

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