

- 2.17 Where a Senior Officer is given delegated authority to set fees and charges in specific circumstances, he or she will inform the Head of Finance of the fees and charges being made and any subsequent changes made. Where income is forecast to be more than £15,000 below that budgeted for the year the relevant Senior Officer will notify the Section 151 Officer and report the position to the Cabinet.
- 2.18 All fees and charges not covered by 2.15 to 2.17 above will be reviewed at least annually by the Cabinet.

Annual Statement of Accounts

- 2.19 The Section 151 Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the "Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice" (CIPFA/LASAAC) and the Best Value Accountancy Code of Practice (CIPFA).
- 2.20 A draft of the annual statement of accounts will be submitted to the Council for approval before 30 September of the following financial year.
- 2.21 On the completion of the annual external audit a copy of the statement of accounts will be provided to each member by the Section 151 Officer.

3. ACCOUNTING

- 3.1 All accounting procedures and records of the Council and its officers shall be determined and compiled by the Section 151 Officer. Where such procedures and records are maintained in a department other than that of the Section 151 Officer, he / she shall institute those systems he / she considers necessary for proper financial administration.
- 3.2 All accounts and accounting records of the Council shall be compiled by the Section 151 Officer or under his / her direction and in accordance with current legislation and standards / guidelines issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and other relevant professional bodies.
- 3.3 The following principles shall be observed in the allocation of accounting duties:
- (a) the duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them,
 - (b) officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

4. AUDIT

4.1 Internal Audit

Internal Audit act in accordance with the Accounts and Audit Regulations and the CIPFA Code of Practice:

Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on the control environment comprising risk management, control and governance by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

Internal Audit provides independent and objective services, including consultancy and fraud related work.

4.2 Independence

Internal Audit is an independent body within the organisation and the Head of Internal Audit reports to the Chief Executive, Section 151 Officer and Member responsible for governance. The Head of Internal Audit has direct access to, and freedom to report in his own name without fear of favour to, all officers, members and those charged with governance.

4.3 Access Rights

Internal Audit will have freedom of movement within the organisation and authority to:

- (a) Have direct access to all Officers and to the Leader of the Council;
- (b) Enter at all reasonable times any Council controlled premises or land;
- (c) Access, examine and retain for such period as may be necessary all records, documents and correspondence relating to all financial and other transactions of the Council;
- (d) Require and receive explanations as are necessary concerning any matter under examination; and
- (e) Require any employee or member of the Council to produce cash, stores or any other Council property under their control.

4.4 Audit/Scrutiny Committee

Internal Audit reports to the Scrutiny Committee, the body charged with governance. The Head of Internal Audit or his representatives has the right of access to the Chair of the Committee.

4.5 The Head of Internal Audit is responsible for ensuring the Council's Anti Fraud, Anti Theft and Anti Corruption Policy is regularly reviewed.

4.6 Internal Audit will ensure that the Head of Paid Service is advised in circumstances where Internal Audit investigations, reviews and reports reveal fundamental weaknesses within the organisation or are relevant in any other way to the Head of Paid Service's responsibilities for the overall management of the Council.

4.7 Whenever, any matter arises which involves, or is thought to involve irregularities concerning assets and interests of the Council or any suspected financial irregularity in the exercise of the functions of the authority, the Head of Service will notify Internal Audit as soon as possible. The Head of Internal Audit will take such steps, as he

considers necessary and will report major irregularities to the Council Members charged with governance.

- 4.8 The Internal Audit Section will be available to assist the Chief Executive, Corporate Management Team and Council Member who may seek advice on internal control and governance matters.

PART B: SPECIFIC FINANCIAL REGULATIONS

5. ADVANCE ACCOUNTS

- 5.1 The Head of Finance will provide such advance accounts as he / she considers appropriate for such officers of the Council as may need them for the purposes of defraying petty cash and other expenses. Such accounts will be maintained by an imprest system.
- 5.2 Where he / she considers it appropriate, the Head of Finance may open an account with the Council's bankers or National Giro for use by the imprest holder who shall not cause such account to be overdrawn. It shall be a standing instruction to the Council's bankers that the amount of any overdrawn balance on an imprest holder's banking account will forthwith be reported to the Head of Finance.
- 5.3 No income received on behalf of the Council may be paid into an advance account, but must be banked or paid to the Council as provided elsewhere in these regulations.
- 5.4 Payments will be limited to minor items of expenditure not exceeding £100 and to such other items as the Section 151 Officer may require.
- 5.5 An officer responsible for an advance account will, if so requested, give to the Head of Finance a certificate as to the state of his / her imprest advance.
- 5.6 On leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest advance, an officer will account to the Head of Finance for the amount advanced to him / her.

6. BANKING ARRANGEMENTS AND CHEQUES

- 6.1 All arrangements with the Council's bankers will be made by or under arrangements approved by the Section 151 Officer, who will be authorised to operate such banking accounts, including National Giro Accounts, as he / she considers necessary.
- 6.2 All cheques, including National Giro payment forms, but excluding cheques drawn on authorised imprest accounts, will be ordered only on the authority of the Section 151 Officer, who will make proper arrangements for their safe custody.
- 6.3 Cheques drawn on the Council's main banking accounts, including any National Giro accounts, will bear the machine generated signature, or computer printed name, of the Section 151 Officer or be signed by the Section 151 Officer or other officer authorised to do so, in accordance with the thresholds approved by the Section 151 Officer.
- 6.4 Cheques will be dispatched direct to payees by the Section 151 Officer, unless he / she expressly authorises otherwise.

7. CONTRACTS FOR BUILDING, CONSTRUCTIONAL OR ENGINEERING WORK

- 7.1 All contracts on behalf of the Council will be subject to the Council's Contract Procedure Rules and any statutory provisions not yet incorporated within the rules.
- 7.2 The Head of Finance will be informed as soon as possible of all contracts, agreements, awards or other instruments involving the payment or receipt of money.
- 7.3 Where contracts provide for payment to be made by instalments, the Section 151 Officer will arrange for the keeping of a contract register or registers to show the state of account on each contract between the Council and the contractor, together with any other payments and the related professional fees.
- 7.4 Payments to contractors on account of contracts will be made only on a certificate issued by the appropriate Senior Officer, other duly authorised officer of the appropriate department, or a consultant authorised by the Council. The certificate will show the total amount of the contract, the value of the work executed to date, retention money, amount paid to date and the amount now certified.
- 7.5 Subject to the provisions of the contract in each case any extra variation will be authorised in writing by the appropriate Senior Officer or by such other responsible officer nominated by him / her in writing for the purpose, or consultant authorised by the Council.
- 7.6 The final certificate of completion of any contract will not be issued until the appropriate officer or consultant authorised by the Council has produced to the Section 151 Officer a detailed statement of account and all relevant documents if required.
- 7.7 The Section 151 Officer will, to the extent he / she considers necessary, examine contract records during the currency of the contract and final accounts for contracts and he / she will be entitled to make all such enquiries and receive such information and explanations as he / she may require in order to satisfy himself / herself as to the accuracy of the accounts.
- 7.8 Claims from contractors in respect of matters not clearly within the terms of any existing contract will be referred to the Head of Paid Service for consideration of the Council's legal liability and to the Section 151 Officer for financial consideration before a settlement is reached.
- 7.9 Where completion of a contract is delayed, except for reasons qualifying for an extension of the contract, it is the duty of the Senior Officer concerned, in conjunction with the Section 151 Officer, to take appropriate action in respect of any claim for Liquidated and Ascertained Damages.
- 7.10 All Heads of Service must report to the Head of Paid Service or the Head of Finance, as appropriate, any contract that has or develops risk or budgetary implications for the Council, as part of the Council's risk and financial management arrangements.

8. ESTATES

- 8.1 The Head of Paid Service will maintain a terrier of all properties owned, leased or managed by the Council, in a form prepared in consultation with the Section 151 Officer, recording, inter alia, purpose for which held, location, extent and plan

reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted.

- 8.2 The Head of Paid Service will have custody of all title deeds under secure arrangements agreed with the Section 151 Officer.
- 8.3 Where a property is no longer required for its intended use the responsible Senior Officer will report to the Cabinet on the suggested future use or disposal of the property.
- 8.4 The Senior Officer shall inform the Head of Finance when the property is disposed of in order that the appropriate accounting records can be updated.

9. INCOME

- 9.1 The collection of all money due to the Council shall be under the supervision of the Section 151 Officer.
- 9.2 Each Senior Officer will furnish the Head of Finance with such particulars in connection with work done, goods supplied or services rendered and of all other amounts due as may be required by him / her to record correctly all sums due to the Council and to ensure the prompt rendering of accounts for the recovery of income due.
- 9.3 The Head of Finance will be notified promptly of all money due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council and the Head of Finance will have the right to inspect any documents or other evidence in this connection as he / she may decide.
- 9.4 All receipt forms, books, tickets and other such items will be supplied to departments by the Section 151 Officer, who will satisfy himself / herself as to the arrangements for their control.
- 9.5 All money received by an officer on behalf of the Council shall without delay be paid to the Head of Finance or, as he /she may direct, to the Council's banking or National Giro account. No deduction may be made from such money save to the extent that the Head of Finance may specifically authorise. Each officer who so banks money will enter on the paying-in slip a reference to the related debt (such as the receipt number or the name of the debtor or otherwise indicate the origin of the cheque). Where a cheque is received in settlement of a debt, the cheque must be crossed and made payable to Suffolk Coastal District Council.
- 9.6 Personal cheques will not be cashed out of the money held on behalf of the Council.
- 9.7 Every transfer of official money from one member of staff to another shall be evidenced in the records of the departments concerned by the signature of the receiving officer.
- 9.8 The Section 151 Officer, after explanation by the appropriate Senior Officer, may write-off bad debts not exceeding £15,000 per item. Sums in excess of this limit shall be referred to the Cabinet.

10. INSURANCES

- 10.1 The Section 151 Officer shall effect all insurance cover and negotiate all claims in consultation with any other officers where necessary.

- 10.2 Senior Officers shall give prompt notification to the Section 151 Officer of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 10.3 Senior Officers shall forthwith notify the Section 151 Officer in writing of any loss, liability or damage or any event likely to lead to a claim, and the Section 151 Officer shall inform the Police in appropriate cases.
- 10.4 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.
- 10.5 Senior Officers shall consult the Section 151 Officer and Head of Paid Service in respect of the terms of any indemnity which the Council is requested to give.

11. INVENTORIES

- 11.1 Inventories shall be maintained by all departments and will include an adequate description of furniture, fittings and equipment, plant and machinery, save that the extent to which the property of the Council shall be so recorded and the form in which the inventories shall be kept is to be determined by the appropriate Senior Officer with the concurrence of the Section 151 Officer.
- 11.2 Each Senior Officer shall be responsible for maintaining an annual check of all items on the inventory and for notifying the Section 151 Officer of surpluses or deficiencies and noting the inventory accordingly.
- 11.3 The Council's property shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes except in accordance with specific directions issued by the Senior Officer concerned.

12. INVESTMENTS, BORROWINGS AND TRUST FUNDS

- 12.1 The Council will comply with the CIPFA's "Code of Practice For Treasury Management in Local Authorities". An annual Treasury Management Policy will be considered by the Cabinet each year.
- 12.2 All investments of money under its control shall be made in the name of the Council or in the name of nominees approved by the Cabinet; bearer securities shall be excepted from this regulation but any purchase of such securities shall be reported to the Cabinet.
- 12.3 A list of investments, authorised by the Section 151 Officer under guidelines determined by the Cabinet, shall:
 - (a) be reviewed, updated and authorised at regular intervals, having regard to the inclusion of names from Investment Managers' authorised lists, by reference to credit rating agencies, information available from brokers or investigations undertaken by the Section 151 Officer,
 - (b) determine the range of investments, within the Approved Investment Regulations; and

- (c) determine the maximum amount, either as a cash sum or a percentage of the total, which could be invested with any one name on the list.
- 12.4 All securities the property of, or in the name of, the Council or its nominees shall be held in the custody of the Section 151 Officer. The title deed of all property in the Council's ownership shall be held in the custody of the Head of Paid Service.
- 12.5 All borrowings shall be effected in the name of the Council.
- 12.6 The Section 151 Officer shall be the Council's registrar of stocks bonds and mortgages and shall maintain records of all borrowing of money by the Council.
- 12.7 All trust funds shall, wherever possible, be in the name of the Council.
- 12.8 All officers acting as trustees by virtue of their official position shall deposit all securities, etc. relating to the trust with the Head of Paid Service unless the deed otherwise provides.

13. ORDERS FOR WORKS, GOODS AND SERVICES

- 13.1 Official orders shall be in a form approved by the Section 151 Officer and are to be signed only by officers authorised by the appropriate Senior Officer who shall be responsible for all official orders issued from his or her department. The names and specimen signatures of officers authorised to sign such documents shall be forwarded to the Head of Finance.
- 13.2 Official orders shall be issued for all work, goods or services to be supplied to the Council except for supplies of public utility services, for periodical payments such as rent or rates, for petty cash purchases or such other exceptions approved by the Section 151 Officer.
- 13.3 Each order shall conform with the directions of the Council with respect to central purchasing and the standardisation of supplies and materials. Central Purchasing shall be used for all purposes except for those areas in which Management Team directs. An internal requisition shall be completed and signed by the appropriate budget holder so authorising the expenditure.
- 13.4 A completed official copy of each order shall be maintained in the spending department and, if so required, a further copy shall be supplied to the Section 151 Officer.

14. PAYMENT OF ACCOUNTS

- 14.1 Apart from petty cash, some wages and other payments authorised by the Head of Finance, the normal method of payment of money due from the Council shall be by use of the Banking Automated Clearing System (BACS), cheque or other instrument drawn on the Council's banking account or National Giro account by the Section 151 Officer or other authorised signatories.
- 14.2 The Senior Officer issuing an order is responsible for examining, verifying and certifying the related invoice(s) and similarly for any other payment vouchers or accounts arising from sources in his / her department. Such certification shall be in manuscript and include the full signature of the certifying officer. The names of officers authorised to sign such records shall be agreed between the Section 151 Officer and

each Senior Officer and names and specimen signatures shall be forwarded to the Section 151 Officer.

- 14.3 Before certifying an account, the certifying officer shall, save to the extent that the Section 151 Officer may otherwise determine, have satisfied himself / herself that:
- (a) the work, goods or services to which the account relates have been received, carried out, examined and approved;
 - (b) the prices, calculations, trade discounts, other allowances, credits and tax are correct;
 - (c) the relevant expenditure has been properly incurred, is within the relevant estimate provision;
 - (d) appropriate entries have been made in inventories, stores records or stock books as required;
 - (e) the account has not been previously passed for payment and is a proper liability of the Council; and
 - (f) relating to travelling and subsistence claims, the certification by or on behalf of the Senior Officer shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
- 14.4 Duly certified accounts shall be passed, without delay, to the Head of Finance who shall examine them to the extent that he / she considers necessary, for which purpose he / she shall be entitled to make such enquiries and to receive such information and explanations as he / she may require.
- 14.5 Any amendment to an account shall be made in ink and initialled by the officer making it and by the certifying officer, stating briefly the reasons where they are not self-evident.

15. PROTECTION OF PRIVATE PROPERTY

- 15.1 Private property is kept on the Council's premises at the owner's risk.
- 15.2 All valuables such as jewellery, watches and other small articles of a similar nature and documents of title can, if the owner so desires, be deposited with the Section 151 Officer for safe custody.

16. SALARIES, WAGES AND PENSIONS

- 16.1 The payment of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees of the Council shall be made by the Head of Finance or under arrangements approved and controlled by him / her.
- 16.2 Each Senior Officer shall notify the Head of Finance, as soon as possible and in the form prescribed by him / her, of all matters affecting the payment of such emoluments and in particular:

- (a) appointments, resignations, dismissals, suspensions, secondments and transfers;
- (b) absences from duty for sickness or other reason, apart from approved leave;
- (c) changes in remuneration, other than normal increments and pay awards and agreements of general application; and
- (d) information necessary to maintain records of service for superannuation, income tax, national insurance and the like.

Notification of changes under (a) and (c) shall be made via the Head of Personnel.

- 16.3 Appointments of all employees shall be made in accordance with the regulations of the Council and the approved establishments, grades and rates of pay.
- 16.4 All time records or other documents relating to payment of salaries, wages, pensions, compensation and other emoluments shall be in a form prescribed or approved by the Head of Finance and shall be certified in manuscript by or on behalf of the Senior Officer. The names of the officers authorised to sign such records shall be sent to the Head of Finance by each Senior Officer, together with specimen signatures and shall be amended on the occasion of any change.

17. SECURITY

- 17.1 Each Senior Officer is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash etc. under his / her control. He / she shall consult the Section 151 Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 17.2 Maximum limits for cash holdings shall be agreed with the Section 151 Officer and shall not be exceeded without his / her express permission.
- 17.3 Keys to safes and similar receptacles are the responsibility of the person holding those keys and are to be stored safely; the loss of any such keys must be reported to the Section 151 Officer forthwith.
- 17.4 Each Senior Officer shall be responsible for maintaining proper security and privacy in respect of confidential information held in his / her department and shall ensure compliance with the Data Protection Act, 1998.
- 17.5 The Section 151 Officer shall be responsible for overall guidance on compliance with the Data Protection Act, 1998.

18. STOCKS AND STORES

- 18.1 Each Senior Officer shall be responsible for the care and custody of the stocks and stores in his / her department.
- 18.2 Stocks shall not be in excess of normal requirements except in special circumstances with the approval of the Section 151 Officer.
- 18.3 Each Senior Officer shall arrange for periodical test examinations of stocks to be undertaken by persons other than the storekeepers and shall ensure that all stocks are

checked at least once within each year of account, or as required by the Section 151 Officer.

- 18.4 The Section 151 Officer shall be entitled to check stores and to receive from each Senior Officer such information as he / she requires in relation to stores for the accounting, costing and financial records.
- 18.5 Adjustments to write-off deficiencies, or to bring surpluses into charge, shall be subject to the approval of the Section 151 Officer. They shall be submitted to him her on schedules certified by the appropriate Senior Officer.
- 18.6 Surplus materials, stores or equipment shall be disposed of by competitive tender or public auction unless the committee concerned decides otherwise in a particular case.

Contracts Procedure Rules

1. Application and Exceptions

- 1.1 Except as expressly provided for herein, every contract made by or on behalf of the Council shall comply with these Contracts Procedure Rules (hereinafter referred to as the "Rules").
- 1.2 Every contract to which these Rules apply shall be in writing and shall, where appropriate, contain the terms and conditions given in Rule 16. Contracts estimated to be above £25,000 (or any other contract where the appropriate Senior Officer deems such a requirement to be appropriate) shall be in a form approved by the Solicitor to the Council.
- 1.3 These Rules shall not apply to contracts made by or on behalf of the Council in respect of the following:-
 - 1.3.1 The lending, borrowing or investing of money;
 - 1.3.2 The employment of an individual (see Officer Employment Procedure Rules);
or
 - 1.3.3 Land transactions.
- 1.4 No exception from the Rules shall be made otherwise than by direction of the appropriate Cabinet member (in the case of an executive function) or Council, committee or sub-committee as appropriate in other cases. Where the Council's approval to the contract is required, the Cabinet member, committee or sub-committee shall report to the Council any direction given in pursuance of this Rule.
- 1.5 These Rules shall be subject to the requirements of English and European law. In the event of conflict between the requirements of the Rules and the requirements of English and European law, the requirements of English and European law shall prevail.
- 1.6 These Rules must be read in conjunction with the Council's Financial Procedure Rules and such other rules and regulations as are relevant to the issuing of contracts, but in the event of any conflict these Rules shall prevail.
- 1.7 The Council may from time to time approve codes of practice for the purpose of providing detailed guidance on the implementation of these Rules. Such codes of practice shall be subordinate to these Rules and, in the event of any conflict, these Rules shall prevail.
- 1.8 In the event of doubt as to the interpretation of these Rules, guidance must be sought from the Solicitor to the Council.

2. Definitions and Interpretation

- 2.1 Within these Rules, unless otherwise specified or implied, the following words shall have the meanings given to them:-

A "**Senior Officer**" means:

- (a) the Chief Executive, a Strategic Director or Head of Service

“Contract” means any agreement between the Council and any person, firm, company or partnership for the supply of goods or materials, or the execution of any works or services.

“The Council” shall be deemed to include reference to the Cabinet or a committee or sub-committee of Suffolk Coastal District Council, or an officer or other person acting in accordance with delegated authority on behalf of Suffolk Coastal District Council.

“Cabinet member” means the councillor who is a member of the Cabinet and is responsible for the Council activity specific to the contract. In the event of dispute or absence, the Leader of the Council shall determine the Cabinet member(s) who shall be consulted.

2.2 Within these Rules, except where the context otherwise implies or allows, words importing any gender include any other gender, and words in the singular include the plural and vice versa.

2.3 Prices mentioned are exclusive of Value Added Tax.

3. Compliance with European Union Procurement Directives

3.1 Procurement contracts whose value is estimated to exceed prescribed value thresholds must be let in conformity with the relevant European procurement legislation.

3.2 Procurement contracts that would naturally form a single contract but which exceed the European value thresholds must not be dis-aggregated to avoid the need to comply with European procurement legislation.

3.3 In a case where the award of a contract is subject to European procurement legislation, the tender and selection procedure shall be conducted by the appropriate Senior Officer in consultation with the Solicitor to the Council.

4. Estimates

- 4.1 Before quotations or tenders are invited for any contract, an estimate of the probable contract value shall be prepared by the appropriate Senior Officer to determine the correct route to follow as laid down by these Rules.

5. Tenders and Quotations: Exclusions

- 5.1 Nothing in these Rules shall require the invitation of tenders or quotations if, in the opinion of the appropriate Cabinet member or, in the case of contracts relating to non-executive functions (as defined in Part 3, Section A of the Constitution), the appropriate Senior Officer:

5.1.1 in the case of contracts for the supply of goods, services or materials:

5.1.1.1 the goods, services or materials are proprietary articles and are sold only at a fixed price and no reasonably satisfactory alternative is available;

5.1.1.2 the prices of goods, services or materials are wholly controlled by trade organisations or government order and no reasonably satisfactory alternative is available;

5.1.1.3 for other reasons, there would be no genuine competition;

5.1.2 the contract constitutes an extension of an existing contract the terms of which are the same as the existing contract, provided that the value or duration of the extension does not exceed that of the original contract by more than 50%;

5.1.3 the contract is required so urgently as not to permit the invitation of tenders (such an event to be reported to the next meeting of the Council);

5.1.4 the contract relates to repairs to existing proprietary machinery or plant where the work has previously been subject to tender in accordance with Rules 6 or 7;

5.1.5 tenders shall have been invited on behalf of any consortium, collaboration or similar body of which the Council is a member in accordance with any method adopted by such a body, provided that the delivery, opening and acceptance of such tenders shall comply with the provisions of these Rules, save where those provisions are inconsistent with any method by which tenders so obtained are dealt with;

5.1.6 the contract is to be performed in accordance with arrangements with another local authority or statutory undertaking; and

5.1.7 the procedure relating to the contract is controlled by legal requirements or the provisions of any agency agreement.

- 5.2 Nothing in these Rules shall require the invitation of competitive tenders if, in the opinion of the appropriate Cabinet member or Senior Officer:

- 5.2.1 the subject matter of the contract is supplied only at a fixed price or is obtainable only from one source and no reasonably satisfactory alternative is available;
- 5.2.2 the contract constitutes an extension of an existing contract (subject to Rule 5.1.2 above);
- 5.2.3 the contract is for work to be executed and the Council has approved an extension of an existing contract or a scheme of negotiated or serial tenders (subject to Rule 5.1.2 above);
- 5.2.4 the contract consists of urgent repairs of whatever nature to safeguard life or limb or is necessary to maintain effective services in the event of fire, subsidence, storm, flood or other emergency (in which circumstances the Cabinet member or Senior Officer concerned shall be empowered to obtain the necessary goods or services or to order the necessary works to be put in hand immediately and shall report to the next meeting of the Council if the expenditure is not otherwise provided for);
- 5.2.5 the subject matter of the contract is subject to commodity market trading and the Cabinet member or Senior Officer concerned is satisfied that it may thus be obtained at a lower price than may otherwise be obtained;
- 5.2.6 the contract is for the provision of insurance services;
- 5.2.7 the contract is with professional persons in which the personal skill of those persons is of primary importance;
- 5.2.8 the estimated expenditure or income under the contract is not more than **£25,000**.

6. Quotations: Contracts estimated not to exceed £50,000

- 6.1 No contract estimated to be between £10,000 and not greater than £25,000 shall be entered into without a minimum of one written quotation being previously invited.
- 6.2 No contract estimated to be greater than £25,000 and not greater than £50,000 shall be entered into without a minimum of three written quotations being previously invited.
- 6.3 In these Rules, "quotation" means a price for the performance of a proposed contract submitted in response to an invitation to do so by or on behalf of the Council and not in response to any form of public notice or advertising relating to the proposed contract.

7. Tenders: Contracts estimated to exceed £50,000

- 7.1 Except as expressly provided for herein, tenders shall be invited for all contracts estimated to exceed £50,000 in accordance with the Rules.
- 7.2 No contract estimated to exceed £50,000 but not £100,000 shall be entered into unless at least four tenders have been invited for that contract except that, if fewer than four persons have applied to be invited to tender or, in the opinion of the Cabinet member or Senior Officer concerned, there are fewer than four persons able

to tender for the contract, all such persons shall be invited to tender. Where an Approved List (see Rule 9.3) exists for an area of work, then contractors can only be invited to tender from that list to undertake any work covered by that list.

- 7.3 Contracts estimated to exceed £100,000 shall be dealt with by way of Selective Tendering in accordance with Rule 9.2 unless the Cabinet member or Senior Officer concerned considers that it would be in the interest of the Council to resort to Open Tendering in accordance with Rule 9.1.

8. Tendering Procedures

- 8.1 Public notices inviting tenders and invitations to tender shall state that the contract shall be awarded on the basis of one of the following:

8.1.1 the lowest price only; or

8.1.2 the most economically advantageous tender.

- 8.2 In the case of Rule 8.1.2, the criteria that will be used to determine which tender is the “most economically advantageous” must be stated in the tender documents or in the contract notice in descending order of importance.

- 8.3 Invitations to tender shall include all those matters that those invited to tender shall take into account in preparing their tender including (where relevant):

- Conditions to be observed when tendering (see Rule 8.4)
- Contract Terms and Conditions (see Rule 16)
- Specification
- Bills of Quantities
- Drawings

- 8.4 Those invited to tender shall be advised of the following conditions to be observed when tendering:

8.4.1 The Council does not bind itself to accept the lowest or any tender.

8.4.2 No tender shall be considered unless enclosed in a plain envelope or package which shall be securely sealed and bear the word “Tender” followed by the subject to which the tender relates. The envelope or package must not bear any name or mark indicating the identity of the person or firm submitting the tender. Envelopes sent to prospective tenderers should state the name of the tender, the date and time by which the tender is to be received and the return address.

8.4.3 For contracts estimated to be greater than £50,000 the tender envelope shall be addressed impersonally to the Head of Legal and Democratic Services at the Council's principal address or, in the case of contracts of less than £50,000 or sub-contracts to which Rule 9.5 (Nominated Sub-Contractors and Nominated Suppliers) applies, to the appropriate Head of Service.

- 8.5 Nothing in these Rules shall require tenders or quotations to be sought from any contractor who has failed to satisfy the minimum requirements of economic viability, technical competence, health and safety or standards of quality established in relation to the execution of those works or the supply of those goods and services.

9. Special Tendering Procedures

9.1 Open Tendering

9.1.1 Public notice shall be given in appropriate newspapers or journals expressing the nature and purpose of the contract, and inviting persons interested in carrying out the contract to apply to the Senior Officer concerned for a copy of the tender documentation. The notice shall state the last day and time by which tenders must be received.

9.2 Selective Tendering

9.2.1 Public notice shall be given by the Senior Officer concerned in appropriate newspapers or journals circulating among such persons as undertake such contracts setting out particulars of the contract into which the Council wish to enter and inviting persons to apply within such period, not being less than ten days, as may be specified for permission to tender. A copy of the notice may also be sent to persons whose names appear in a list maintained under Rule 9.3 as being approved for the contract in question.

9.2.2 After the expiration of the period specified in the public notice, an invitation to tender for the contract shall be sent to such number, being not less than four of the persons who applied for permission to tender, as shall be determined and selected in the manner determined by the Cabinet member or Senior Officer concerned, or, if fewer than four persons have applied and are considered suitable, to all such persons.

9.2.3 Where any person has applied for permission to tender but is not invited to tender, the appropriate Senior Officer shall notify that person of the decision not to invite him to tender.

9.3 Approved Lists of Selected Tenderers

9.3.1 This Rule shall have effect where the Council has determined that lists shall be kept of persons to be invited to tender for contracts for the supply of goods or services of specified categories of works.

9.3.2 Where an Approved List exists for an area of work, then contractors can only be selected from that list to undertake any work covered by that list.

9.3.3 The said lists shall be completed and maintained by the appropriate Senior Officer and shall contain the names of all persons who wish to be included in it and are approved by the appropriate Cabinet member (in the case of an executive function as defined in Part 3, Section A of the Constitution) or Council, committee or sub-committee as appropriate in other cases.

9.3.4 At least four weeks before the lists are first compiled notices inviting applications for inclusion in the lists shall be published by the appropriate Senior Officer in appropriate newspapers or journals circulating among such persons as undertake contracts of the specified values or amounts or categories.

9.3.5 The lists shall be reviewed at intervals not exceeding three years and may be amended as required from time to time between such reviews by the appropriate Cabinet member or Senior Officer. At least four weeks before any review each person whose name appears in the lists shall be asked whether he / she wishes his / her name to remain therein and notices inviting applications for inclusion in the lists shall be published in the manner provided in Rule 9.3.4 above.

9.3.6 Invitations to tender for contracts to which this Rule applies shall be sent by the appropriate Senior Officer to not less than four of the persons on the approved list selected in the manner determined by him / her after consultation with the relevant Cabinet member or, if fewer than four persons are considered suitable, to each of such persons.

9.4 Serial and Single Tenders

9.4.1 Rule 7 shall not apply where:

9.4.1.1 the proposed contract for the execution of the work forms part of a serial programme the terms having been negotiated with the contractor on the basis of the rates and prices contained in an initial contract awarded competitively following an invitation to tender in accordance with Rule 7; or

9.4.1.2 the Council considers it desirable in the best interest of the Council that a tender be invited for the execution of work from a contractor selected by it or negotiated with a contractor already engaged by the Council (where negotiations are based on a previous similar contract, the contract must have been won by competitive tender not more than eighteen months previously by one of the methods described in Rule 7 above).

9.5 Nominated Sub-Contractors and Nominated Suppliers

9.5.1 Rules 7.2 and 7.3 and the value bands referred to therein shall apply to nominated sub-contractors and suppliers as if the word "contractor" was replaced by the words "nominated sub-contractor or supplier" and the word "contract" was replaced by the word "sub-contract".

9.5.2 The appropriate Senior Officer is authorised to nominate to the main contractor the sub-contractor or supplier whose tender, obtained in accordance with any one of the above-mentioned Rules is, in his / her opinion, the most satisfactory.

9.5.3 The appropriate Senior Officer must notify contractors of any decision relating to the withholding of approval for sub-contractors or the nomination of sub-contractors.

10. Receipt and Custody of Tenders

10.1 Upon receipt, all tender envelopes shall be endorsed with the date and time of receipt and shall remain in the secure custody of the Head of Legal and Democratic Services or the appropriate Senior Officer until opened in accordance with Rule 11 (Opening Tenders) below.

11. Opening Tenders

- 11.1 No tender shall be opened until after the date and time appointed for the receipt of tenders for the proposed contract or sub-contract. All tenders for the same contract or sub-contract shall be opened at one time. Immediately upon the opening of tenders, the date and time of opening, the names of tenderers and, where practicable, the amounts of the tender shall be recorded on a list, which list shall be signed by the officers present at the opening. Tender lists shall be retained (in the case of tenders received by the Head of Legal and Democratic Services) by the Head of Legal and Democratic Services or (in the case of tenders received by the Senior Officer) by the appropriate Senior Officer.
- 11.2 Tenders received by the Head of Legal and Democratic Services shall be opened in the presence of the Head of Legal and Democratic Services and the appropriate Senior Officer or an officer authorised by and representing each of them.
- 11.3 Tenders received by an appropriate Senior Officer shall be opened in the presence of that Senior Officer, or an officer authorised by and representing him / her, and another authorised officer from the same department as the appropriate Senior Officer.

12. Late Tenders

- 12.1 Any tender submitted in competition received after the specified time shall be returned promptly to the tenderer by the Head of Legal and Democratic Services or the appropriate Senior Officer. The tender may be opened to ascertain the name and address of the tenderer, but no details of the tender shall be disclosed.

13. Mathematical Errors

- 13.1 Where examination of tenders reveals errors or discrepancies that would affect the tender figure(s) in an otherwise successful tender, the tenderer must be given details of such errors and afforded an opportunity of confirming or withdrawing his / her offer. If the tenderer withdraws, the priced tender document of the second lowest should be examined and if necessary this tenderer be given similar opportunity.
- 13.2 If the lowest tenderer is unable or unwilling to stand by his / her offer and it is not in the Council's best interest to approach the second tenderer, then the Senior Officer concerned shall be allowed to ask all the tenderers included in the original approved list to re-tender on the same specification.

14. Acceptance of Tenders

- 14.1 The arrangements in this Rule shall be subject to:
- 14.1.1 these Rules having been complied with; and
- 14.1.2 the appropriate Senior Officer for contracts estimated to exceed £50,000 and the Solicitor to the Council being satisfied that the tender is acceptable in all respects.
- 14.2 For contracts where payment is to be made by the Council, and subject to Rule 14.5, if the lowest or most economically advantageous tender is shown to be satisfactory and is not more than the approved estimate, it may forthwith be accepted in writing

by the appropriate Senior Officer provided that tenders for contracts estimated to exceed £100,000 may only be accepted by the appropriate Senior Officer following consultation with appropriate Cabinet member (in the case of an executive function) or the chairman or vice-chairman of the relevant committee or sub-committee in other cases.

- 14.3 For contracts where payment is to be received by the Council, and subject to Rule 14.5, if the highest or most economically advantageous tender is shown to be satisfactory and is not less than the approved estimate, it may forthwith be accepted in writing by the appropriate Senior Officer.
- 14.4 If the tender relates to a contract award which is the subject of a Decision Notice, that contract shall not be awarded until the Council's call-in procedure has been fully complied with. Any such Decision Notice shall make it clear that the award will be subject to the Council's decision-making process and on terms to protect the Council's interests.
- 14.5 Any tender which does not meet the requirements of Rules 14.1, 14.2 or 14.3 shall not be accepted by the relevant Cabinet member until he / she has considered a report from the Senior Officer concerned (in the case of an executive function) or the matter has been the subject of report to the Council, committee or sub-committee as appropriate in other cases.
- 14.6 The appropriate Senior Officer, in consultation with the Head of Finance and the Solicitor to the Council, shall be authorised to negotiate any subsequent variation in the terms of a tender where it is in the financial or legal interests of the Council to do so.
- 14.7 Once the contract has been awarded, the appropriate Senior Officer shall send a list of prices tendered to all unsuccessful tenderers.

15. Engagement of Consultants

- 15.1 For the purpose of this Rule, "**consultant**" means any person, firm, company or partnership not currently employed by the Council having a specialism or expertise which is not readily available from amongst those employed by the Council and who is appointed in any advisory capacity to act for the Council as if he / she were a Senior Officer of the Council.
- 15.2 Consultants shall only be appointed if the process of tendering as prescribed for contracts in Rules 6 and 7 (Quotations and Tenders) has been followed, except:
 - 15.2.1 where the nature of the work is deemed by the appropriate Cabinet member or Senior Officer to be so specialised as to preclude quotations or tenders being received from more than one source; and
 - 15.2.2 where the advice or work of a consultant is in the opinion of the appropriate Cabinet member or Senior Officer required as a matter of urgency.
- 15.3 It shall be a condition of the engagement of the services of any consultant who is to be responsible to the Council for the supervision of a contract on its behalf, that in relation to that contract, he / she shall by formal agreement in writing:

- 15.3.1 comply with these Rules and the Council's Financial Procedure Rules as though he /she were a duly appointed Officer of the Council and copies of the said Rules shall be provided to the consultant by the appointing Senior Officer;
- 15.3.2 produce to the appropriate Senior Officer or the External or Internal Auditor on request, all the records maintained by him / her in relation to the contract;
- 15.3.3 on completion of a contract, transmit all such records to the appropriate Senior Officer concerned as are required to be returned by that Senior Officer; and
- 15.3.4 provide to the appropriate Senior Officer evidence of continuing professional indemnity insurance to the extent of the value of his / her current workload.

16. Contract Terms and Conditions

- 16.1 Every contract shall, where appropriate, contain the terms and conditions given in this Rule.
- 16.2 Subject matter: the goods, materials, services or the work to be supplied provided or executed (including as appendices any necessary technical specifications, plans or drawings).
- 16.3 Price: the payments to be made under the contract with a statement of any discounts or other deductions.
- 16.4 Time: the time or times within which the contract is to be performed.
- 16.5 Assignment: the contractor shall be prohibited from sub-letting or assigning the contract or any part of the contract without the prior written consent of the relevant Senior Officer. Such consent will not be unreasonably withheld, but shall be on terms the Council considers reasonable in the circumstances.
- 16.6 Substitution: the contractor shall be prohibited from substituting any goods or materials specified within the contract for any others without the prior written consent of the relevant Senior Officer. Such consent will not be unreasonably withheld but shall be on terms the Council considers reasonable in the circumstances.
- 16.7 Liquidated Damages: in every contract which provides for its performance by a specified date or series of dates, there shall be included, except as agreed by the appropriate Senior Officer a suitable provision for liquidated damages to be paid by the contractor in the event of any failure on the part of the contractor to perform and carry out his / her obligations under the contract within the time or times allowed for that purpose.
- 16.8 Surety: except where otherwise agreed by the appropriate Senior Officer, the contractor shall provide sufficient financial security in the form of Performance Bond, parent / ultimate holding company guarantee or deposit (to be approved by the appropriate Senior Officer and the Head of Finance) collateral to the contract. The surety shall be released upon the request of the contractor following satisfactory completion of all of the contractor's obligations under the contract.

- 16.9 Warning Notices: where the appropriate Senior Officer shall so require, a provision for a process of the issuing of warning notices, which allow the Council to advise the contractor of any defects in the quality or quantity of provision prior to the issue of claims for default penalties. The nature and wording of these warning notices will be appropriate to the contract, but will be intended to reflect the scale and severity of the failures by the contractor to meet the requirements of the contract.
- 16.10 Anti-corruption: the Council shall be entitled to terminate the contract forthwith and to recover from the contractor the amount of any loss resulting from such termination:-
- 16.10.1 if the contractor shall, in the opinion of the Council, have offered or given, or agreed to give, to any person, any gift or consideration of any kind as an inducement or reward for doing or forbearing to do, or for having done or forborne to do any action in relation to the contract or any other contract, whether with the Council or with anyone else; or
 - 16.10.2 if the contractor shall have shown or forborne to show favour or disfavour to any person in relation to the contract or any other contract with the Council or with anyone else; or
 - 16.10.3 if the like acts shall have been done by any person employed by the contractor or acting on his / her behalf (whether with or without the knowledge of the contractor); or
 - 16.10.4 if in relation to any contract, whether with the Council or with anyone else, the contractor or any person employed by him / her or acting on his / her behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 (or any amendments of them); or
 - 16.10.5 if in relation to any contract, whether with the Council or with anyone else, the contractor or any person employed by him / her or acting on his / her behalf shall have given any fee or reward, or solicited or accepted any form of money, or taken any reward, collection or charge for performing the contract, other than bona fide charges previously approved in writing by the Council.
- 16.11 Default in Performance: should the contractor default in the terms of the contract the Council, without prejudice to any remedy for breach of contract, shall be at liberty to:-
- 16.11.1 determine the contract either wholly or to the extent of any such default and the Council shall be at liberty to purchase other goods or secure other services or works as the case may be of the same or similar description to make good such default; or
 - 16.11.2 in the event of the contract being wholly determined, every contract shall provide that the amount by which the cost of purchasing other goods or so securing the services or so executing the works exceeds the amount which would have been payable to the contractor in respect of the goods or services or works as the case may be shall be recoverable from the contractor, together with any consequential costs of retendering the contract.

- 16.12 Rights of Third Parties: notwithstanding any other provision of the contract, nothing in the contract shall confer or purport to confer any right to enforce any of its terms on any person who is not a party to it.
- 16.13 Contract completion: no payments that may otherwise become due under the contract shall be made unless and until it has been signed and / or sealed by both parties.
- 16.14 Freedom of Information: the contractor shall assist the Council at no additional charge in meeting any requests for information made to it in connection with the Freedom of Information Act 2000 or any other similar guidelines, code of practice, or legislation which arise in connection with the contract. The Contractor shall supply the Council with any such information within five working days of request or such longer period as may be agreed by the Council.
- 16.15 Such other conditions and stipulations (including provisions with regard to the initial deduction from payments to be made to the contractor of a specified percentage to be held as retention money, the subsequent release of amounts so deducted, the contractor's responsibility for the maintenance of any works to be carried out under the contract whether during a specified defects liability period or otherwise, insurances to be provided and maintained by the contractor and the circumstances in which the contract shall be determinable) as may in any particular case be necessary or desirable.

17. Electronic Quotations and Tenders

- 17.1 As an alternative to the submission of hard copy quotations or tenders, and subject to the prior approval of the Solicitor to the Council and Senior Officer concerned, quotations or tenders may be submitted electronically via a secure electronic tendering software system. Where an electronic tendering system is used, those providing quotations or tenders will be instructed as to how quotations or tenders should be submitted, how they will be opened, and how late tenders will be dealt with.

Officer Employment Procedure Rules

1. Recruitment and Appointment

(a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, husband, wife, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the spouse or partner of such persons.
- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Senior Officer or an officer nominated by him / her.

(b) Seeking Support for Appointment

- (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.
- (iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of Paid Service, Strategic Directors or Heads of Service

- (a) Where the Council proposes to appoint a Head of Paid Service, Strategic Director or Head of Service and it is not proposed that the appointment be made exclusively from among existing officers, the Council will:

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

- (b) Where a post has been advertised as provided in this procedure rule the authority shall –

- (i) interview all qualified applicants for the post; or
- (ii) select a short list of such qualified applicants and interview those included on the short list.

- (c) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with this procedure rule.

3. **Appointment of Head of Paid Service**

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

4. **Appointment of Strategic Directors and Heads of Service**

- (a) A committee or sub-committee of the Council will appoint Strategic Directors and Heads of Service. That committee or sub-committee must include at least one member of the Cabinet.
- (b) An offer of employment as a Strategic Director and Head of Service shall only be made where no well-founded objection from any member of the Cabinet has been received.

5. **Other Appointments**

- (a) **Officers below Head of Service.** The appointment of officers below Head of Service (other than assistants to political groups) is the responsibility of the Head of Paid Service or his / her nominee, and may not be made by councillors.
- (b) **Assistants to Political Groups.** The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. **Disciplinary Action**

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Section 151 Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- (c) Councillors will not be involved in the disciplinary action against any officer below Head of Service except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

7. **Dismissal**

Councillors will not be involved in the dismissal of any officer below Head of Paid Service except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

8. **Definitions**

A "**Senior Officer**" is a Strategic Director of Head of Service.

References:

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

The Local Authorities (Standing Orders) (England) Regulations 2001

(Note: These Officer Employment Procedure Rules reproduce the relevant provision of the above mentioned Regulations)

Chapters 8 and 9, DETR Guidance

Part 5

Codes and Protocols

Members Code of Conduct

The Model Code of Conduct – Authorities Operating Executive Arrangements

Part 1

General Provisions

Introduction and Interpretation

1. (1) This Code applies to you as a member of an authority
- (2) You should read this Code together with the general principles prescribed by the Secretary of State (a)
- (3) It is your responsibility to comply with the provisions of this Code
- (4) In this Code

“meeting” means any meeting of :

- (a) the authority;
- (b) the executive of the authority
- (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees

“member” includes a co-opted member and an appointed member

- (5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55 (12) of the Local Government Act 2000

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority—
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3.
 - (1) You must treat others with respect.
 - (2) You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006[a]);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a).

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
 - (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

- (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(a).

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to scrutiny committees

11. You also have a prejudicial interest in any business before a scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

- (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13. (1) Subject to paragraph 14, you must, within 28 days of—
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Officers' Code of Conduct

1. Standards

Employees must give the highest possible standard of service to the public and, where it is part of their duties, provide appropriate advice to elected members and fellow employees with impartiality.

The Council is committed to the highest possible standards of openness, probity and accountability. In line with this commitment employees and others with serious concern about any aspects of the Council's work are encouraged to come forward and voice those concerns.

Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. In these circumstances, it may be easier to ignore the concern than report what may be just a suspicion of malpractice. The Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the Council and to do so without fear of reprisals.

2. Disclosure of Information

Employees must not use information obtained in the course of their employment for personal gain or benefit, nor pass information onto others who might use it in such a way. Unauthorised disclosure of information of this kind may result in disciplinary action being taken against the employee concerned.

Data Protection

The **Data Protection Act 1998** regulates the use and disclosure of personal information relating to living individuals. The Act lays down detailed conditions for the processing of personal data and outlines the rights of an individual to access information held about them and to have inaccurate data corrected or erased. A person may also apply to Court for compensation for breaches of the Act, including damage or distress caused through inaccuracy, unauthorised disclosure or destruction of their personal data.

The Act applies to anyone holding data about living individuals on computer and / or manual records. Those responsible for the processing of personal data should liaise with the Council's Data Protection Officer to ensure that the use of the data is registered as necessary with the Government's Data Protection Commissioner. Eight enforceable Data Protection Principles are contained within the Act and these must be adhered to.

It is important that employees are fully aware of their responsibilities in this respect because in the event of a breach of the act the employee may be held personally liable for not complying with or acting against the provisions of the act and its eight principles.

The Eight Data Protection Principles:

1. **Personal data must be obtained and processed fairly and lawfully.** In other words, the person from whom the information is obtained must not be deceived about the purpose for which it is gathered. The Act sets out the conditions which must be met before processing any data and outlines additional conditions which apply to 'sensitive' data.
2. **Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose.** The purposes must be defined and registered with the Commissioner. Any new uses of personal data or changes to existing uses must be notified to the Council's Data Protection Officer because an amendment to the Council's registration may be required. Once data has been collected for certain defined purposes it should not then be used for other purposes.
3. **Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is to be processed.** Users cannot collect data 'for the sake of it' in case 'it might come in handy'. Personal data held should only be sufficient to operate the system.
4. **Personal data shall be accurate and where necessary kept up to date.** This places an obligation on data users to take steps to ensure the accuracy of the data they hold, and to keep it up-to-date. This is important as data users can be held liable for damages and compensation payable to data subjects if inaccurate data causes harm or distress to them. It is an offence under the Act to knowingly or recklessly hold or process inaccurate data.
5. **Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose.** The basic requirement is for users not to hold data for indefinite periods on the premise that 'it might come in useful one day'. It is necessary to justify the period for which personal information is kept.
6. **Personal data shall be processed in accordance with the rights of data subjects under the Act.** The data subject has the right (*inter alia*) to have his / her personal data processed fairly and lawfully (including that of being told of the identity of the data controller and the purposes of processing); to be given, on making a written request and paying a fee, a description of all the personal data which is being processed and to receive it in an intelligible form; to have inaccurate data corrected or erased; to seek compensation if he / she suffers damage by reason of any contravention of the Act.
7. **Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data against accidental loss or destruction of or damage to personal data.** This requires that the data users take reasonable security measures to ensure that data cannot be lost, or accessed or tampered with by unauthorised persons. This is probably the principle which will require most attention by employees, who have a personal responsibility for the security of data used. It is important that personal data is not left on display or lying around, either on computer screens, on printouts or manual records and files. Any information read by unauthorised personnel is classed as unauthorised disclosure and can result in legal action against the Council or, indeed, the member of staff

responsible if it is shown that he / she knowingly or recklessly disclosed the information. Such legal action can also be a result of careless conversation in the presence of others (non employees) if the information causes damage or distress to the data subject to whom the personal data relates. Inadequate security measures can result in heavy fines and damages to both an individual and a registered data user.

8. **Personal Data shall not be transferred outside the European economic area unless that country or territory has an adequate level of protection for the processing of that personal data.**

In conclusion, each employee will almost certainly, in the course of their duties, handle personal data to which the Data Protection Act will apply. To be safe, it is best practice to apply the eight principles to all the personal data you handle.

Any queries or concerns about data protection should be addressed to your Section Head or consult the Data Protection Officer (Audit Manager) direct. This is particularly important should you receive a request from an individual for access to their personal information, as there is only a limited amount of time to respond to such a request.

3. Political Neutrality

Employees serve the District Council as a whole. They must serve all elected members and not just those of the controlling group. In addition, they must ensure that the individual rights of all elected members are respected.

An officer should not be called upon to advise any political group of the Council either as to the work of the group or as to the work of the Council, nor be required to attend any meeting of any political group.

Whether or not employees are politically restricted by the law, they must follow the lawfully expressed policies of the District Council and must not allow their own personal or political opinions to interfere improperly with their work.

4. Relationships

Elected Members

Mutual respect between employees and elected members is essential. However, close personal familiarity between employees and elected members can damage professional relationships and prove embarrassing to other employees and elected members and, wherever reasonable and possible, should be avoided.

The Local Community and Service Users

Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial delivery of services to all groups and people within that community according to the policies of the District Council.

Contracts

Employees must make known in writing to their Head of Service all relationships of a business or private nature they have with external or potential contractors. Orders

and contracts must be awarded on merit, by fair competition where appropriate against other tenders and no special favours must be shown to potential contractors (particularly those run by, for example, friends, personal or business partners, spouses or relatives) in the tendering process.

Employees who, in the course of their job, engage or supervise contractors or have any other official relationship with contractors and / or have had or currently have a relationship in a private or domestic capacity with contractors (or their senior staff) must also declare that relationship in writing to their Head of Service.

5. Appointment and Other Employment Matters

Employees involved in appointments must ensure that these are made on merit. There is a strong risk of illegality if an employee makes an appointment based on anything other than the ability of the applicant to undertake the duties of the post. To avoid accusations of bias, employees must not be involved in appointments where they are related to an applicant or otherwise have a close, personal relationship with them.

By the same token, employees must not be involved in supervisory decisions relating to the discipline, promotion or remuneration (regrading) of any employee to whom they are related or otherwise have a close, personal relationship.

6. Outside Commitments

Full-time employees have conditions of service which require them to obtain written consent before engaging in outside employment. All employees must be clear about their contractual obligations and must not take outside employment which conflicts with the District Council's interests.

Employees must adhere to any rules adopted by the District Council on the ownership of intellectual property or copyright.

7. Personal and Prejudicial Interests

If officers have a personal or prejudicial interest in an item of work relating to their section's responsibilities, or such an item involves a relative or friend, then they must inform their Head of Service immediately of the interest and not involve themselves in any way in that work. Any such interests must be recorded in the office register. Failure to do so could lead to disciplinary action and even dismissal.

Employees' off duty hours are their personal concern but they should not subordinate their duty to their private interests or put themselves in a position where their duty and private interests conflict.

Prejudicial interests (which could, for example, arise from work undertaken as part of outside employment or financial interests in companies) in any item of Council work must be avoided if at all possible. If this is not possible, the interest must be declared to Heads of Service at the first opportunity. Failure to do so could lead to disciplinary action and even dismissal.

Employees must declare in writing to their Head of Service or Strategic Director membership of any organisation not open to the public without formal membership

and commitment of allegiance and which has secrecy about rules, membership or conduct (e.g. the Masons, some friendly societies etc.).

8. Equality Issues

Employees must ensure that District Council policies concerning equality issues are complied with in addition to the requirements of the law. In this respect all members of the community, customers and fellow employees have a right to be treated with fairness and equality.

9. Separation of Roles During Tendering

Employees involved in the tendering process and dealing with tenders / contractors must be clear on the separation of the client and contractor roles in the District Council.

Employees in client or contractor units must exercise and display fairness and impartiality when dealing with customers, suppliers, tenderers, contractors and sub-contractors.

Employees who are privy to confidential information on tenders and / or costs for internal and / or external tenderers / contractors must not disclose that information to any party or organisation not entitled to it.

If employees contemplate management buy-outs or otherwise consider tendering (outside any official client / contract capacity) for District Council work, and otherwise are not restricted from doing so, as soon as they have formed a definite intent they must advise their Head of Service accordingly and withdraw immediately from any contract awarding process.

Employees must avoid any suggestions of impropriety when dealing with current or former employees, friends, personal or business partners, spouses, or relatives in awarding contracts to a business run by them or employing them in a senior or otherwise relevant managerial capacity. Where possible, employees must remove themselves from awarding role in such situations.

NOTE: Attention is also drawn to the District Council's Financial and Contract Procedure Rules.

10. Corruption

It is a serious criminal offence for employees corruptly to receive or give any gift, loan, free, reward or any other advantage of doing, or not doing, anything or showing favour or disfavour to any person.

Where any substantiated allegation is made, the onus is on employees to demonstrate that any such rewards given or received have not been corruptly obtained.

11. Use of Financial Resources

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. In all situations employees should strive to ensure 'value for

money' to the local community and to avoid any action which, by its nature, could lead to legal challenge of the District Council.

12. Gifts and Hospitality

National Guidance

The NJC for Local Government Services states at 2.1 on official conduct employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.

There will be occasions when Council officers are unsure whether they should accept gifts or offers of hospitality from clients or contractors. The following notes are intended to help staff make the right decision.

Officers must be aware that the offering and acceptance of gifts could result in criminal proceedings (Public Bodies Corrupt Practices Act 1889, Prevention of Corruption Act 1916). It is obviously wrong for an officer to accept inducements for personal gain in exchange for treating a client or contractor favourably. On the other hand it would be churlish to refuse minor items which are of only nominal value.

Gifts

An officer should refuse gifts to him / her personally, or to a family member, by a person or organisation which has, or seeks, dealings with the authority. Excepted from this rule are minor promotional gifts distributed to a wide range of people and not uniquely to one officer (e.g. pens, calendars, diaries etc. given usually at Christmas time for use in the office).

If you are in any doubt you should seek advice from your Head of Service.

Hospitality

Invitations to lunch or some other function from a person or organisation which has or is seeking dealings with the Council must be treated with care. A modest working lunch to discuss business or attendance at a reception or promotion which has been approved is acceptable. Offers of holidays or hotel accommodation, use of company flats, cars etc. must be refused.

If you are in any doubt you should seek advice from your Head of Service.

Register

All offers of gifts and / or hospitality must be recorded in the official register. You must follow the procedure laid down in your department.

13. Sponsorship – Giving and Receiving

Where an outside organisation seeks to sponsor a District Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning hospitality and gifts must apply. In this respect particular care must be taken in dealings with contractors or potential contractors.

Where the District Council seeks to sponsor an event or service, special care must be taken to ensure that if any benefit accrues to employees, friends, personal or business partners, spouses or relatives, full disclosure is made before the venture is pursued. Similarly, if the District Council through sponsorship, grant aid, financial or other means gives support in the community, employees must ensure that impartial advice is given and conflicts of interest avoided.

14. Miscellaneous

Employees must comply with the District Council's rules on Computer Security, Virus Checking, Use of the Internet and E-mail.

15. Conclusion

As emphasised earlier in this Code, although the guidelines are set down for and apply to all employees of the District Council, its effect and relevance will be greater for those employees involved, for example, in the management and policy-making processes of the District Council. Nevertheless, a copy of the code is made available to every employee whatever their position.

Protocol on Member Officer Relations

1. PREAMBLE

- 1.1 The purpose of this protocol is to guide members and officers of the Council in their relations with one another.
- 1.2 The successful operation of the District Council depends on an effective and complementary relationship between councillors and officers, characterised by:
- trust,
 - openness,
 - honesty,
 - integrity,
 - mutual respect,
 - a culture of shared responsibility; and
 - mutual recognition of each other's perspective.
- 1.3 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.4 For the assistance of both members and officers, the Protocol has made reference to certain rules. It is recognised that the member / officer relationship cannot be codified, and that the relationship must always be guided by mutual respect and by the recognition that members and officers are engaged together in a shared endeavour to serve the public.
- 1.5 This protocol is to a large extent no more than a written statement of current practice and convention. In some respects it seeks to promote greater clarity and certainty.

2. CONDUCT

- 2.1 This protocol also seeks to reflect the principles underlying the respective codes of conduct which apply to both members and officers. The shared object of these codes is to enhance and maintain the integrity of local government and they therefore demand very high standards of personal conduct.
- 2.2 A relevant extract from the National Code of Local Government Conduct for Members' is reproduced below:

"23. Both councillors and officers are servants of the public and are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to councillors and the Council, and to carry out the Council's work under the direction and control of the Council, their committees and sub-committees.

24. Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and

officers can damage this relationship and prove embarrassing to other councillors and officers."

- 2.3 A copy of the Council's Code of Conduct for Officers' is available on the staff Intranet. It forms part of the Staff Handbook and is explained to all new members of staff on joining the Council.
- 2.4 In dealing with each other, members and officers should observe reasonable standards of courtesy, and neither party should seek to take unfair advantage of their position.
- 2.5 It is recognised that members may wish publicly to criticise the activities of the Council or specific decisions of the Council. In so doing, members should refrain from public criticism of staff or specific officers. Nor should members endeavour to involve officers either in political disagreements or in disputes between individual members.
- 2.6 Officers should not publicly criticise the Council, its decisions, or any member thereof.
- 2.7 If a member of the public wants to complain about the conduct of a member of Suffolk Coastal District Council or a member of one of the parish or town councils within the Suffolk Coastal District, they must submit their complaint to:

Chairman of the Assessment Sub-Committee
The Standards Committee
Suffolk Coastal District Council
Melton Hill, Woodbridge, Suffolk IP12 1AU
Fax 01394 385100
Email: committee.section@suffolkcoastal.gov.uk

A complaint form is available at the Council's main reception desk and a link to it can be found on the Council's website at www.suffolkcoastal.gov.uk

3. MEMBER AND OFFICER ROLES

3.1 Members

- Set the Policy Framework and corporate goals
- Develop policy proposals with professional advice from officers
- Determine which policy options are to be followed
- Monitor the implementation and effect of their decisions
- Represent the local community and ensure that its best interests are considered during policy-making
- Progress constituents' enquiries and complaints
- Represent the Council, ensuring that its views and policies are accurately represented

- 3.2 In particular, the Cabinet has the function of setting the direction of the Council, and taking the key decisions. In addition, it has a key role in proposing the budget and Policy Framework to the Council. The Cabinet will carry out all the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

3.2 **Officers**

- Manage the implementation of policy
- Initiate policy proposals which accord with the overall framework set by members
- Give professional advice in the course of policy development
- Manage the organisation
- Take action under delegated powers
- Ensure legal requirements are observed
- Serve the Council as a whole, not any individual body, committee, group or administration
- Must observe political neutrality

4. **OFFICERS AND THE CABINET**

Decisions by Individual Members of the Cabinet

- 4.1 Where a decision is taken by a Cabinet member acting individually within the scope of that individual's powers:
- (a) it is the responsibility of the member to ensure that that decision is recorded by following any procedure approved by the Council for that purpose.
 - (b) the Cabinet member may wish to give effect to his / her decision by issuing an instruction to an officer to implement that decision. In such instances, such an instruction may only be given to a Strategic Director or Head of Service or an appropriate Senior Officer unless the indicates on a specific or general basis that a particular issue or type of issue may be raised with a specific officer within his / her department.
- 4.2 A Cabinet member will not normally make a decision without having first sought and considered advice from the relevant Senior Officer(s), including, where relevant, advice from the Head of Finance on any financial implications.

Operation of the Cabinet

- 4.3 It is recognised that it is the prerogative of the Cabinet to set its own agenda. The Strategic Directors and Heads of Service of the Council, are the managers of the services they run, and as such are responsible for the efficiency and effectiveness of those services to meet the policy objectives and targets set by the Council. They are also responsible for the provision of professional advice. Accordingly, the Cabinet should not operate in a way which prevents or inhibits the submission to the Cabinet (or any other Council body) of an officer report when a Strategic Director or Head of Service considers it appropriate that such a report should be submitted.
- 4.4 The Cabinet recognises the need to have regard to the full range of the Council's activities, and will manage its business in such a way as not to place unsustainable burdens on officer workloads. Accordingly, members should recognise that if they wish priorities to change, they should discuss the resource issues (and implications) with the relevant officer(s) before making commitments.
- 4.5 Decisions in relation to urgent matters falling within the responsibility of the Cabinet will be taken by the Leader of the Council or relevant Cabinet member, after consultation with the appropriate officer.

Provision of Information

- 4.6 The effective operation of the Cabinet depends on Cabinet members and Senior officers ensuring that each other is fully briefed with regard to current activities, and identified future issues. It is, accordingly, accepted that it is proper for Strategic Director and/or Heads of Service to regularly discuss with Cabinet members day-to-day matters of concern relating to executive functions, possible future policies, patterns of expenditure, etc.
- 4.7 It is recognised that in most instances, officers will brief the relevant Cabinet member. In respect of significant issues, or matters of high public profile or controversy, officers should also brief the Leader of the Council.
- 4.8 The frequency of Cabinet meetings, the fact that a significant part of the Council's business will come before a single body (i.e. the Cabinet) and the need to ensure that Cabinet members are adequately briefed, will inevitably mean that Cabinet members are better informed than most other members of the Council on many aspects of the Council's activities. The Council will endeavour to keep this discrimination to a minimum.
- 4.9 Where in the course of discussions with a member, future policy options are discussed, the confidentiality of such options shall be respected by the Strategic Director or Head of Service.
- 4.10 Reports to Cabinet shall for the most part be made in the name of the relevant Cabinet Member and shall name the supporting officer. It is recognised that Cabinet members will need to discuss the content of forthcoming reports with supporting Officers, and where members submit reports to the Cabinet, they will do so in accordance with a procedure and timetable which ensure that:
- (a) there is time for the necessary research and internal consultation which goes into report production; and
 - (b) advice has first been sought and considered from the supporting officers or other relevant Senior Officers on legality, consistency with Council policy and practice, and budget and other implications.
- 4.11 The content of officer reports must remain the prerogative of officers, but it must be clear that Cabinet members may invite officers to submit reports on specific matters, and / or to include in their reports an exploration of specific options or proposals – recognising that the conclusions must remain those of the report-writer.

Reference to Cabinet

- 4.12 Government has stated in guidance issued in connection with the modernising agenda that it does not expect the introduction of executive arrangements to reduce delegation to officers.
- 4.13 Nevertheless, officers must recognise that as individual Cabinet members may take decisions, certain matters which officers might formerly have dealt with (perhaps after formal or informal consultation with a committee chairman) should be referred to a Cabinet member for decision.

4.14 Accordingly, when an issue arises in the course of their day-to-day operational management of the Council, officers should pause and reflect whether the issue is in fact one which should be put before the relevant Cabinet member.

4.15 In particular, officers should refer to the relevant Cabinet members matters which might otherwise not have been referred to the Cabinet, but which

- Are of significant community interest or impact
- Are likely to prove controversial or stimulate media interest

The following matters should not be referred to an individual member:

- For which there is no budget provision
- Which fall outside the Policy Framework
- Which affect another Cabinet member's portfolio

4.16 Regard must also be had to the formula laid down by government for determining those matters which are the prerogative of full Council or a regulatory committee. Officers must take care not to refer non-executive matters to Cabinet members.

5. OFFICERS AND SCRUTINY, REGULATORY AND STANDARDS COMMITTEES

5.1 In exercising its powers to call a named officer to "give evidence" to it, a scrutiny committee should normally only call a Strategic Director or Head of Service or an appropriate senior officer (as scheduled in Part 7 of the Constitution [Management Structure]) unless the Officer indicates on a specific or general basis that a particular issue or type of issue with a specific officer within his / her department may be called.

5.2 Scrutiny should operate in partnership with the Cabinet – challenging and calling-in where appropriate, but working with the Cabinet to develop the Council's services. This will be facilitated by a positive relationship between Strategic Director or Head of Service and scrutiny.

5.3 Service-review task groups may be established either by the Cabinet or by a scrutiny committee. Task groups play an important role in policy development and review, and it is accordingly important that the programme of policy development and review is such as can be effectively supported by officer resources. Accordingly, it is recognised that there is merit in Cabinet and the scrutiny committee agreeing in advance (perhaps through the adoption of "work programmes") on their proposals for task groups, so that a reasonable number only are established at any one time.

5.4 It is accepted that it is proper for Strategic Director or Head of Service regularly to discuss with chairmen and vice-chairmen of committees and sub-committees, day-to-day matters of concern relating to the services for which that committee or sub-committee may be responsible, possible future policies, patterns of expenditure etc.

5.5 Such discussions shall not be used by the chairman, vice-chairman or Strategic Director or Head of Service to pre-empt decisions on matters which are properly the province of the committee or sub-committee, or of the Council itself.

5.6 More significantly, meetings shall be held on a regular basis between appropriate Strategic Director or Head of Service and the chairmen and vice-chairmen of

appropriate committees and sub-committees, at which briefings shall be given on major issues and projects and on matters likely to arise on committee agendas.

- 5.7 Where, in the course of discussions with the chairman or vice-chairman of a sub-committee, future policy options are discussed, the confidentiality of such options shall be respected by the Strategic Director or Head of Service.
- 5.8 Reports will not be withheld from committees or sub-committees if, in the opinion of the Strategic Director or Head of Service, the committee or sub-committee should, at that time, be considering the matter that is the subject of the report.
- 5.9 It is recognised that chairmen and vice-chairmen may wish to discuss the content of forthcoming reports with Strategic Director or Head of Service. In this connection, the following guidelines will be adhered to:
- (a) The options for action listed in a report should not be reduced in number if the Strategic Director or Head of Service considers that the full range of options should be shown to members.
 - (b) A recommendation should not be materially altered, removed or added to unless, arising from discussion with members, it is the Strategic Director or Head of Service's preference so to do.
 - (c) If chairmen of committees wish a particular recommendation to be put to committee in a report, the fact that such material was added at the specific request of the chairman / vice-chairman of the committee will be reported in that report.
- 5.10 As a general practice the chairmen and vice-chairmen of committees and sub-committees should be encouraged to go through the agendas for meetings with appropriate officers prior to the meeting. This is an opportunity not only for the members to raise any questions they may have but also for officers to brief them on any developments which have taken place since the agenda was prepared.
- 5.11 When pre-meeting briefings are organised for committees or sub-committees the chairman and vice-chairman should be invited. If either is unable to attend a representative from their group should be invited. If such a substitute representative has not been intimated, the Leader or Deputy Leader of the appropriate group should be asked to nominate.

6. OFFICERS AND MEMBERS GENERALLY

- 6.1 As officers serve the Council as a whole, it is recognised that officers provide information and advice to all members of the Council irrespective of their party political allegiance, if any.
- 6.2 Accordingly, members are free to approach any Strategic Director or Head of Service to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Head of Service of the Service Area concerned.

- 6.3 Where information given by officers to members is specific to the Council's dealing with the member's constituent, or explains the content of committee reports or comprises facts concerning the Council's activities, the confidentiality of the discussion or correspondence with the member shall be respected by the officer.
- 6.4 The content of information given to members as part of the briefing of a Cabinet member or during a committee "run-through" and information given to committee chairmen and vice-chairmen about future developments, etc (per paragraph 2.1.2 above) may not be disclosed by officers to other members.
- 6.5 Any issue which is significant to the Council and involves new information should be reported to the relevant body or reported in the Members' page of the Council's Intranet. Where a member seeks information on such an issue, but the timing of meetings does not facilitate an early report, the information shall be supplied to the member as soon as is reasonably practicable, but in those cases, the information will be supplied at the same time to all recognised political groups on the Council.
- 6.6 Officers may decline to provide information to a member where the disclosure of such information may affect personal privacy or would be likely to prejudice the Council's position in any negotiations for land, goods or services or where the information relates to legal proceedings or the investigation of crime and security matters.
- 6.7 Finally, any Council information provided to a member must only be used by the member for the purpose for which it was provided, i.e. in connection with the proper performance of the member's duties as a member of the Council.
- 6.8 Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member. Where exceptionally it is necessary to copy the correspondence to another member, this should be made clear to the original member.
- 6.9 It is expressly recognised that group support officers are not a medium of communication between officers and the Cabinet, scrutiny or members generally.

7. MEMBERS WISHING TO HAVE A PARTICULAR MATTER RAISED

- 7.1 Any member wishing to have a particular matter raised in the course of the formal discharge of the Council's business which would not otherwise appear on a Council agenda, may do so in the following ways:
- (a) By asking a question under Council Procedure Rule 9(2). Notice in writing of such a question must be given to the Chief Executive no later than five clear days before the time fixed for the meeting of the Council at which the question is to be asked.
 - (b) By placing a motion on the agenda for a meeting of the Council under Council Procedure Rule 8(3). Notice in writing of the motion must be given to the Chief Executive no later than nine clear working days before the next meeting of the Council.
 - (c) By requesting a Legal and Democratic Services Officer to place an item on the agenda of a regulatory, scrutiny or Standards committee or sub-committee.

Such a matter must be relevant to the work and responsibility of the committee or sub-committee.

- (d) By requesting the Leader of the Council to put an item on the agenda of a Cabinet meeting.

Full details of the item which the member wishes to appear on the agenda should be provided in writing to the relevant person not less than ten clear days (excluding weekends and Bank Holidays) before the date of the relevant meeting. The agenda will note that the item has been placed on the agenda at the request of the named member, who has the right to attend and speak on that item whether or not he / she is a member of the body in question.

Note: Where this power is exercised, it is generally advantageous to the discussion and determination of the matter for members to give early notice of their wish to have the matter placed upon an agenda.

8. MEDIA MATTERS

- (a) Press Releases

All press releases should be approved by the relevant Cabinet member or by the chairman and vice-chairman of the appropriate committee / sub-committee before issue.

If the relevant Cabinet member is not available, the Leader or Deputy Leader of the Council should be consulted.

If neither the chairman nor vice-chairman of a committee is available, a representative of his / her group, nominated by the Leader or Deputy Leader of the group, should be consulted.

All local government publicity material must also comply with the Code of Recommended Practice on Local Authority Publicity (published in 1988 amended 2001). The Communications Team should be contacted with any queries in this respect. Specific guidelines in the Code apply to election period and particular care must be taken at this time.

- (b) Responding to Press Enquiries

Approaches for information from the press which relate exclusively to matters of fact, etc, should be dealt with by the Council's Communications Team. Where approaches from the media relate to matters within the political domain, or matters of political controversy, the media should be directed, in seeking comments, to the Leader of the Council or relevant Cabinet member (in relation to executive functions) and to the chairman of the relevant committee or, if he / she is not available, the vice-chairman (in the case of scrutiny, regulatory and Standards matters).

It is recognised that the Communications Team will have to exercise their judgement in assessing whether a matter is or is likely to be the subject of political controversy.

All members of the Communications Team must comply with the rules relating to politically restricted posts, as set out in the Local Government and Housing Act 1989.

(c) Press Conferences

Should the Council hold any formal press conferences on major issues, all political groups should be given the opportunity to be represented, and any Independent member(s) of the committee(s) to which the matter relates should be informed.

9. OFFICER ATTENDANCE AT POLITICAL GROUPS OF THE COUNCIL

9.1 It is recognised that in exceptional circumstances it may be of benefit to the Council if background information were made widely available within its own political groups. Accordingly, the following rules will apply:

- (a) Attendance of officers at the Council's political groups will be avoided wherever possible, but officers may accept invitations to attend group meetings where there would be benefit to the Council from their so doing. No officer shall be obliged to attend a group meeting.
- (b) Any invitation for an officer to attend a group meeting should be addressed to the Head of Service of the appropriate service area who may nominate a senior officer within that department to represent him / her.
- (c) Information provided to groups by officers will be limited to fact, background information or professional advice.
- (d) If such information is provided to any one group it will be offered to all political groups.
- (e) If, having provided fact, background information or professional advice to any group, an officer is present when there is discussion on that information, or any opinions or feedback is offered by the group, such discussion, feedback or opinions will be treated by that officer as confidential and not divulged to any other group.

10. DEALINGS WITH STAFF

10.1 Save as set out in paragraph 4.1 above (relating to decisions taken by Cabinet members) a member shall not issue any order with regard to any matter under the jurisdiction of the Council or as regards any works which are being carried out by or on behalf of the Council or give any instructions to any employee of the Council.

10.2 Heads of Service are responsible for the management, direction, control, appraisal and discipline of all their staff. In recognition of this and for the avoidance of potential confusion which might damage the member / officer relationship, enquiries regarding any particular issue or discussions on policy options etc should always be initiated with the relevant Strategic Director or Head of Service (as scheduled in Part 7 of the Constitution [Management Structure]) unless the Strategic Director or Head of Service indicates on a specific or general basis that a particular issue or type of issue may be raised with a specific officer within his / her department.

- 10.3 Members visiting Council premises to discuss matters with officers will deal only with the officers referred to in the immediately preceding paragraph and shall not endeavour to question other members of staff or to give them directions or instructions.

11. WARD MATTERS - "EARLY WARNING"

- 11.1 While officers will advise local members on significant matters which specifically and particularly affect their ward (other than planning applications which are listed in the weekly list), it is recognised that both from the potential workload burden falling on members and from an administrative point of view, it is impractical for ward members to be advised of everything that is happening within the Council which affects their ward.
- 11.2 Officers will exercise their judgement to give ward members "early warning" of actions being taken which affect their ward. In exercising this judgement, officers will take into account the significance, publicity value, or contentiousness of the issues.
- 11.3 Where matters raised in officer reports to the Cabinet or a committee or sub-committee are considered to be of particular relevance to a single ward or identifiable group of wards, those wards will be identified in the report.
- 11.4 Members recognise that the above procedures involve the exercise of judgement, and that hindsight may in some instances subsequently indicate that that judgement might profitably have been exercised in a different way.
- 11.5 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the ward or wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on an issue of specific and particular relevance to a ward or wards, the ward member(s) should be notified at the outset of the exercise.

12. COMMUNICATION WITH THIRD PARTIES

- 12.1 The Council's official dealings with third parties should normally be conducted through the paid staff. In dealing with third parties, members should avoid appearing to bind the Council, or to commit it to a particular course of action.
- 12.2 Accordingly, official letters on behalf of the Council should normally be sent out over the name of the appropriate officer, rather than over the name of a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister, or where the member is responding to correspondence addressed to him / her) for a letter to appear over the name of a member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out over the name of a member.

13. RECALL OF DELEGATED MATTERS

- 13.1 The Council's Scheme of Delegation is contained in Part 3 of the Constitution "Responsibility for Functions". This scheme has specifically and formally been approved by the Council, and it is recognised that officers are entitled to operate in accordance with the scheme.

13.2 However, it is recognised that there may be circumstances (which should not arise frequently) when a matter falling within an officer's delegated authority raises policy or local issues which would justify that matter being considered by the formal political structure of the Council. In these circumstances:

- (a) The officer may, of his / her own volition, decline to exercise his / her delegated authority and remit the matter to Cabinet or committee (whether or not after consultation with a Cabinet member or that committee's chairman and vice-chairman).
- (b) A member of the Cabinet, committee chairman, vice-chairman or opposition spokesperson, or, where the matter specifically relates to a particular ward or wards, the member(s) for that or those wards, may request that the matter be placed on the agenda of the Cabinet or relevant committee for determination, before any decision or action binding upon the Council is taken.

In exercising this convention, members shall act reasonably, selectively and constructively, and shall not use this convention to frustrate or needlessly delay the discharge by the Council of its business.

- (c) Where the officer concerned takes the view that this convention is being invoked unreasonably, or where the officer is of the view that it would be prejudicial to the interests of the Council for action to be delayed until the next ordinary meeting of the Cabinet or relevant committee, the officer may consult the Leaders of the political groups represented on the Council with a view to exercising his / her delegated authority. Subject to the views expressed, (s)he may exercise his / her delegated authority, but the matter shall be the subject of report to the next ordinary meeting of that committee.

14. CIVIL EMERGENCIES

14.1 In an emergency, the community will look to the Council for help in coping with the consequences of the emergency, and to restore normality. In doing this, the Council will essentially undertake its normal activities, in abnormal circumstances.

14.2 It is the responsibility of the Chief Executive, or such other officer nominated by him / her to organise and co-ordinate the Council's response.

14.3 The circumstances of any emergency may require action to be taken promptly and without delay, and it is recognised that:

- (i) action may have to be taken by the officer in charge acting on his / her initiative in the circumstances as understood at any given time, which go beyond that formally authorised in the Council's Scheme of Delegation;
- (ii) expenditure may have to be incurred by the officer in charge; and
- (iii) there may not always be time in dealing with a major emergency to sustain normal channels of communication and administration;

14.4 A major issue in any emergency, however, is the provision of information, and the Council's Emergency Plans contain arrangements for dealing with the media, and for providing information to enquirers.

14.5 The plans also indicate the responsibility of the Chief Executive to ensure that the Cabinet and relevant local members are kept informed of the action being taken by the Council, and that queries from elected members are answered.

14.6 Members should use available channels of communication to contact the Chief Executive or his / her nominated representative for information, and should not approach operational officers at the scene of the emergency, in rest centres, etc.

15. ACCESS BY MEMBERS TO DOCUMENTS OR PROPERTY

15.1 Any member may for the purposes of his / her duty as a member but not otherwise, may inspect and take copies of any document which is in the possession, or under the control of the Council, and which contains material relating to any business to be transacted at a meeting of the Council, the Cabinet or a committee or sub-committee of the Council, in accordance with Section 23 of the Access to Information Procedure Rules.

15.2 Provided that the Chief Executive or the Head of Legal and Democratic Services may decline to allow the inspection or copying of any document the circulation of which is specifically restricted by them as relating to personal privacy; information about Council negotiations for land, goods or service where disclosure would be likely to prejudice the Council's position; information about legal proceedings; investigation of crime and security matters in accordance with paragraphs 1 - 7 of Part I of Schedule 12A to the Local Government Act 1972.

15.3 A member shall not, unless authorised to do so by the Council, Cabinet, relevant committee or relevant Head of Service, inspect any lands, premises, or works which the Council has a right or duty to inspect.

16. MEMBERS SERVING AS REPRESENTATIVES ON OUTSIDE BODIES

16.1 Members serving as representatives of the Council on outside bodies are entitled to expect relevant officers of the Council to provide guidance, advice or help on matters coming before such outside bodies which are relevant to the business of the Council, or which otherwise directly affect the Council.

16.2 Members serving as representatives should inform relevant officers of matters of significance to the Council or its activities, or of importance to the district, which come to their attention as such representatives.

16.3 Where information is provided to a member by an outside body in confidence, and the member believes that the proper exercise of his / her representative role requires the disclosure of that information to the Council, (s)he should discuss the matter with the outside body with a view to determining the terms upon which (s)he may so disclose that information, or may alternatively request the relevant Strategic Director or Head of Service to raise the issue of disclosure with the outside body.

17. MEMBER DEALINGS WITH THE COUNCIL

17.1 To avoid causing embarrassment to junior staff, members dealing with the Council in their capacity as a private individual should advise Heads of Service of that fact.

Note: Officers finding themselves in the same situation (e.g. as applicants for planning permission, etc) are similarly required to give notice.

18. Whilst this protocol gives guidance only to members on the most frequently encountered issues, a breach of the guidance may be regarded as bringing the Protocol and the Council itself into disrepute.

19. DEFINITIONS

For the purpose of this protocol a “Senior Officer” is a Strategic Director or Head of Service

Monitoring Officer Protocol

1. The Monitoring Officer shall discharge his / her responsibilities with determination and a manner which will enhance the reputation of the Council. In general terms his / her ability to discharge these duties depends on excellent working relations with colleagues and members but also the flow of information and access to debate particularly at early stages.
2. The following arrangements and understandings between the Monitoring Officer and colleagues and members are designed to help ensure the effective discharge of the relevant functions.
 - (a) As a member of the Corporate Management Team the Monitoring Officer will have advance notice of those meetings and agenda and reports and the right to attend and speak.
 - (b) Advance notices of meetings whether formal or informal between Strategic Director or Head of Service and Cabinet members or committee chairmen will be given to the Monitoring Officer where any procedural, vires or other constitutional issues are likely to arise. The Monitoring Officer shall be entitled to attend these meetings as an observer.
 - (c) Strategic Director or Head of Service will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues.
 - (d) The Monitoring Officer or his / her staff will have copies of all reports to members.
 - (e) They shall endeavour to develop good liaison and working relations with the Standards Board, the District Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
 - (f) The Monitoring Officer shall endeavour to maintain a special relationship with the Chairman of the Council, Chairman of the Standards and scrutiny committees and to ensure the Head of Paid Service and Strategic Directors have up-to-date information regarding emerging issues.
 - (g) The Monitoring Officer shall report to the Council on any proposal, decision or omission by the Council or any committee or officer which has given or is likely to give or would give rise to any contravention of any enactment or rule of law.
 - (h) The Monitoring Officer, together with the Director of Finance, shall advise the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget.
 - (i) The Monitoring Officer shall record and analyse issues raised with him / her by members, officers, the public and other relevant stakeholders.
 - (j) In carrying out any investigation (whether under regulations or otherwise) the Monitoring Officer shall have unqualified access to any information held by

the Council and any employee who can assist in the discharge of the relevant functions.

- (k) The Monitoring Officer shall make enquiries into allegations of misconduct in the absence of a written complaint being received by the Standards Board and if appropriate shall make a written report to the Standards Committee unless the Monitoring Officer and Chairman of Standards Committee agree a report is not warranted.
- (l) The Head of Paid Service, Section 151 Officer and Monitoring Officer shall meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.
- (m) The Monitoring Officer shall have control of a budget sufficient to enable him / her to seek Counsel's opinion on any matter concerning their functions.
- (n) The Monitoring Officer shall be responsible for preparing and maintaining a training programme for members on the Ethical Framework subject to the approval of the Standards Committee.
- (o) The Monitoring Officer shall report to the Council from time to time on the Constitution and any necessary or desirable changes following consultation in particular with the Head of Paid Service and Section 151 Officer. In order to fulfil this responsibility the Monitoring Officer may:
 - (a) undertake an audit trail of a sample of decisions; and
 - (ii) compare practices in this Council with those in other comparable authorities, or national examples of best practice.
- (p) In consultation with the Chairman of the Council and Standards Board the Monitoring Officer may defer the making of a formal report under Section 5 LGHA 1989 where another investigative body is involved.
- (q) The Monitoring Officer shall report to the Council from time to time as necessary on the staff, accommodation and resources he / she requires to discharge his / her functions.
- (r) The Monitoring Officer will appoint a deputy and keep him / her briefed on emerging issues.
- (s) The Monitoring Officer shall endeavour to ensure good communication with clerks to town and parish councils.

3. DEFINITIONS

For the purpose of this protocol a "Senior Officer" is a Strategic Director or Head of Service

Code of Good Practice in Rights of Way

1. INTRODUCTION

- 1.1 The Council has powers under the Highways Act 1980 and the Town and Country Planning Act 1990 to make orders for the creation, diversion and extinguishment (or stopping up) of public footpaths and bridleways, and to enter into agreements for the creation of footpaths and bridleways. The changes made by such orders and agreements affect the right of the public to cross private land and so can be contentious and the subject of impassioned debate. Because of this it is important that the system of making decisions on changes to the public rights of way network is seen to be open and impartial, consisting of sound judgements made for justifiable reasons.
- 1.2 This Code of Practice has been drawn up to set out clearly the way in which the Council deals with applications for public path orders and agreements.
- 1.3 It complements the statutory Local Code of Member Conduct and the Council's Code of Officer Conduct which address a range of aspects of members' and officers' conduct in carrying out official duties. All members of the Council have given a written undertaking to observe the Code of Member Conduct. Further information on the provision of the Code can be obtained from the Council's Monitoring Officer, telephone 01394 444336, or e-mail hilary.slater@suffolkcoastal.gov.uk

2. BASIC PREMISE

- 2.1 The Highways Act 1980 and the Town and County Planning Act 1990 both lay down precise criteria to be met for the making and confirmation of public path orders. The legislation is supplemented by advice contained in Department of Environment Circular 2/93 "Public Rights of Way" and other Circulars and Regulations. The basis premise is to ensure that appropriate balanced consideration is given to the impact of changes to the network upon both the landowner's / occupier's interests and the public's right.
- 2.2 Within the context of the legal provisions, the successful operation of the system relies on ensuring that members and officers act in a way which is not only fair but is clearly seen to be so. The respective roles of members and officers are set out in this Code of Practice.

3. DECISION MAKING ON APPLICATIONS

The Role of Committee Members

- 3.1 Members of the Rights of Way Committee, in making decisions on public path order applications, will:
 - Act fairly and openly
 - Approach each application with an open mind
 - Carefully consider the grounds for order making
 - Carefully weigh up all the material considerations
 - Ensure that reasons for decisions are clearly stated.

- 3.2 Committee members will be free to vote on applications however they consider appropriate within the context set by the Highways Act or Town and Country Planning Act, as appropriate, and shall not have pre-judged the outcome prior to their consideration of all relevant available information at the committee meeting.
- 3.3 If committee members have, prior to the meeting, given an undertaking as to the stance they will take on the determination of an application, e.g. at a town or parish council meeting, or to an interested party, they should refrain from voting but may fulfil their representational role, subject to compliance with the statutory Code of Member Conduct.
- 3.4 Committee members also have a role (see 3.6 below) on behalf of their ward to present local views, but members must make it explicit when they are acting in that role. The decision-making role and its impartiality must not be prejudiced by any such action.

The Role of Members

- 3.5 The representational role of members is a part of the process. Subject to compliance with the terms of the Members' Code of Conduct, Members will be given the opportunity in respect of all rights of way applications to fulfil that role within their ward by:
- Responding in writing to officers on the merits of an application;
 - Attending any committee site meetings for applications within their ward; and
 - Making representations to the committee.
- 3.6 Members shall not give instructions to officers, nor should they place pressure on officers in order to secure a particular outcome to an application.
- 3.7 Members can expect officers to give them every help and assistance in answering questions relating to rights of way matters.

The Role of Officers

- 3.8 In respect of applications to be determined by the Rights of Way Committee Officers will:
- Provide professional and impartial advice
 - Make sure that all information necessary for a decision to be made is given, including the views of those consulted and the substance of any objections
 - Set the application in the context of any other considerations, for example a planning application or highway authority policy and practice
 - Provide a clear and accurate written analysis of the issues
 - Be responsible for carrying out the decisions of the Committee
- 3.9 In respect of decisions that are taken under delegated authority the Rights of Way Officer, given the appropriate delegated authority by the Head of Legal and Democratic Services, may exercise that authority to determine an application. A brief written resume of key issues, the decision and reasons for it will be prepared and placed on the application file. Details of all current applications, and of all public path orders and agreements made by the Council, are also contained in the Rights of Way Manual for Members.

- 3.10 The District Council recognises that Rights of Way Officers shall not make or subscribe to any statements or reports which are contrary to their own professional opinions.

4. CONSULTATIONS

- 4.1 The Council is required by legislation to consult statutory undertakers and other affected councils on applications for public path orders. In addition the Council follows national best practice to achieve unopposed orders wherever this is possible, as recommended by the Rights of Way Review Committee Practice Guidance Note No 1. Upon receipt of a technically correct application the Council therefore consults widely with representatives of user groups and other bodies and individuals it considers may be affected by or interested in proposals as appropriate.
- 4.2 In all instances consultees and interested parties are asked to submit their views in writing in order that a true record can be placed on the appropriate file and used in informing the decision-making process. A period of 28 days is usually allowed for consultation responses, but this can be extended at the discretion of officers if consultees require extra time. Responses can be submitted electronically or in hard copy form.
- 4.3 At the end of the consultation process it is usual procedure for the views of the consultees to be forwarded to applicants for consideration. Officers are responsible for managing such subsequent negotiation as is deemed useful in respect of the Council's intention to achieve unopposed public path orders wherever possible.
- 4.4 Negotiation may result in changes to the original proposals and re-consultations will be carried out as appropriate.

5. DISCUSSIONS WITH APPLICANTS AND LOBBYING

- 5.1 The Rights of Way Manual for Members details current public path order and agreement applications and is updated every two months by Officers. The manual includes details and plans of each proposal, with a summary of the history and current position for the benefit of members.
- 5.2 Prior to application submission, application determination and order making, dialogue and meetings with applicants are essential and may be protracted, but will normally only involve Officers.
- 5.3 Pre-application meetings should not involve members of the Rights of Way Committee, other than where the committee has by resolution determined that a meeting shall exceptionally involve members and where the meeting is limited to providing advice on the proper process to follow and / or which officer to contact for further advice. Where meetings to discuss proposed or submitted applications do involve members appointed by the committee at least one officer will be present at all such meetings.
- 5.4 It will be made clear at all pre-application meetings that:
- Only officers' initial and provisional views can be given, based upon the provisions of the legislation

- No decisions can be made which would bind or otherwise compromise the decision of the Council.
- 5.5 Notes of the discussions at all meetings will be taken and will be placed on the application file. Any follow-up correspondence shall also be placed on the file. Information will be available for public inspection subject to the provisions of the Access to Information Act.
- 5.6 A note will be taken of all telephone conversations involving either members or officers where advice on the merits of a proposal has been given.
- 5.7 In the event that applicants or other interested parties wish to discuss applications with members, either before applications are submitted, prior to their determination or after the order making stage, meetings with applicants may involve members acting in a representative role. Members should take care to avoid compromising their position before they have received all the relevant information, evidence and arguments about an application. Members of the Rights of Way Committee may choose as a matter of principle not to meet applicants or interested parties and may wish to pass applicants on to a neighbouring District Councillor.
- 5.8 Where members do choose to meet relevant parties they will:
- Not express an opinion which could be taken as firm support or opposition to a proposal
 - Not organise support or opposition for a proposal or lobby other members
 - Inform lobbyists or objectors of the importance of their views being submitted in writing to the Council
 - Advise the Chairman of the Rights of Way Committee or the Rights of Way Officer of the existence of any party that appears to be trying to exercise undue or unreasonable pressure on members of the Council.

6. COMMITTEE PROCEDURES

- 6.1 Rights of Way Committee papers will be available, in accordance with the Access to Information Act provisions, at least five clear working days prior to the meeting.
- 6.2 All applications presented to the committee for determination will have a full written report from the Rights of Way Officer. This will include a map showing the proposal, the views of those who have been consulted on the proposal, the substance of objections, an explanation of the relevant legislation, other relevant information as appropriate and a reasoned consideration of the proposal.
- 6.3 Any material information which is received after the written report has been prepared but more than 24 hours before the start of the committee / sub-committee meeting will be presented orally by officers. Information received within 24 hours of the start of the meeting will only be presented where it is brief and can be readily conveyed to the committee.
- 6.4 The Head of Legal and Democratic Services will have the discretion to withdraw any item from the agenda of the committee subsequent to the preparation of the report, but prior to a discussion by the committee if the circumstance of the application has changed within that period.

- 6.5 When the committee determines an application, the reasons for the decision will be clearly stated at the meeting and recorded in the minutes. Members need to be sure that their decisions are based on sound reasons and made with respect to the requirements of the relevant legislation. Members shall be aware that they may be required themselves to justify their decision at a public inquiry or hearing, for instance if an opposed order is referred to the Secretary of State for determination.
- 6.6 The Council considers that there are benefits in allowing public speaking at Rights of Way Committee meetings. A summary of the procedure to be followed is set out in the Appendix to this Code.

7. **SITE VISITS**

- 7.1 All sites are visited by officers as part of the application process, and meetings involving officers, applicants and consultees may be held on site as part of the consultation and negotiation process prior to the determination of an application, and in accordance with the provisions of Section 5 of this code.
- 7.2 While there is no need for authority from applicants for visits to existing rights of way, all applicants are requested to give authority for consultees to inspect proposed routes, either unaccompanied or by prior appointment, when submitting an application.
- 7.3 Members wishing to visit sites on their own should be aware that they do not have authority to visit land or routes which are not public rights of way and should seek advice from officers before undertaking unaccompanied site visits. Any lobbying that may occur during a visit should be dealt with in accordance with the procedure described in Section 5 above.
- 7.4 Formal site visits by the committee will be held when they provide a material benefit and the committee requests that a visit be held, for example, to understand local conditions and the physical characteristics of existing and proposed routes of paths.
- 7.5 All members of the committee (including substitutes who may attend at a subsequent meeting) will normally attend formal site visits, together with the appropriate ward member(s).
- 7.6 All members attending formal site visits by the committee shall be accompanied by an appropriate officer of the Council.
- 7.7 The purpose of a formal site visit by the Committee is fact finding. No discussion of the merits of the application will be permitted. Applications will not be determined during site visits.
- 7.8 During formal site visits the members of the committee should not make any comments that could create an impression to an outside party that they had already formed a view on the merits of an application. Decisions on applications should only be made within a formal meeting of the committee, when members have before them all the necessary information to be able to make an informed decision.
- 7.9 There may be occasions on site visits when questions raised by members cannot be satisfactorily answered or require further investigation. In this event officers will pursue these matters and report back to the committee meeting.

7.10 Further details of the procedures at formal site visits are contained in the Appendix attached to this code.

8. DISCLOSURE OF INTERESTS AND HOSPITALITY

8.1 Members and officers are required to comply with the requirements of the Suffolk Coastal Codes of Conduct, including registration of their interests and making appropriate declarations - whether a "personal" or "prejudicial" interest.

8.2 Members and officers are discouraged from receiving hospitality from people with an interest in a rights of way proposal. If receipt of hospitality is unavoidable, members and officers will ensure that it is of the minimum level and will declare its receipt as soon as possible by entering details in the appropriate hospitality book. Hospitality books for members and officers are retained by the Council's Monitoring Officer. When hospitality is offered but not accepted this will also be recorded in the appropriate hospitality book.

8.3 In the event that significant hospitality has been offered and accepted by officers or members this should be declared at the relevant committee meeting.

9. DISTRICT COUNCIL APPLICATIONS

9.1 Where the District Council wishes to make alterations to the rights of way network, for instance across land within its own ownership/occupancy, it will need to make an appropriate application. The application will be submitted by the appropriate Strategic Director or duly authorised nominee, and will be dealt with by the Council in the same way as those submitted by private applicants.

9.2 No District Council application will be determined under delegated authority by an officer, but will be determined by the Rights of Way Committee.

10. APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS

10.1 All applications which are submitted by or on behalf of members, or any officers of the Council or their spouse / partner in their private capacity, will be reported to the Rights of Way Committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to Officers.

10.2 The member / officer concerned will inform the Rights of Way Officer of the submission of their application to ensure that the above mentioned procedure can be adopted.

10.3 No member or officer concerned will take part in the processing or determination of the application, and, if normally present at the determining committee meeting, will declare a prejudicial interest in the normal manner and leave the meeting for the consideration of that item of business.

11. TRAINING

11.1 The Rights of Way Manual for members contains information on rights of way principles and legislation, particularly as relevant to the Council's rights of way role, and is updated every two months.

- 11.2 To facilitate effective working, all members of the Council will also be offered training in the principles of rights of way and the procedures followed by the District Council in determining applications for public path orders and agreements. The precise contents of this training will be determined from time to time by officers in consultation with members.
- 11.3 Members of the Rights of Way Committee will be expected to have undertaken training on current rights of way principles and public path order and agreement procedures. When significant changes to rights of way legislation or policy occurs which is relevant to the Council's rights of way function updated information or training as appropriate will be offered to all members of the committee. All members of the Council will be invited to benefit from it if they so wish.
- 11.4 Members who have not participated in appropriate training would not be expected to be members of the Rights of Way Committee. Only in the most exceptional cases when there are no trained members available and a committee would be potentially inquorate, should a member who has not received training take part in making a decision on a rights of way application.
- 11.5 A record of member training in rights of way will be maintained. The training and provision of information undertaken and provided each year will be reviewed.

12. **COMPLAINTS**

- 12.1 If there is concern that this Code of Practice has not been adhered to you should contact your local ward councillor or you should write to the Head of Legal and Democratic Services at the Council Offices, or e-mail hilary.slater@suffolkcoastal.gov.uk
- 12.2 In the event that the concern is a matter that relates to the Council's Statutory Code of Conduct for Members or its Officer Code of Conduct, then concern should be made in writing to the Monitoring Officer at the Council Offices, or e-mail hilary.slater@suffolkcoastal.gov.uk
- 12.3 The Council has adopted a Complaints Procedure which may be followed in the event that the initial enquiry is not resolved to the complainant's satisfaction. A copy of the Complaints Procedure is available on the Council's web-site, or from the Council Offices.

APPENDIX

PROCEDURES FOR PUBLIC SPEAKING AT RIGHTS OF WAY COMMITTEE MEETINGS AND SITE VISITS

1. ON SUBMISSION OF A RIGHTS OF WAY PUBLIC PATH ORDER / AGREEMENT APPLICATION

When submitting an application to the Council applicants are made aware that in the event of the application being referred to the Rights of Way Committee there will be the opportunity for public speaking.

2. PRIOR TO THE DETERMINATION OF AN APPLICATION OR CONSIDERATION OF AN OPPOSED ORDER BY THE RIGHTS OF WAY COMMITTEE

As soon as it is known that an application will be determined by the Rights of Way Committee, or that the committee is to consider an order which the Council has made and to which objection and / or representation has been received, letters will be sent to all those who have expressed an interest in the matter stating that the item will be considered by the Rights of Way Committee and advising of the date, time and place of the meeting. Recipients will be advised that there will be the opportunity for public speaking at the meeting and sent a copy of the Council's leaflet 'Have Your Say on Changes to Rights of Way' which explains procedures.

Those given the opportunity to speak at the meeting will be:

- representative of town / parish council
- objector / interested party
- applicant or agent
- affected landowners / occupiers
- relevant District Council ward member(s)

The intention is that only one person will speak from each of the above parties. In exceptional circumstances the Head of Legal and Democratic Services or his representative may, after consulting the councillor who will preside at the committee meeting:

- (i) allow more than one parish council to send a representative by prior agreement, where a proposal has a significant effect upon more than one parish
- (ii) allow more than one objector / interested party to speak, where it is clear that conflicting views cannot be effectively presented by one representative. Copies of the agenda for the meeting will normally be sent to all those who have expressed an interest in the matter.

It will not be necessary to make any arrangements to speak before the day of the meeting. Those wishing to speak should attend on the day of the meeting and make their wish known to the officer servicing the committee before the commencement of the meeting.

3. PROCEDURES AT COMMITTEE MEETINGS

Interested parties will be invited to attend half an hour before the start of the committee meeting in order that the officer servicing the committee can ascertain who wishes to speak, and upon which item. This information will be relayed to the Chairman and it will then be a matter for the Chairman to determine any re-ordering of the agenda in conjunction with the officer servicing the committee.

Anyone who arrives after the start of the meeting will not be in a position to insist upon speaking on an item.

District Council ward members should also attend prior to commencement of the meeting, both to alert the Chairman to their wish to speak and to avoid an item being brought forward in their absence.

4. ORDER OF SPEAKING

The order of debate will be as follows:

- (i) Introduction by appropriate District Council officer
- (ii) Representation by objector / interested party
- (iii) Representation by applicant or agent
- (iv) Representation by affected landowners / occupiers
- (v) Representation by relevant town or parish council
- (vi) District Council ward member(s)
- (vii) Rights of Way Committee general debate
- (ix) Adjournment for Site Visit (if required)
- (x) Rights of Way Committee general debate and conclusion

5. ARRANGEMENTS FOR SPEAKING

Speakers will be asked to leave the public seats and occupy a seat especially set aside before speaking. They will also be asked to state who they represent.

Speakers should confine their statements to matters of fact or opinion. It is to everyone's benefit if speakers:

- Are brief and to the point
- Limit opinions to the merits of the proposal under consideration
- Address only relevant rights of way issues

6. DURATION OF SPEAKING

As stated in item 2 above it is the intention that only one person will speak from each of the interested parties. Speakers will be given a maximum of three minutes to speak in presentation, with the Chairman having absolute discretion as to how many and in what form questions are allowed over and above the three minute presentation. No speaker will be given a second opportunity to speak to ensure equality of representation. All questions should be based upon matters of fact only, and channelled exclusively through the Chairman. There will be no general debate involving those engaged in public speaking, given that the purpose of allowing public speaking is to make appropriate representations and to tease out matters of fact.

7. ILLUSTRATIVE MATERIAL

If a speaker wishes to refer to illustrative material, which they wish to be displayed at the meeting, then this must be provided to the officers in advance of the meeting so that appropriate arrangements can be made for its display. Ideally a spare copy of such material should be deposited for Council retention on the relevant application file.

8. PROCEDURES AT SITE VISITS

Formal site visits by the committee will be held when they provide a material benefit and the committee requests that a visit be held, for example, to understand local conditions and the physical characteristics of existing and proposed routes of paths.

It is the committee's usual procedure to adjourn a meeting while it undertakes a site visit. When adjourning the committee will state the time at which the meeting will reconvene, allowing sufficient time for it to travel and inspect the site in question.

The site visit is not part of the consideration of the merits of an application and therefore public rights to attend do not apply. However, the committee will invite representatives of the interested parties present at the committee meeting to attend. Where access to private land is necessary (for example to inspect the proposed route of a path to be diverted) officers will secure the prior agreement of the landowner.

The purpose of the site visit is fact finding. Officers will be able to point out relevant features of the site and surroundings. Members will be able to see the physical features of existing and / or proposed routes and ask questions through the Chairman or the officer to seek clarification.

At site visits all questions from members will be carried out through the Chair or, at the Chairman's discretion, directed at the relevant officer. There may be occasions when questions raised by members are not able to be answered or require further investigation, in which event officers will pursue these matters and report back to the committee.

No discussion of the merits of the application will be permitted on a site visit. Members will not make any comments that could create the impression that they have already formed a firm position on the merits of the application. The decision on the application will be made within the formal meeting of the Rights of Way Committee, when members have all the necessary information before them to make an informed decision.

The Chairman may ask any interested party representative present at the site visit if there are any physical features of the existing and / or proposed routes that have not been visited that they consider should be seen by the members. The Chairman will then determine whether to accede to any requests for those routes to be visited.

The visiting party will stay together as a group. No lobbying will be allowed. If any party persists in attempting to lobby, the Chairman may determine to curtail the site visit and return on another occasion.

A written record will be kept of the site visit and placed on the application file.

Code of Good Practice in Planning

1. INTRODUCTION

- 1.1 The way in which planning decisions are made is subject to a great deal of public and media interest. Planning decisions affect the daily lives of everyone and the private lives of individuals, landowners and developers, and therefore on many occasions will be contentious. Because of this it is important that the system of making decisions is seen to be open and impartial, consisting of sound judgements made for justifiable reasons.
- 1.2 This Code of Practice has been drawn up to set out clearly the way in which the Council deals with planning and other applications.
- 1.3 It complements the statutory Local Codes of Member and Officer Conduct which address a range of aspects of members' and officers' conduct in carrying out official duties. All Members of the Council have given a written undertaking to observe the Code. Further information on the provision of the Code can be obtained from the Council's Monitoring Officer, telephone 01394 444336, or e-mail hilary.slater@suffolkcoastal.gov.uk

2. BASIC PREMISES

- 2.1 The basis of the planning system is the consideration of private proposals against wider public interests. The Town and Country Planning Acts provide that decisions on individual proposals should be made in accordance with the Development Plan unless material planning considerations justify a departure from those policies. The Development Plan for Suffolk Coastal District consists of the Suffolk Coastal Local Plan incorporating First and Second Alterations and the Suffolk Structure Plan.
- 2.2 Within the context of the legal provisions, the successful operation of the planning system relies on ensuring that Members and Officers act in a way which is not only fair but is clearly seen to be so. The respective roles of members and officers is set out in this Code of Practice.
- 2.3 The Government has placed a high priority on speed in the determination of planning applications and the practice contained in this code has to take account of this Government priority.

3. DECISION MAKING ON PLANNING APPLICATIONS

The Role of Committee Members

- 3.1 Members of Development Control Committee or Development Control Sub-Committees, in making decisions on planning applications, will:
- Act fairly and openly;
 - Approach each application with an open mind;
 - Carefully weigh up all the material planning considerations; Ensure that reasons for decisions are clearly stated.

- 3.2 The planning system exists to balance the consideration of private proposals against the wider public interest. Members must take into account the interests of all of the District, together with the Government's national planning priorities, and will act in a way which is not only fair, but is clearly seen to be so.
- 3.3 Members will be free to vote on planning applications however they consider appropriate within the context set by the Town and Country Planning Acts, and shall not have pre-judged the outcome prior to their consideration at the committee or sub-committee meeting of all relevant available information. Members should not, prior to the meeting, give an undertaking as to the stance they will take on the determination of a planning application, e.g. at a Town or Parish Council meeting, or to an interested party. They should indicate that any view they might put forward might change in the light of the planning officers report and the sub-committees discussion.
- 3.4 Committee members will also have a role (see 3.5 below) on behalf of their ward to present local views, but members must make it explicit when acting in that role. The decision-making role and its impartiality must not be prejudiced by any such action.

The Role of Members

- 3.5 The representational role of members is a key part of the planning process. Subject to compliance with the terms of the Members' Code of Conduct, in fulfilling that role members will be given the opportunity in respect of all applications to:
- Respond in writing to officers on the merits of the application;
 - Attend any committee site meetings for applications within their ward;
 - To make representations to the determining committee.
- 3.6 Members shall not give instructions to officers, nor should they place pressure on officers in order to secure a particular recommendation on an application.
- 3.7 Members can expect officers to give them every help and assistance in answering questions relating to planning matters.

The Role of Officers

- 3.8 In respect of applications to be determined by a committee or sub-committee Officers will:
- Provide professional and impartial advice;
 - Make sure that all information necessary for a decision to be made is given, including the substance of any objections and the views of those consulted;
 - Set the application in the context of the Development Plan and all other material considerations;
 - Provide a clear and accurate written analysis of the issues;
 - Give a clear recommendation;

- Be responsible for carrying out the decisions of the Development Control Committee and Sub-Committees.

3.9 In respect of decisions that are taken under delegated authority the case officer for the application will prepare a brief written resume of key issues and a recommendation. This written report will be considered by a senior officer, given the appropriate delegated authority by the Head of Planning Services , who may exercise that authority to determine the application. In no circumstances will the case officer determine the application.

3.10 The District Council recognises that Chartered Town Planners and other Chartered Professional Officers shall not make or subscribe to any statements or reports which are contrary to their own professional opinions and the appropriate Professional Institute's Code of Conduct.

4. DISCUSSIONS WITH APPLICANTS

4.1 Pre-application meetings with prospective applicants are encouraged, but will normally only involve officers. They may involve members acting in a representative role where approached by a prospective applicant, such meetings should not normally involve members of the committee or sub-committee which may be making the decision on the intended application. Exceptions are where the committee or sub-committee has by resolution determined that a pre-application meeting shall exceptionally involve members and where the meeting is limited to providing advice on the proper process to follow, involving which officer to contact for further advice. Committee members may also wish to pass applicants on to a neighbouring District Councillor.

4.2 Where pre-application meetings involve members appointed by committee a note of the discussion will be taken and will be made available for public inspection subject to the usual rules about Access to Information, when an application is submitted. At least one officer will be present at all such meetings. The same provisions will apply where following a determination of an application consideration is being given to a fresh application.

4.3 It will be made clear at pre-application meetings that:

- Only officers' initial and provisional views can be given, based upon the provisions of the Development Plan and other material planning considerations;
- No decisions can be made which would bind or otherwise compromise the decision of the Council;
- A written note will be made of all substantive meetings. A follow-up letter should be normal practice when documentary evidence has been left with the Council;
- A note will be taken of telephone conversations where express advice on the planning merits of a proposal has been given. The meeting note and the follow-up correspondence shall be placed on the relevant file, should an application materialise following initial discussions.

5. CONSULTATION AND LOBBYING

5.1 The Council is required by legislation to give certain publicity and consult certain key parties on particular planning applications. The Council supplements the statutory

requirements with its own practice on consultation. Attached as Appendix A is a statement of the Council's current practice of consultation on planning applications.

- 5.2 In all instances interested parties are asked to make their representations in writing in order that a true record of the representation can be placed on the appropriate file for public inspection and to be used in informing the decision making process. Representations can be submitted electronically or submitted in hard copy form.
- 5.3 It is quite common for applicants and other interested parties to wish to discuss a proposed development with members before an application is determined. This can aid the understanding of issues involved. However, to avoid compromising their position before they have received all the relevant information, evidence and arguments, members of the determining committee may choose as a matter of principle not to meet applicants or interested parties. Where they do choose to meet relevant parties they will:
- Not express an opinion which could be taken as firm support or opposition to a proposal;
 - Not organise support or opposition for a proposal or lobby other members;
 - Inform lobbyists or objectors of the importance of their views being submitted in writing to the Council;
 - Advise the Chairman of the Development Control Sub-Committee or the Head of Planning Services of the existence of any party that appears to be trying to exercise undue or unreasonable pressure on members of the Council.

6. **COMMITTEE PROCEDURES**

- 6.1 Development Control Committee and Area Development Control Sub-Committee papers will be available, in accordance with the Access to Information Act provisions, at least five clear working days prior to the meeting.
- 6.2 All applications presented to the committee or sub-committee for determination will have a full written report from officers, including the substance of objections, and the views of those who have been consulted on the planning merits of the proposal, a clear explanation of the relevant Development Plan policies, site related history, any other material planning considerations, a reasoned consideration of the proposal and a clear recommendation.
- 6.3 Any material planning information which is received after the written report has been prepared but more than 24 hours before the start of the committee / sub-committee meeting will be presented orally by officers. Information received within 24 hours of the start of the meeting will only be presented where it is brief and can be readily conveyed to the committee / sub-committee.
- 6.4 The Head of Planning Services will have the discretion to withdraw any item from the agenda of the committee or sub-committee subsequent to the preparation of the report, but prior to a discussion by the committee or sub-committee if the circumstance of the application has changed within that period.

- 6.5 Where an application is determined in accordance with an officers' report the decision will be as set out in that report subject to any amendments which officers or members may put forward at the meeting.
- 6.6 Where the committee or sub-committee disagrees with the officers' professional advice, the reasons for rejecting a report's recommendation will be clearly stated at the meeting and recorded in the minutes. Members need to be sure that when they do not follow officers' professional advice, their decisions are based on sound planning reasons. Members shall be aware that they may be required themselves to justify their decision at appeal. Where Members support an application contrary to the Officers professional advice and that application is a Departure for the Development Plan the application will be referred up to the Development Control Committee for its consideration.
- 6.7 The Council considers that there are benefits in allowing public speaking at Planning / Sub-Committee meetings. A summary of the adopted practice is set out in Appendix B.
- 6.8 Where a planning obligation is required in respect of a development proposal, the officers' report to the committee / sub-committee will set out the reasons for this and indicate any principal terms that the obligation might contain. If the committee / sub-committee requires additional or amended obligations they shall be clearly specified by the committee / sub-committee and in all cases the detail will also be recorded in the minutes of the meeting.
- 6.9 A register is kept of planning obligations entered into and an annual report will be made to the Development Control Committee summarising progress in the receipt and use of financial sums or development in kind received in accordance with a planning obligation.

7. **SITE VISITS**

- 7.1 All sites are investigated by officers as part of the application process. However, there may be circumstances when members will wish to visit specific sites, for example, to understand local conditions and the relationship of a proposed development and the surrounding area, where these features cannot be assessed from the submitted drawings, illustrative material or from outside the site.
- 7.2 Formal site visits will be held when there is a clearly identified material benefit from holding one and the committee or sub-committee so requests that a visit be held.
- 7.3 All members of the relevant Development Control Sub-Committee (including substitutes who may attend at a subsequent meeting) will be invited to attend the site visit, together with the ward or ward members. Where a proposal would have a significant effect on an adjoining ward, the adjoining ward members will also be invited.
- 7.4 All members attending formal site visits by the Development Control Sub-Committee shall be accompanied by an appropriate officer of the Council.
- 7.5 The site visit is not part of the consideration of the merits of an application and therefore public rights to attend the meeting do not apply. However, a representative

of the town or parish council will be invited to the site visit along with the applicant or his / her agent.

- 7.6 If access to private land is necessary, then officers will secure the prior agreement of the landowner.
- 7.7 The purpose of the site visit is fact finding. Officers will be able to point out relevant features of the site and surroundings. Members will be able to see the physical features of the site and ask questions through the Chairman or the officer to seek clarification. A written record will be kept of the site visit and placed on the planning file.
- 7.8 No discussion of the merits of the case will be permitted, and all questions from members will be carried out through the Chair or at the Chairman's discretion directed at the relevant officer.
- 7.9 The Chairman may ask the applicant (or agent), the representative of the town or parish council, or the owner on whose property the site visit is being conducted if there are any parts of the site that have not been visited that they consider should be seen by the members. The Chairman will then determine as to whether to accede to any requests for that part of the site or area to be visited.
- 7.10 The visiting party will stay together as a group. No lobbying by applicants, town or parish council representatives or objectors will be allowed. If an applicant or group persists in attempting to lobby, the Chairman may determine to curtail the site visit and return on another occasion.
- 7.11 The members of the committee / sub-committee, when on site visits, should not make any comments that could create an impression to an outside party that they had already formed a firm position on the merits of the application. The decision on the application should not be made until the formal meeting of the Development Control Sub-Committee and the members will have before them all the necessary information to be able to make an informed decision. There may be occasions when questions raised by members have not been able to be answered or require further investigation in which event officers will pursue these matters and report back on them to the appropriate committee or sub-committee meeting.
- 7.12 Exceptionally, a member of the Development Control Sub-Committee may not be able to attend a site visit or may wish to see a site that is the subject of a report to the Committee. When visiting sites on their own, members should normally seek only to view the site from a public area, and should deal with any lobbying that may occur at the visit in accordance with Section 5 of this Code of Practice. Members may wish to seek advice before undertaking unaccompanied site visits that necessitate access to private property.

8. DISCLOSURE OF INTERESTS AND HOSPITALITY

- 8.1 Members and officers are required to comply with the requirements of the Suffolk Coastal Code of Conduct, including registration of their interests and making appropriate declarations - whether a "personal" or "prejudicial" interest.
- 8.2 Members and officers are discouraged from receiving hospitality from people with an interest in their planning proposal. If receipt of hospitality is unavoidable, members

and officers will ensure that it is of the minimum level and will declare its receipt as soon as possible, in a hospitality book, which in the case of members is retained by the Council's Monitoring Officer, and in the case of officers by the Head of Legal and Democratic Services. When hospitality is offered but not accepted this will also be entered into the hospitality register.

- 8.3 In the event that significant hospitality has been offered and accepted by officers or members this should be declared at the relevant committee / sub-committee meeting.

9. DISTRICT COUNCIL APPLICATIONS

- 9.1 Where the District Council wishes to carry out development which requires planning permission it will need to make an application for its own development before development may be carried out. The appropriate application will be submitted by the Chief Executive or his duly authorised nominee, and will be dealt with by the Council as Local Planning Authority in the same way as those submitted by private applicants.

- 9.2 No District Council application will be determined under delegated authority, but will be determined by the Development Control Sub-Committee or Development Control Committee.

10. APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS

- 10.1 All applications which are submitted by or on behalf of members, or any officers of the Council or their spouse / partner in their private capacity, will be reported to the Development Control Sub-Committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to Officers.

- 10.2 The member / officer concerned will inform the Head of Planning Services of the submission of their application to ensure that the above mentioned procedure can be adopted.

- 10.3 No member or officer concerned will take part in the processing or determination of the application, and if normally present at the determining sub-committee meeting, will declare a prejudicial interest in the normal manner and leave the meeting for the consideration of that item of business.

11. TRAINING

- 11.1 To facilitate the effective working of the planning system, all members of the Council will be offered training in the principles of the planning system and the planning procedures followed by the District Council. The precise contents of this training will be determined from time to time by officers in consultation with members.

- 11.2 Members of the Development Control Committee and Development Control Sub-Committees will have undertaken training on current planning procedures and the principles of the planning system. When significant changes to the planning system or policy applicable to the District occurs updated information or training as appropriate will be provided to all members of the Development Control Committee and Development Control Sub-Committees – information / training which all members of the Council will be invited to benefit from if they so wish.

- 11.3 Members who have not participated in appropriate training can not be Members of the Development Control Committee or Development Control Sub-Committees. Only in the most exceptional cases when there are no trained members available and a committee or sub-committee would be potentially inquorate, should a member who has not received training take part in making a decision on a planning application. A record of member training in planning will be maintained.
- 11.4 As part of the annual monitoring role of the Development Control Committee, the training and provision of information undertaken and provided each year will be reviewed.

12. COMPLAINTS

- 12.1 If there is concern that the Code of Practice set out in this document has not been adhered to you should contact your local ward councillor or you should write to the Head of Planning Services at the Council Offices, or e-mail philip.ridley@suffolkcoastal.gov.uk. In the event the concern is a matter that relates to the Council's Statutory Code of Conduct for Members or Officers, then concern should be made in writing to the Monitoring Officer at the Council Offices, or e-mail hilary.slater@suffolkcoastal.gov.uk.
- 12.2 The Council has adopted a Complaints Procedure which may be followed in the event that the initial enquiry is not resolved to the complainant's satisfaction. A copy of the Complaints Procedure is available on the Council's web-site, or from the Council Offices.

STATUTORY PUBLICITY

Nature of Development	Publicity Required
Development where application accompanied by environmental statement	Advertisement in newspaper and site notice
Departure from development plan	Advertisement in newspaper and site notice
Affecting public right of way	Advertising in newspaper and site notice
Major Development	Advertisement in newspaper, site notice and neighbour notification as appropriate
Minor Development	Site notice and neighbour notification as appropriate
Development affecting the setting and character of a listed building	Advertisement in newspaper and site notice
Development affecting the character or appearance of a Conservation Area	Advertisement in newspaper and site notice
Agricultural permitted development where Local Planning Authority indicates a need for its prior approval	Site notice posted by developer
Telecommunications	

INFORMAL PUBLICITY ARRANGEMENTS

The planning officer dealing with a case has discretion to notify a neighbour direct, or not, as he or she considers desirable having regard to adopted guidelines. Notification is carried out having regard to the following guidelines:

- (i) Notification will take place when, in the opinion of the inspecting officer, demonstrable harm may be caused to the amenities of a neighbouring property resulting in:
 - a) loss of privacy;
 - b) loss of peaceful enjoyment;
 - c) loss of daylight or sunlight;
 - d) adverse visual impact;
 - e) or other adverse effect.

- (ii) The person notified will be the occupier of the neighbouring property affected by the proposals;

- (iii) 'Neighbouring property' is any residential property having a boundary contiguous with, or abutting, an application site but does not include a property separated from the site by a public highway;
- (iv) Notification will not be undertaken simply because a neighbour's outlook over adjoining property is affected or because a solely private interest is involved e.g. a private right of way;
- (v) Where application proposals affect properties over a wider area, the local town / parish council will be able to express a local view but where the impact could be substantial, consideration will be given to advertising the application by press advertisements as an item of general interest.

N.B. This protocol will become effective from 1 October 2003

PUBLIC SPEAKING PROCEDURES FOR DEVELOPMENT CONTROL SUB-COMMITTEE MEETINGS

RECEIPT OF A PLANNING APPLICATION

When acknowledging an application the Council will indicate that in the event that the application is to be reported to one of the two Area Sub-Committees there will be a potential for public speaking. In advance of knowing whether the matters in question are to be reported to a sub-committee meeting it would be inappropriate to advise applicants or agents of the precise details of the scheme.

PROCEDURE WHEN AN ITEM IS SCHEDULED TO BE REPORTED TO A DEVELOPMENT CONTROL SUB-COMMITTEE

Progress on applications can be monitored on-line by visiting the Council's website – www.suffolkcoastal.gov.uk. This will indicate if the application is going to be considered by the Sub-Committee and, if so, when. The following would normally be permitted to speak:

- (i) representative of town / parish council;
- (ii) applicant or representative;
- (iii) objector / interested party;
- (iv) relevant ward members.

The intention is that only one person would speak from each of the above parties. It will not be necessary to make any prior arrangements to speak and people will be invited to turn up on the day, before the start of the meeting and make their wish to speak known to the Democratic Services Officer or his / her assistant.

PROCEDURES AT SUB-COMMITTEE MEETINGS

Interested parties will be invited to attend sub-committee meetings from 8.30 am onwards so that the Democratic Services Assistant can ascertain who wishes to speak, and upon which item. This information will be relayed to the Chairman via the Democratic Services Officer and it will then be a matter for the Chairman to determine any re-ordering of the agenda in conjunction with the Democratic Services Officer. The instructions will be clear that anyone who arrives after 9.00 a.m. will not be in a position to insist upon speaking on an item. It is assumed that ward members would also wish to attend at the start of the meeting to alert the Chairman to their wish to speak and to avoid an item being brought forward in their absence.

ORDER OF SPEAKING

The order of debate will be as follows:

- (i) Introduction by Planning Officer;
- (ii) Representations by applicant or representative;
- (iii) Representations by objector or interested party;
- (iv) Representations by relevant town or parish council (in exceptional circumstances the Chairman may allow more than one parish council to send a representative by prior agreement where a development proposal is of such magnitude that it affects several parishes);

- (v) Ward member(s);
- (vi) Development Control Sub-Committee general debate.

DURATION OF SPEAKING

Speakers, other than Ward members, will be given a maximum of three minutes to speak in presentation, with the Chairman having absolute discretion as to how many and in what form questions are allowed over and above the three minute presentation. No speaker will be given a second opportunity to speak to ensure equality of representation. All questions should be based upon matters of fact only, and channelled exclusively through the Chairman. There will be no general debate, including those engaged in public speaking, given that the purpose of allowing public speaking is to make appropriate representations and to tease out matters of fact.

ILLUSTRATIVE MATERIAL

If a speaker wishes to refer to illustrative material, which they wish to be displayed at the meeting, then this must be provided to the officers in advance of the meeting so that appropriate arrangements can be made for its display.

Part 6

Members' Allowances Scheme

Members Allowances Scheme – From 1 September 2007

(as agreed by Council on 27 March 2008)

Basic Allowance (BA) **£4,000**

Special Responsibility Allowances:

Leader of the Council	£12,000 (BA x 3)
Deputy Leader of the Council	£8,000 (BA x 2)
Cabinet Member	£4,000 (BA x 1)
Chairman of the Council	£6,000 (BA x 1.5)
Vice Chairman of the Council	£2,000 (BA x 0.5)
Lead Chairman of Scrutiny (currently Corporate Services Scrutiny Committee)	£4,000 (BA x 1)
Chairman of Scrutiny Committee	£3,000 (BA x 0.75)
Vice Chairman of Scrutiny Committee	£1,500 (BA x 0.375)
Chairman of Development Control Committee	£2,000 (BA x 0.5)
Chairman of a single Development Control Sub-Committee	£4,000 (BA x 1)
Vice Chairman of a single Development Control Sub-Committee	£1,500 (BA x 0.375)
Member of Development Control Sub-Committee	£800 (BA x 0.2)
Chairman of Licensing and Health Committee	£4,000 (BA x 1)
Vice Chairman of Licensing and Health Committee	£2,000 (BA x 0.5)
Chairman of Rights of Way Committee	£1,000 (BA x 0.25)
Chairman of Standards Committee	£2,000 (BA x 0.5)
Co-opted Member	£400 (BA x 0.1)
Group Leader of the Liberal Democrats	£4000 (BA x 1)
Group Leader of Labour	£800 (BA x 0.2)
Deputy Group Leader (more than two members)	£2,000 (BA x 0.5)

Attendance Allowances

Conferences **£10 per meeting up to 4 hours**
£15 per meeting over 4 hours

Travelling Allowance (in own vehicles)

451 to 1450cc **40p per mile**

Care of Children and Dependants

An allowance is paid to any councillor who in the course of their work as a councillor has to provide care for children and/or dependants and in doing so incurs additional expenditure. In these circumstances the following hourly rates are recommended:

- Baby sitting up to a maximum of £10.00 per hour
- Child minding up to a maximum of £13.00 per hour
- Care of dependants up to a maximum of £13.00 per hour

Subsistence

Absence from home of over 4 hours (payable only with valid receipt. Not payable if there are refreshments at meetings):-

		Max Allowance:	
(a)	More than four hours before 11.00am	Breakfast	£6.20

(b)	More than four hours including 12 noon to 2.00pm	Lunch	£8.50
(c)	More than four hours including 3.00pm to 6.00pm	Tea	£3.40
(d)	More than four hours ending after 7.00pm	Dinner	£10.50

Subsistence

In London or at approved conferences	£91.04
Other	£79.82

Other points agreed by Council

- (1) the Basic and Special Responsibility Allowances be increased annually in line with the JNC Local Government pay award applying to the Council's own staff, with the first such increase applying from 1 April 2009.
- (2) the current policy of having only one Special Responsibility Allowance paid to each Member (whichever is the higher allowance) be continued
- (3) members who are eligible should be allowed to join the Local Government Pension Scheme if they wish
- (4) consideration be given to the introduction of job descriptions for all members
- (5) the Deputy Leader of a minority group of more than two members should receive an allowance in terms of the same ratio as the rest of the allowances.

Part 7

Management Structure

Management Structure

1. The Head of Paid Service will determine a description of the overall departmental structure of the Council showing the management structure and deployment of officers.
2. The departmental structure pertaining at any given time will be published as Appendix 1 to this part of the Constitution, and will contain the names of Strategic Directors and Heads of Service in their departments. These are the officers with whom members and the public will most frequently come into contact.

ALLOCATION OF FUNCTIONS

The functions under each Head of Service are set out below:

SERVICE STRUCTURE

Service	Functions
Legal and Democratic Services	Monitoring Officer Democratic Services Electoral Services Ethical Governance Legal Services Licensing Member Development and Support
Planning Services	Coastal Management Conservation and Design Development and Building Control Planning Planning Policy
Community and Economic Services	Art and Sports Development Community Development Community Safety Countryside Management Economic Development and Regeneration Leisure Strategy and Development Museums and Culture
Environmental Services and Port Health	Corporate Health and Safety Emergency Planning Environmental Services Food Safety Health Improvement Port Health
Financial Services	Section 151 Officer Financial & Management Accounting Central Administration
Strategic Housing & Tenant Services	Housing Stock Private Sector Housing Strategic Housing
Revenues & Benefits Service	Council Tax Housing Benefit NDR
Customer Services & Commercial Partnerships	Asset Management Car Park Management Customer Services Leisure Operations Procurement & Purchasing Theatre Management Waste Management Acting as strategic client with commercial partnerships (e.g. Suffolk Coastal Services, Norfolk Property Services)
ICT & Corporate Services	Communication and Media Management Community Engagement

	Council Performance, Policy, Strategy and Risk HR & Organisational Development ICT Management Knowledge Management (incl. Land Charges & GIS) (Concessionary Fares until handed over to Suffolk County Council in April 2011)
Audit Management	Internal Audit Functions Liaison with External Audit Fraud Prevention Activity Data Protection Expertise and Advice Freedom of Information Expertise and Advice

KEY PERSONNEL IN SERVICE AREAS

Chief Executive:

Stephen Baker

Assistant Chief Executive:

Arthur Charvonia (with specific responsibility for Community Development and Engagement; Corporate Health and Safety; Democratic Services; Electoral Services; Housing; Human Resources; Legal and Licensing)

Director of Resources:

Alan McFarlane (with specific responsibility for Accounting and Finance; Asset Management; Audit; Procurement; Revenues and Benefits; Strategic Client; Waste)

Strategic Director

Tony Osmanski (with specific responsibility for Customer Services; Emergency Planning; Environmental Services; Leisure and Culture; Port Health; Community Engagement; Local Strategic Partnership)

Strategic Director

Stephen Archer (with specific responsibility for Building Control; Coast Management; Countryside Management; Development Control; Economic Development and Regeneration; Planning; Tourism)

Head of Legal and Democratic Services

Hilary Slater

Head of Planning Services

Phil Ridley

Head of Community and Economic Services

Andy Wright

Head of Environmental Services & Port Health

Phil Gore

Head of Financial Services

Homira Javadi

Head of Strategic Housing & Tenant Services

Robert Prince

Head of Revenues & Benefits Services

Paul Corney

Head of Customer Services & Commercial Partnerships

David Gallagher

Head of ICT & Corporate Services

Steve Whelan

Head of Audit Management

Trevor Brown