

TO: COUNCIL

ON: 2 JULY 2001

Agenda Item No: 10

Title: Modernising Political Structures

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Summary

- 1 This report requests Members to approve, in principle, the following draft procedures and regulations, which will form a large part of the Council's new Constitution

Council Procedure Rules (Standing Orders)
Financial Regulations
Delegation Scheme
Access to Information Procedure Rules

- 2 Members are also asked to authorise officers to submit a summary draft Constitution based on the above documents to the Department of Transport, Local Government and the Regions (DTLGR) to enable the new structure to be in place by 1 September 2001.
- 3 The report also suggests that a Special Meeting of the Council be arranged on 21 or 28 August 2001 to approve the final documents.

Background

- 4 Following the decision taken on 24 April 2001 (Minute 349 (iv)) officers have produced the first draft of most of the procedures and rules which are needed to enable the Council to operate the new political structure from 1 September 2001.
- 5 In relation to Council Procedure Rules, Access to Information and Financial Regulations, considerable use has been made of models produced by the former DETR and the Chartered Institute of Public Finance and Accountancy (CIPFA). The Council's existing delegation scheme has been re-cast to reflect the responsibilities which have been agreed for the new committees. Any amendments of substance will be pointed out at the meeting.
- 6 The documents will need refining and Members are asked to give their initial views and agreement in principle at the meeting to assist officers in this task. It is suggested that Members send any further views in writing to the Chief Executive by 20 July 2001.
- 7 The way in which the overview and scrutiny function will operate will need detailed discussion and arrangements are being made for this to be done. The first opportunity will be the Member Workshop on 16 July.

- 8 Officers will work further on the documentation in the light of any comments received and of any discussions on overview. It is suggested that a Special Meeting of the Council be arranged on either 21 or 28 August 2001. At that time, Members will also be asked to approve the detailed financial procedure rules and those relating to contracts
- 9 In the meantime, although the deadline for the submission of draft constitutions to the DTLGR has effectively been deferred until mid September, a submission should be made on behalf of the Council as soon as possible to enable the new system to be in operation on 1 September 2001. Government officials have made it clear that they do not expect to receive the full constitution.

RECOMMENDED that

- 1 Members approve, in principle, draft Council Procedure Rules, Financial Regulations, Delegation Scheme and Access to Information Procedure Rules.
- 2 Officers be authorised to submit a summary draft Constitution to the DTLGR to enable the new structure to be in place by 1 September 2001.
- 3 A Special Meeting of the Council be arranged on 21 or 28 August 2001 to approve the final documents.

COUNCIL PROCEDURE RULES

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place on such day or days as may be determined by the Council.

The annual meeting will:

(i) elect a person to preside if the Chairman of Council is not present;

(ii) elect the Chairman of Council;

(iii) elect the Vice Chairman of Council;

(iv) approve the minutes of the last meeting;

(v) receive any announcements from the Chairman and/or Chief Executive;

(vi) elect the Leader;

(vii) elect the Deputy Leader;

(viii) appoint at least one overview and scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate;

(ix) agree the scheme of delegation;

(x) approve a programme of ordinary meetings of the Council for the year; and

(xi) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the council meeting will:

(i) decide which committees to establish for the municipal year;

- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme as determined by the Council. Ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice Chairman are not present;
- (ii) except at an extraordinary meeting, approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Chairman, Leader or Chief Executive;
- (v) receive questions and/or statements from the public;
- (vi) deal with any business from the last Council meeting;
- (vii) receive reports from the Council's committees and receive questions and answers on any of those reports;
- (viii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (ix) consider motions;
- (x) answer any questions under Rule 8; and
- (xi) consider any other business specified in the summons to the meeting, and reports of the overview and scrutiny committees for debate.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- i) the Council by resolution;
- ii) the Chairman of the Council;
- iii) the Monitoring Officer;
- iv) the Chief Finance Officer; and
- v) any five members of the Council if they have signed a requisition presented to the 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.

3.2 Business

The summons to the extraordinary meeting shall set out the business to be considered. No business other than that set out in the summons shall be considered at that meeting.

4. TIME AND PLACE OF MEETINGS

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

5. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least three clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to or by email to or by leaving it at their usual place of residence of every member of the Council, as appropriate. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

6. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee meetings, references to the Chairman also include the Chairman of committees.

7. QUORUM

The quorum of a meeting will be one quarter of the whole number of members and, in the case of a committee, not less than 3 members. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. QUESTIONS BY MEMBERS

8.1 On reports of committees

A member of the Council may ask the Leader or the Chairman of a committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.

8.2 Questions on notice at full Council

Subject to Rule 8.4, a member of the Council may ask:

- the Chairman;
- the Leader; or
- the Chairman of any committee

a question on any matter in relation to which the Council has powers or duties or which affects the area.

8.3 Questions on notice at committees

Subject to Rule 8.4, a member of a committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that committee.

8.4 Notice of questions

A member may only ask a question under Rule 8.2 or 8.3 if either:

(a) he or she has given at least 5 working days' notice in writing of the question to the Chief Executive; or

(b) the question relates to urgent matters, he or she has the consent of the Chairman to whom the question is to be put and the content of the question is given to the Chief Executive by 9.00 am on the day of the meeting.

8.5 Response

An answer may take the form of:

(a) a direct oral answer;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

8.6 Supplementary question

A member asking a question under Rule 8.2 or 8.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

9. MOTIONS ON NOTICE

9.1 Notice

Except for motions which can be moved without notice under Rule 10, written notice of every motion, signed by at least 1 member, must be delivered to the Chief Executive not later than 10 clear days before the date of the meeting. These will be entered in a book open to public inspection.

9.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that he or she proposes to move it to a later meeting or withdraw it.

9.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the area.

10. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

(a) to appoint a chairman of the meeting at which the motion is moved;

(b) in relation to the accuracy of the minutes;

- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate committee, body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council Procedure Rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 17.3 or to exclude them from the meeting under Rule 17.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

11. RULES OF DEBATE

11.1 No speeches until motion seconded

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

11.2 Right to require motion in writing

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

11.3 Secunder's speech

When seconding a motion or amendment, a member may reserve his/her speech until later in the debate.

11.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chairman.

11.5 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (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) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

11.6 Amendments to motions

(a) An amendment to a motion must be relevant to the motion and will either be:

(i) to refer the matter to an appropriate committee, body or individual for consideration or reconsideration;

(ii) to leave out words;

(iii) to leave out words and insert or add others; or

(iv) to insert or add words.

as long as the effect of (ii) to (iv) does not negate the motion.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

Provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would assist the decision making process.

(c) If an amendment is not carried, other amendments to the original motion may be moved.

(d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

11.7 Alteration of motion

(a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

(b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

11.8 Withdrawal of motion

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

11.9 Right of reply

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

(c) The mover of the amendment has no right of reply to the debate on his or her amendment.

11.10 Motions which may be moved during debate

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

(a) to withdraw a motion;

(b) to amend a motion;

(c) to proceed to the next business;

(d) that the question be now put;

(e) to adjourn a debate;

(f) to adjourn a meeting;

(g) to exclude the public and press in accordance with the Access to Information Rules; and

(h) to not hear further a member named under Rule 17.3 or to exclude them from the meeting under Rule 17.4.

11.11 Closure motions

(a) A member may move, without comment, the following motions at the end of a speech of another member:

(i) to proceed to the next business;

(ii) that the question be now put;

(iii) to adjourn a debate; or

(iv) to adjourn a meeting.

(b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the

vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

11.12 Point of order

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

11.13 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

11.14 Leader

The Leader and Deputy Leader may attend and speak and move and second motions, but may not vote, at a meeting of a committee of which they are not voting members.

12. PREVIOUS DECISIONS AND MOTIONS

12.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 11 members.

12.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 11 members. Once the

motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

13. VOTING

13.1 Majority

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

13.2 Chairman's casting vote

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.

13.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 13.4 and 13.5, the Chairman will take the vote by show of hands or, if there is no dissent, by the affirmation of the meeting.

13.4 Ballots

The vote will take place by ballot if 5 members present at the meeting demand it. The Chairman will announce the numerical result of the ballot immediately the result is known.

13.5 Recorded vote

If a member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

13.6 Right to require individual vote to be recorded

This is a mandatory standing order under the [Local Authorities \(Standing Orders\) Regulations 1993](#).

Where any member requests it immediately after the vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

13.7 Voting on appointments

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

14. MINUTES

14.1 Signing the minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

14.2 No requirement to sign minutes of previous meeting at extraordinary meeting

This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. The language is constrained by that permitted in the regulations.

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

14.3 Form of minutes

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

15. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance book or sheets before the conclusion of every meeting to assist with the record of attendance.

16. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 18 (Disturbance by Public).

17. MEMBERS' CONDUCT

17.1 Speaking

When a member speaks at a Council meeting he/she must address the meeting through the Chairman. If more than one member wishes to speak, the Chairman will ask one to speak and the others to wait. Other members must refrain from speaking whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

17.2 Chairman speaking

When the Chairman speaks during a debate, any member speaking at the time must stop. The meeting must be silent.

17.3 Member not to be heard further

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

17.4 Member to leave the meeting

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

17.5 General disturbance

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

18. DISTURBANCE BY PUBLIC

18.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

18.2 Clearance of part of meeting room

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

19. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

19.1 Suspension

All these Rules except Rules 16.6 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

19.2 Amendment

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

20. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All these Rules apply to meetings of full Council. Rules 4-20 apply to meetings of committees.

Financial Regulations for Uttlesford District Council

BACKGROUND

Uttlesford District Council is a rural District Council in North West Essex. It has a population of 69,000 and an area of 65,000 hectares. It provides a wide range of services to its residents. It works in partnership with other authorities, 56 parish/town councils and a number of other organisations. Some of the services the authority provides are as follows:-

- leisure
- community safety
- museum
- tourism
- housing
- cemetery
- food safety
- public conveniences
- local planning
- building control
- housing benefits
- council tax and business rates
- refuse collection
- street cleansing

The authority's governance structure is laid down in its constitution, which sets out how the council operates, how decisions are made and the procedures that are followed.

The authority has adopted a modified committee structure.

Status of Financial Regulations

Financial regulations provide the framework for managing the authority's financial affairs. They apply to every member and officer of the authority and anyone acting on its behalf. The regulations identify the financial responsibilities of the full council, committee and overview and scrutiny members, the head of paid service, the monitoring officer, the finance director (Director of Resources) and other chief officers.

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

The finance director is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the full council for approval. The finance director is also responsible for reporting, where appropriate, breaches of the financial regulations to the council and/or other appropriate committees. The authority's detailed financial procedures, setting out how the regulations will be implemented, are contained in the appendices to the financial regulations.

For the purposes of these Financial Regulations, Chief Officers are the Council's Corporate Management Team. They are responsible for ensuring that all staff in their directorates/service units are aware of the existence and content of the authority's financial regulations and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their directorates.

Any duties and responsibilities of a Chief Officer in these Financial Regulations may be delegated to another officer by the Chief Officer, with the agreement of the finance director. The terms of any such delegation must be documented in a form approved by the finance director. Any reference to a Chief Officer elsewhere in these regulations shall be deemed to be a reference to such authorised officers. The finance director is responsible for issuing advice and guidance to underpin the financial regulations that members, officers and others acting on behalf of the authority are required to follow.

Financial Regulations

FINANCIAL REGULATION A: FINANCIAL MANAGEMENT

INTRODUCTION

Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget.

THE FULL COUNCIL

The full council is responsible for adopting the authority's constitution and members' code of conduct and for approving the policy framework and budget within which the council operates. It is also responsible for approving and monitoring compliance with the authority's overall framework of accountability and control. The framework is set out in its constitution. The full council is also responsible for monitoring compliance with the agreed policy and related decisions.

The full council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the council and its committees. These delegations and details of who has responsibility for which decisions are set out in the constitution.

Policy Committee

There are four policy committees of the Council:-

- Resources
- Environmental & Transport
- Health & Housing
- Community & Leisure

These Committees will formulate and review policies within their remit in order to meet the Council's objectives. They will be accountable for the control and review the use and allocation of resources within approved budgets. The Committees will promote partnerships where appropriate and respond to initiatives from other organisations. At regular intervals they will review their Committees delegation scheme within the Council's overall framework. Statutory and discretionary services will be undertaken and task groups and working parties established as necessary for specific purposes.

Overview and scrutiny committee

The overview and scrutiny committee is responsible for scrutinising policy committee decisions before or after they have been implemented and for holding these committees to account. The overview and scrutiny committee is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the authority.

Standards committee

The standards committee is established by the full council and is responsible for promoting and maintaining high standards of conduct amongst councillors. In particular, it is responsible for advising the council on the adoption and revision of the members' code of conduct, and for monitoring the operation of the code.

Other regulatory committee

Planning and licensing are not policy functions but are exercised through the quasi-judicial planning and licensing committee under powers delegated by the full council. The planning and licensing committee reports to the full council.

THE STATUTORY OFFICERS

Head of paid service (and chief executive)

The head of paid service is responsible for the corporate and overall strategic management of the authority as a whole. He or she must report to and provide information for the policy committees, the full council, the overview and scrutiny committee and other committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The head of paid service is also responsible, together with the monitoring officer, for the system of record keeping in relation to all the full council's decisions (see below).

Monitoring officer

The monitoring officer is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the standards committee. The monitoring officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the full council and for ensuring that procedures for recording and reporting key decisions are operating effectively.

The monitoring officer must ensure that policy committee decisions and the reasons for them are made public. He or she must also ensure that council members are aware of decisions made by the policy committee and of those made by officers who have delegated responsibility.

The monitoring officer is responsible for advising all councillors and officers about who has authority to take a particular decision.

The monitoring officer is responsible for advising the policy committee or full council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.

The monitoring officer (together with the finance director) is responsible for advising the policy committee 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:

- initiating a new policy
- committing expenditure in future years to above the budget level
- incurring internal transfers above virement limits
- causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.

The monitoring officer is responsible for maintaining an up-to-date constitution.

Finance director

The finance director² has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations 1996.

The finance director is responsible for:

- the proper administration of the authority’s financial affairs
- setting and monitoring compliance with financial management standards

2. See A Statement on the Role of the Finance Director in Local Government (CIPFA, 1999)

- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- providing financial information
- preparing the revenue budget and capital programme

- treasury management.

Section 114 of the Local Government Finance Act 1988 requires the director of finance to report to the full council and external auditor if the authority or one of its officers:

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

Section 114 of the 1988 Act also requires:

- the finance director to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally
- the authority to provide the finance director with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

CHIEF OFFICERS

Chief officers are responsible for:

- ensuring that appropriate members are advised of the financial implications of all proposals and that the financial implications have been agreed by the finance director
- signing contracts on behalf of the authority.

It is the responsibility of chief officers to consult with the finance director and seek approval on any matter liable to affect the authority's finances materially, before any commitments are incurred.

OTHER FINANCIAL ACCOUNTABILITIES

Virement

The Resources Committee is responsible for agreeing procedures for virement of expenditure between budget headings.

Chief officers are responsible for agreeing in-year virements within delegated limits, in consultation with the finance director where required. They must notify the finance director of all virements over £10,000.

Treatment of year-end balances

The Resources Committee is responsible for agreeing procedures for carrying forward under- and overspendings on budget headings.

Accounting policies

The finance director is responsible for selecting accounting policies and ensuring that they are applied consistently.

Accounting records and returns

The finance director is responsible for determining the accounting procedures and records for the authority.

The annual statement of accounts

The finance director 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). The Resources Committee is responsible for approving the annual statement of accounts.

FINANCIAL REGULATION B: FINANCIAL PLANNING

INTRODUCTION

B.1 The full council is responsible for agreeing the authority's policy framework and budget, which will be proposed by the Resources Committee. In terms of financial planning, the key elements are:

- . the best value performance plan
- . the budget
- . the capital programme.

POLICY FRAMEWORK

The full council is responsible for approving the policy framework and budget. The policy framework includes the following statutory plans and strategies:

- . best value performance plan
- . capital programme
- . treasury management policy statement
- . community strategy
- . crime and disorder reduction strategy
- . plans and strategies which together comprise the development plan
- . local agenda 21 strategy

The full council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the full council by the monitoring officer.

The full council is responsible for setting the level at which the policy committee may reallocate budget funds from one service to another. Each policy committee is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the council.

BUDGETING

Budget format

The general format of the budget will be approved by the full council and proposed by the Resources Committee on the advice of the finance director. The draft budget should include allocation to different services and projects, proposed taxation levels and reserve funds.

Budget preparation

The finance director is responsible for ensuring that a Council revenue budget requirement is prepared on an annual basis and a general revenue projection on a three-yearly basis for consideration by the Resources Committee, before submission to the full council. The full council may amend the budget or ask the relevant Committee(s) to reconsider it before approving it.

The Resources Committee is responsible for issuing guidance as appropriate on the general content of the budget in consultation with the finance director.

It is the responsibility of chief officers to ensure that budget estimates reflecting agreed service plans are submitted to the appropriate Policy Committee and that these estimates are prepared in line with guidance as appropriate by the Resources Committee.

Budget monitoring and control

The finance director is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations and report to the Resources Committee on the overall position on a regular basis.

It is the responsibility of chief officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the finance director. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the finance director to any problems.

Resource allocation

The finance director is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full council's policy framework.

Preparation of the capital programme

The finance director is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Resources Committee before submission to the full council.

Guidelines

Guidelines on budget preparation are issued to members and chief officers by the Resources Committee following agreement with the finance director. The guidelines will take account of:

- legal requirements
- medium-term planning prospects
- BVPP
- available resources
- spending pressures
- best value and other relevant government guidelines
- other internal policy documents
- cross-cutting issues (where relevant).

MAINTENANCE OF RESERVES

It is the responsibility of the finance director to advise the Resources Committee and/or the full council on prudent levels of reserves for the authority.

FINANCIAL REGULATION C: RISK MANAGEMENT AND CONTROL OF RESOURCES

INTRODUCTION

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

RISK MANAGEMENT

The Resources Committee is responsible for approving the authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Resources Committee is responsible for ensuring that proper insurance exists where appropriate.

The finance director is responsible for preparing the authority's risk management policy statement, for promoting it throughout the authority and for advising the Resources Committee on proper insurance cover where appropriate.

INTERNAL CONTROL

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

The finance director is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

It is the responsibility of chief officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

AUDIT REQUIREMENTS

The Accounts and Audit Regulations 1996 issued by the Secretary of State for the Environment require every local authority to maintain an adequate and effective internal audit.

The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.

The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

PREVENTING FRAUD AND CORRUPTION

The finance director and monitoring officer are responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

ASSETS

Chief officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

TREASURY MANAGEMENT

The authority has adopted CIPFA's *Code of Practice for Treasury Management in Local Authorities*.

The Resources Committee is responsible for approving the treasury management policy statement setting out the matters detailed in paragraph 15 of CIPFA's *Code of Practice for Treasury Management in Local Authorities*. The finance director has delegated responsibility for implementing and monitoring the statement.

All money in the hands of the authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the finance director.

The finance director is responsible for reporting to the Resources Committee a proposed treasury management strategy for the coming financial year at or before the start of each financial year.

All executive decisions on borrowing, investment or financing shall be delegated to the finance director, who is required to act in accordance with CIPFA's *Code of Practice for Treasury Management in Local Authorities*.

The finance director is responsible for reporting to the Resources Committee not less than once in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

STAFFING

The full council is responsible for determining how officer support for the Policy Committees and the Scrutiny and Review Committees within the authority will be organised.

The head of paid service is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

Chief officers are responsible for controlling total staff numbers by:

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

FINANCIAL REGULATION D: SYSTEMS AND PROCEDURES

INTRODUCTION

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

GENERAL

The finance director is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by chief officers to the existing financial systems or the establishment of new systems must be approved by the finance director. However, chief officers are responsible for the proper operation of financial processes in their own directorates.

Any changes to agreed procedures by chief officers to meet their own specific service needs should be agreed with the finance director.

Chief officers should ensure that their staff receive relevant financial training that has been approved by the finance director.

Chief officers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Chief officers must ensure that staff are aware of their responsibilities under freedom of information legislation.

INCOME AND EXPENDITURE

It is the responsibility of chief officers to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the chief officer's behalf, or on behalf of the appropriate Policy Committee in respect of payments, income collection and placing orders, together with the limits of their authority. The Resources Committee is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

PAYMENTS TO EMPLOYEES AND MEMBERS

The finance director is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members.

TAXATION

The finance director is responsible for advising chief officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.

The finance director is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

TRADING ACCOUNTS

It is the responsibility of the finance director to advise on the establishment and operation of trading accounts.

FINANCIAL REGULATION E: EXTERNAL ARRANGEMENTS

INTRODUCTION

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

PARTNERSHIPS

The Council is responsible for approving delegations, including frameworks for partnerships. The Council is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

The Council can delegate functions – including those relating to policy committees and officers. These are set out in the scheme of delegation that forms part of the authority's constitution. Where functions are delegated, the Council remains accountable for them.

The head of paid service or other officers as appropriate, represents the authority on partnership and external bodies, in accordance with the scheme of delegation.

The monitoring officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the authority.

The finance director must ensure that the accounting arrangements to be adopted relating to partnerships and any joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

Chief officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

EXTERNAL FUNDING

The finance director is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

WORK FOR THIRD PARTIES

The appropriate policy committee is responsible for approving the contractual arrangements for any work for third parties or external bodies.

INDEX TO DELEGATION SCHEME

	Page
General Delegation	33
The Role of the Full Council	33
Policy Committees: Terms of Reference	33
Resources Committee	34
Local Joint Committee	37
Health and Housing Committee	38
Community and Leisure Committee	41
Museum Management Joint Working Party	43
Community Achievement Award Team	43
District Grants Advisory Panel	43
Bridge End Gardens Working Party	43
Leisure (PFI) Board	43
Environment and Transport Committee	44
Development Control and Licensing Committee	48
Scrutiny Committees: Terms of Reference	51
Resources and Environment Scrutiny Committee	51
Community and Housing Scrutiny Committee	51
Staff Appeals Committee	51
Emergency Committee	52
Standards Committee	52

GENERAL DELEGATION TO ALL COMMITTEES AND CHIEF OFFICERS AND TASK GROUPS

(a) Committees and Task Groups

- (i) Acceptance of a tender for any proposal already approved by the Council, provided it is capable of accommodation within the Committee's budget and does not require a supplementary estimate.
- (ii) The opening of tenders by the Chairman and Vice-Chairman of the appropriate Committee in the presence of the Chief Executive and/or the Technical Director concerned, or their representatives.
- (iii) Appointment of member delegates to conferences within the purview of the Committee.
- (iv) Appointment of members to attend seminars within the purview of the Committee.

(b) Chief Officers – General

For the purposes of this scheme, Chief Officers are the Chief Executive, the Director of Community Services, the Director of Resources and the Assistant Chief Executive

- (i) In consultation with the Chairman of the appropriate Committee, authority to take any action, which would normally require Committee approval, but which requires an urgent decision, subject to that action being within budget and in line with Council policy .

(c) Chief Officers - Supplies

All Chief Officers are authorised to purchase supplies and equipment and to give orders for work to be performed in so far as there is provision for such expenditure within the Committee's budget, and the Council's Procedure Rules (including contracts) and Financial Regulations are not contravened.

THE ROLE OF THE FULL COUNCIL

The Council

- 1 Approves the Constitution (including Political Management Structure, Standing Orders, Contract Standing Orders, Delegation Schemes, Financial Regulations, Code of Conduct, Protocols (Member/Officer etc))
- 2 Appoints the Chairman
- 3 Appoints the Vice-Chairman
- 4 Appoints the Leader and Deputy Leader

- 5 Appoints Committees
- 6 Reviews annually task groups and working parties to assess the need for them.
- 7 Agrees its strategic objectives and budget strategy
- 8 Agrees the following individual strategies/policy documents
 - Best Value Performance Plan
 - Community Strategy
 - Local Plan
 - Housing Strategy
 - LA21 Strategy
 - Leisure and Cultural Strategy
 - Partnership Strategies (e.g. Crime and Disorder Reduction and Health Authority Strategies)
- 9 Approves the following budgets:
 - Council Tax
 - Capital and Revenue Expenditure
 - Housing Revenue Account Estimates
 - Members' Allowance Scheme
- 10 Ratifies the appointment of Chief Officers subject to any statutory provision.
- 11 Resolves differences between Policy and Scrutiny Committees
- 12 Makes appointments of Members to external organizations
- 13 Deals with other matters not within the terms of reference of any other committee. Also, any matter may be referred to the Council if that is the wish of the majority of Members of the relevant committee.

**POLICY COMMITTEES: TERMS OF REFERENCE
(excluding Development Control and Licensing)**

1. Formulate and review policies within scope to meet the Council's objectives.
2. Control and review use and allocation of resources, within approved budgets.
3. Review the services within scope, including the introduction of new services and the standard or level of existing services.
4. Promote community partnerships.
5. Respond to relevant documents and initiatives from other organisations.
6. Review and make recommendations on the delegation scheme, procedure rules, (including contracts) and financial regulations.
7. Undertake statutory and other functions within scope.
8. Establish task groups and working parties as necessary for specific purposes.

Environment & Transport Committee:

Determine referred planning applications

Development Control & Licensing:

Determine applications consistent with the Council's policies.

RESOURCES COMMITTEE

A Scope

B Terms of Delegation to Committee

- 1 Provision of a co-ordinated information service to the public, press and all members of the Council on the activities of the Council.
- 2 In respect of urgent matters within scope which arise and which need, but cannot await a decision by the Council, action on the Council's behalf, subject to the matters being reported to the next following meeting of the Council, with the reasons why the action needed to be taken.
- 3 Responsibility for and the exercise of powers in respect of:-
 - (i) the management and maintenance of civic/municipal buildings;
 - (ii) committee administration;
 - (iii) the collection of Council Tax, Community Charge and Non-Domestic Rates;
 - (iv) information technology/computer services;
 - (v) the provision of clerical, mail, printing, word processing, purchasing, reception and telephone services;
 - (vi) the contractor role in respect of those services which:-
 - a) the Council decides to subject to competitive tender, or
 - b) are supplied to other organisations in accordance with Council policy and
 - c) are carried out by the Council's Direct Services Organisation, irrespective of whether or not they have been subjected to competitive tender.
 - d) Overall management of the services and contracts within the purview of the Board.
 - e) Preparation and submission of tenders.
 - (vii) elections and electoral registration, reviews of wards and polling districts and places and of county, district and parish administrative boundaries;

- (viii) exchequer services;
 - ix) financial services, including insurance, payroll, car schemes and the administration of Members' allowances;
 - (x) internal audits of the Council's services and Value For Money studies;
 - (xi) legal services;
 - (xii) local land charges;
 - (xiii) Members' support services, including training, information and facilities;
 - (xiv) personnel services and industrial relations;
 - (xv) property valuation and management
 - (xvi) communications, including public relations;
 - (xvii) administration of the Council Tax and Housing Benefits schemes;
- 4 The determination of fees and charges for services within scope where these are not set by statute.
 - 5 Determination of the staff structure and numbers required for the functions within the scope of the Committee to be carried out effectively.
 - 6 The remuneration, conditions of service, training and welfare of the Council's employees.
 - 7 Appointment of Chief (subject to ratification by the Council) and Senior Management Officers, subject to any statutory provisions.
 - 8 Review and up-date of the Council's Job Evaluation Scheme.
 - 9 Determination of the level of relocation expenses.
 - 10 Determination of all policy matters relating to the Council's car leasing scheme and travel allowances.
 - 11 The provision and management of public conveniences.

C Delegation to Chief Officers

Subject to policies, criteria and guidelines determined by Members where appropriate, and in respect of matters within the purview of the Committee, the Chief Officers, and Officers nominated by them, will exercise the following powers and duties in accordance with the Council's procedure rules (including contracts) and Financial Regulations :-

- 1 Production of the Council's Annual Report and Financial Statement, including DSO accounts and rate of return statements.
- 2 Financial services, e.g. loans,
- 3 Responsibility for the day-to-day management of the services within the purview of the Committee and within the approved budgets.
- 4 Where immediate action is required authorise necessary legal proceedings in consultation with the Chairman of the Committee if practicable to obtain an injunction under the appropriate Act.
- 5 In consultation with the Chairman of the Committee, to add and remove contractors from the approved list.
- 6 Approval of pensionable health retirement in consultation with Leader of the Council and Chairman of the committee.
- 7 Day-to-day management of all employees within their directorates.
- 8 All matters concerning the employment, discipline and dismissal of all staff under their control up to and including officers on Principal Officer Grades, in consultation with the Head of Personnel and Office Services and subject to any right of appeal and any statutory provision.
- 9 Implementation of all national, provincial and local agreements and amendments to conditions of service.
- 10 In consultation with the Head of Personnel and Office Services, approval and implementation of training programmes; approval of attendance at courses and seminars within the budget.
- 11 Approval of applications for contract lease cars and car loans, and the application of all types of travel allowance.
- 12 In relation to the Direct Services Organisation,
 - (a) Day-to-day management of the contracts and services within the purview of the Board and within the approved budgets and contract terms.
 - (b) Preparation and submission of ad-hoc tenders.

LOCAL JOINT COMMITTEE

Terms of reference being revised.

HEALTH AND HOUSING COMMITTEE

A Scope

- 1 The statutory functions of the Council as housing authority.
- 2 The promotion of the provision of adequate housing for all the residents of the Council's District
- 3 Working with others to improve all aspects of the overall health of the community.
- 5 The Council's functions in the field of environmental health in accordance with the relevant legislation.
- 6 The functions of the Council in the control of activities having significance for public health, hygiene and welfare in accordance with the Council's policy and within the approved budget.

B Terms of delegation to Committee

To be responsible for and exercise powers in respect of:

- 1 Provision, allocation and management of the Council's housing accommodation.
- 2 Administration of Council house sales and the provision of mortgage facilities in accordance with statutory requirements.
- 3 The administration of the Council's statutory and other duties in respect of housing the homeless and dealing with landlord harassment.
- 4 Maintenance, repair and improvement of the Council's housing accommodation, and approval of the select list of Tenderers.
- 5 Preparation of the annual Housing Strategy Statement.
- 6 Preparation, implementation and monitoring of:-
 - (a) Housing Programmes
 - (b) the annual Environmental Health work programme
- 7 Determination of the role to be undertaken by Housing Associations and participation in private enterprise schemes and provide appropriate assistance.
- 8 Acquisition or disposal of land and/or property for housing purposes and the design and erection of new dwellings, subject to a maximum value of £25,000.

- 9 The provision of a welfare service for applicants for and tenants of housing accommodation, including:
 - (a) liaison with Social Services;
 - (b) operation of a warden service; and
 - (c) encouragement of the use of Lifeline.
- 10 Liaison with the Housing Corporation, Housing Associations, the private sector and local councils, agencies and societies to assess housing needs and to provide new homes and rehabilitate substandard, derelict and unused properties.
- 11 Determination of fees and charges for licences and services within scope where these are not set by statute.
- 12 Animal welfare and the control of stray dogs and dog fouling.
- 13 Caravan and gypsy sites management, maintenance and liaison.
- 14 The Council's cemetery and the burial of persons where no (proper) arrangements have been made.
- 15 Food safety and control, including food storage, handling, preparation, transport and exposure for sale.
- 16 Health and Safety At Work standards in all premises subject to Local Authority control.
- 17 Health, safety and welfare of the Council's employees and other persons affected by its activities.
- 18 Liaison with the appropriate Health Authorities.
- 19 The promotion of health education and home safety.
- 20 The control and prevention of infectious and notifiable diseases and food poisoning.
- 21 The control and eradication of rodents, insects and other pests with public health significance or nuisance potential.
- 22 The prevention or remedy of statutory nuisance or other pollution matters of concern.
- 23 The maintenance of a Port Health Unit at Stansted Airport.
- 24 Grant schemes for the improvement, adaptation or conversion of private sector housing and the disuse or demolition of unfit premises.
- 25 The carrying out of the Council's functions under the Shops Act 1950 and any amending or subordinate legislation.

- 26 Determination of the staff structure and numbers required for the functions within the scope of the Committee to be carried out effectively.

C Delegation to Chief Officers

Subject to criteria determined by Members where appropriate, and in respect of matters within the purview of the Committee, the Chief Officers, and officers nominated by them, will exercise the following powers and duties in accordance with the Council's procedure rules (including contracts) and Financial Regulations:-

- 1 Exercise day-to-day management of the services within the purview of the Committee, and within the approved budgets.
- 2 Determine applications for transfer of tenants to share and exchange of tenancies within the District; issue of consents arising from tenancies and licences.
- 3 Allocate housing accommodation and nominate applicants to Housing Associations after informing appropriate Members.
- 4 Issue statutory notices and certificates.
- 5 Institute legal proceedings for breaches of tenancies, licences or statutory provisions.
- 6 Be responsible for contract monitoring, quality control and client management of housing repairs, maintenance, external decorations and refurbishment.
- 7 Authorise alterations and adaptations to houses occupied by disabled persons, subject to a limit of £5,000.
- 8 Approve resettlement grants, tenants' compensation allowances and redecoration allowances.
- 9 Negotiate and agree terms for the acquisition and disposal of land and property for leases, licences, easements' wayleaves, assignments, sublettings, and variations in accordance with Financial Regulations.
- 10 Negotiate and agree terms for release of covenants arising out of disposal of land.
- 11 Write off of former tenants' arrears in accordance with the Financial Regulations, if necessary in consultation with the Chairman of the Committee.
- 12 Authority to seek permission for development or to carry out development pursuant to Regulations 3 & 4 of the Town and Country Planning General Regulations 1992 as appropriate.
- 13 Declaration and implementation of rates of interest, etc.

- 14 Authority to vary the rate of interest charged on existing mortgages as governed from time to time by changes in the standard national rate, subject to the overriding requirements of the Housing Act 1985.
- 15 Declaration of applicable local average interest rate, half-yearly, and implementation of changes in the rate of interest chargeable to borrowers, in accordance with the Housing Act 1985. (Director of Resources).
- 16 Implementation of changes in the rate of interest chargeable to borrowers under the Housing Act 1985. (Director of Resources).
- 17 Authority to sign documentation and claims for recovery of tax deductions on mortgage interest under the terms of the Finance Act 1982 (The Director of Resources).
- 18 Determination of first stage representations from claimants under the unified housing benefits scheme and to confirm or amend the rebate/allowance accordingly (Director of Resources).
- 19 Operate Right to Repair Scheme.
- 20 Operate Tenants Improvement Scheme.
- 21 Ensure new streets are named and new or altered buildings are named or numbered.

COMMUNITY AND LEISURE COMMITTEE

A Scope

The provision and encouragement of recreational, cultural and welfare facilities, and the development of the community generally, in accordance with Council policy and within the approved budget

B Terms of delegation to Committee

1. Preparation and implementation of the Council's Leisure and Cultural Strategy
- 4 Preparation and implementation of the appropriate grants policy, including making annual grants within the approved budget to:-
 - (a) approved lists of voluntary bodies identified as working to improve and/or support the leisure, cultural and welfare aspects of the life of the District;
 - (b) other appropriate bodies or individuals on application;
 and reviewing the lists at (a) above.

- 5 Approve grants under the village initiative scheme.
- 6 Provide, maintain and fund day centres for the elderly and handicapped in accordance with previously determined policy and financial limits.
- 7 Provide, maintain and arrange for the management of Leisure Centres.
- 8 Promote tourism and provide and maintain a local and visitor information service.
- 9 Provide, in conjunction with the W.R.V.S., a meals-on-wheels service.
- 10 Prepare and implement the Museum Strategy, maintaining and managing the buildings and collections of the Saffron Walden Museum, and considering and, where appropriate, acting on the reports of the Museum Management Joint Working Party.
- 11 Community Development
- 12 Drugs Prevention
- 14 Youth Initiatives
- 15 Disability issues
- 16 Determination of the staff structure and numbers required for the functions within the scope of the Committee to be carried out effectively.

C Delegation to Chief Officers

Subject to criteria determined by Members where appropriate, and in respect of matters within the purview of the Committee, the Chief Officers, and officers nominated by them, will exercise the following powers and duties in accordance with the Council's procedure rules (including contracts) and Financial Regulations:-

- 1 Day-to-day management of the services within the purview of the Committee, and within the approved budget.
- 2 The hiring of land and premises within the purview of the Sub- Committee.
- 3 The institution of legal proceedings for breaches of statutory provisions.
- 4 Contract monitoring, quality control and client management of sports and leisure centres.

MUSEUM MANAGEMENT JOINT WORKING PARTY

Chairman and Vice-Chairman of the Community and Leisure Committee and two members together with four members appointed by the Saffron Walden Museum Society.

Terms of Reference

The Working Party meets three times a year in February, June and October to discuss matters relating to the management of the Museum of concern to either or both the Council and the Museum Society.

COMMUNITY ACHIEVEMENT AWARD PANEL

Terms of Reference

To consider criteria for considering applications and to make recommendations to the Community and Leisure Committee on awards.

DISTRICT GRANTS ADVISORY PANEL

Terms of Reference

To be advised.

BRIDGE END GARDENS WORKING PARTY

Terms of Reference

To determine restoration priorities and to seek to raise the appropriate level of funding for the restoration of Bridge End Gardens and make recommendations to Amenities Sub-Committee.

LEISURE (PFI) BOARD

A Terms of Reference

Through the PFI process provide leisure centre facilities in Saffron Walden, Great Dunmow and Stansted Mountfitchet.

B Terms of Delegation to Board

- 1 Agree, on the basis of the Outline Business Case submitted to DETR in September 1998 and in accordance with DETR and HM Treasury and Council guidelines, information, specifications, contractual terms, criteria and other requirements arising from the project timetable,

- 2 Authorise expenditure within budget provision and Council Financial Regulations and Procedure Rules (including contracts) in furtherance of the Outline Business Case,
- 3 Receive and action reports from the Senior Officer Leisure Board,
- 4 Report, as appropriate, to Full Council,
- 5 Provide a coordinated information service on the progress of the project.
- 6 Receive and monitor as appropriate relevant financial reports.
- 7 Meet as necessary with consultants and advisors in furtherance of the project.

ENVIRONMENT AND TRANSPORT COMMITTEE

A Scope

- 1 The statutory and other functions, as appropriate, conferred on the Council as District Planning Authority insofar as they relate to strategic and policy issues.
- 2 All matters relating to Transport, including Stansted Airport, and Highways (except the diversion, extinguishment and creation of public rights of way) within the District.
- 3 The conservation and improvement of the built environment and countryside in the District.
- 4 The functions of the Council with respect to the Building Regulations and any other relevant legislation.
- 5 Recycling

B Terms of Delegation to Committee

- 1 Maintain, manage and develop open spaces, ornamental gardens, play and recreational areas (and statutory allotments).
- 2 Preparation and implementation of the Council's recycling plans and policies
- 3 Provide and maintain off-street vehicle parking facilities, including the making of the appropriate orders, and administer on-street parking ie residents parking schemes.
- 4 Provide or assist in the provision of travel initiatives to help the elderly and handicapped who have real transport needs.
- 5 Contract monitoring , quality control and client management in relation to grounds maintenance
- 6 Approve and monitor the locally determined highways programme.

- 7 Comment on the highways maintenance plan.
- 8 Make traffic regulation orders and exercise such other relevant order making powers as the Essex County Council may delegate to the Council within the prescribed budget.
- 9 Deliver the Road Safety service in accordance with the policy/guidance laid down by the Essex County Council.
- 10 Deal with Road Safety matters brought to the attention of the Road Safety Advisory Committees.
- 11 Provision, maintenance, management and development of the Council's housing amenity areas and amenities, including:
 - (a) open spaces and recreational areas;
 - (b) parking areas and garages;
 - (c) un-adopted roads, verges, footways and street lighting.
- 12 The provision and management of non-statutory allotments.
- 13 Cesspool emptying.
- 14 Environmental monitoring (including the monitoring of water supplies).
- 15 Land drainage and sewerage
- 16 To offer advice and financial assistance, as appropriate to help maintain and enhance the District's environment and encourage appropriate economic development.
- 17 To review periodically and, if necessary, amend the Council's policy on the exercise of its functions with respect to the Building Regulations and allied legislation, and to discharge those functions.
- 18 Be responsible for grants within the scope of the Committee
- 19 Determination of the staff structure and numbers required for the functions within the scope of the Committee to be carried out effectively.

C Delegation to Chief Officers

Subject to criteria determined by Members where appropriate, and in respect of matters within the purview of the Committee, the Chief Officers, and officers nominated by them, will exercise the following powers and duties in accordance with the Council's procedure rules (including contracts) and Financial Regulations:-

- 1 Day-to-day management of the services within the purview of the Committee, and within the approved budget.
- 2 The issue of statutory notices under current Road Traffic legislation.

- 3 The institution of legal proceedings in respect of contraventions of the Council's parking orders.
- 4 Issue of statutory notices and certificates.
- 5 Institution of legal proceedings for breaches of licences or statutory provisions.
- 6 Contract monitoring, quality control and client management of the following services:-
 - (i) refuse collection;
 - (ii) street cleansing and litter control;
 - (iii) vehicle maintenance.
- 7 functions associated with the preparation and monitoring of the locally determined highways programme.
- 8 the issue of such statutory notices as may be required in connection with the exercise of the functions delegated to the Council by the Highways Authority.
- 9 preparation and submission of the bid for the annual Road Safety contract.
- 10 Applications for grant aid - annual reports on the grants made to be submitted to the Environment and Transport Committee.

DEVELOPMENT CONTROL AND LICENSING COMMITTEE

A Scope

- 1 The Council's regulatory functions under the Town and Country Planning Act 1990, the Highways Act 1980 and related legislation.
- 2 The functions of the Council in the control of services and premises requiring to be licensed or registered.

B Terms of Delegation to Committee

- 1 To determine planning applications, enforcement matters and other relevant matters except substantial departures from policy which the Committee is minded to approve.
- 2 To deal with all matters relating to the diversion, extinguishment and creation of public rights of way under the Town and Country Planning Act 1990 and the Highways Act 1980.
- 3 To grant deemed planning consent for District Council proposals under the provisions of the Town and Country Planning General Regulations 1992, subject to any proposal in respect of which the Committee is minded not to

- pass the necessary resolution to grant deemed consent being referred to the Environment and Transport Committee for consideration and determination.
- 4 To decide on all other issues concerned with regulating the development and use of land as part of the town and country planning system.
 - 5 To deal with Tree Preservation Orders.
 - 6 To deal with consultations on traffic management and related matters, and goods vehicle operators licences.
 - 7 To be responsible for and exercise powers in respect of the licensing and registration of the following matters:-
 - a Acupuncture, tattooing, ear-piercing and electrolysis.
 - b Animal boarding establishments, dangerous wild animals, dog breeding, performing animals, pet shops, riding establishments and zoos.
 - c Caravan sites.
 - d Entertainment, including cinemas, private places of entertainment, public entertainments, indoor sporting events, and plays.
 - e Food premises, food hawkers, street traders and late night refreshment houses.
 - f Slaughterhouses, knackers yards and cutting premises, game and game dealers.
 - g Houses in multiple occupation.
 - h Milk distributors, dairies and dairymen.
 - i Sex establishments.
 - j The Licensing Act 1964 and any amendments thereto.
 - k Hackney carriage and private hire drivers, vehicles and operators and all ancillary matters.
 - l To have Liaison Meetings with the Uttlesford Taxi Drivers' Association and other appropriate associations and act thereon or make recommendations therefrom to the Development Control and Licensing Committee.
 - 8 Determination of the staff structure and numbers required for the functions within the scope of the Committee to be carried out effectively.

C Delegation to Chief Officers

Subject to criteria determined by Members where appropriate, and in respect of matters within the purview of the Committee, the Chief Officers, and officers nominated by them, will exercise the following powers and duties in accordance with the Council's procedure rules (including contracts) and Financial Regulations:-

Development Control:

- 1 Decide whether:-
 - (a) applications are "county matters"
 - (b) planning permission is required for development, including Section 64 applications
 - (c) environmental impact assessment is required
 - (d) Listed Building Consent is necessary

- 2 Make comments on:-
 - (a) minor proposals submitted by government departments, Essex County Council and statutory undertakers
 - (b) minor proposals submitted for consultation by an adjoining planning authority
 - (c) consultations from the Forestry Commission
 - (d) consultations from Diocese of Chelmsford on proposals under the Pastoral Measures Act 1983

- 3 Direct that an outline planning application shall not be considered without the submission of further details, pursuant to Article 7(2) of the Town and Country Planning General Development Order 1988.

- 4 Determine applications for:-
 - (a) minor developments (eg householder, changes of use,)
 - (b) conversion of an existing dwelling into 2 units
 - (c) minor alterations to previously approved plans and conditions
 - (d) vehicular and pedestrian access
 - (e) changes of use from A1 (shop) to A2 (financial and professional services) and of floors above shops in town centres from residential or vacant to A2 or B1 (offices)
 - (f) agricultural developments not involving the accommodation of livestock operations under intensive conditions
 - (g) removal of agricultural occupancy conditions where supported by ADAS and previously advertised for 6 months
 - (h) temporary caravan or mobile home for agricultural occupation
 - (i) overhead power lines
 - (j) advertisements
 - (k) renewal of permissions where the circumstances are the same, or very similar, to those pertaining at the previous grant of permission.

- 5 Approve matters reserved by conditions, e.g. materials, landscaping schemes, etc (excepting details of new dwellings or other major buildings).
- 6 Make orders for the diversion, extinguishment and creation of public rights of way where there are no unresolved objections.
- 7 Issue revised decision notices for applications previously determined.
- 8 Determine:-
 - (a) applications and notifications to lop and top trees subject to a Tree Preservation Order or within a Conservation Area
 - (b) local requirements for tree planting - a report on any scheme agreed with any Parish Council or other local organisations to be submitted to the Environment and Transport Committee.
 - (c) Hedgerow removal notices.
- 9 Deal with dangerous trees under the Local Government (Miscellaneous Provisions) Act 1976 and to recharge the costs to owners.
- 10
 - (a) Determine applications and issue notices under the Building Act 1984, the Building Regulations 1985 and 1991, and allied matters under the Public Health Acts, Clean Air Act 1956 and the Essex Act 1987, and any other relevant legislation.
 - (b) Deal with the operation of the Building (Prescribed Fees) Regulations 1985 and any amendments thereto.
- 11 Deal with the operation of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations.
- 12
 - (a) Issue:-
 - (i) Requisitions for Information
 - (ii) Planning Contravention Notices
 - (iii) Notices of Entry, and
 - (iv) Building Preservation Notices

and take any necessary action arising therefrom
 - (b) Take enforcement action to secure compliance with conditions of all permissions approved by the Development Control and Licensing Committee
 - (c) Specify time limits for compliance with an Enforcement Notice.
 - (d) Issue an Enforcement Notice in case of urgency, in consultation with the Chairman or Vice-Chairman of the Committee.
 - (e) In consultation with the Chairman or Vice Chairman of the Committee, issue any Stop Notices.
- 13 Institute legal proceedings for:-

- (a) failure to comply with any of the statutory notices referred to in 13 above
 - (b) unauthorised display of advertisements
 - (c) breaches of the Building Act and Regulations
- 14 Where immediate action is required authorise necessary legal proceedings in consultation with the appropriate member if possible to obtain an injunction under the appropriate Act.
- 15 In consultation with the Chairman of the Development Control and Licensing Committee, submit an objection to the Licensing Authority concerning an application for a goods vehicle operators licence when the timescale does not allow for a report to be submitted to the Committee.

Notes: 1 The Head of Planning and Building Surveying may at his discretion refer applications up to the Development Control Sub-Committee.

- 2 The Head of Planning and Building Surveying reserves the right, as a professional officer, to request that a matter be determined at the next highest level in the event of a recommendation by him not being acceptable to the Committee.
- 3 The Weekly List will indicate which applications are to be decided by the Committee.
- 4 Any Member may request that an application delegated to the Head of Planning and Building Surveying be considered by the Development Control and Licensing Committee.

Licensing

- 1 Determination of applications for licences and for registration of premises, and the amendment or transfer of such licences.
- 2 Refusal, revocation or suspension of licences and registrations.
- 3 Issue of statutory notices and certificates.
- 4 Institution of legal proceedings for breaches of licences or statutory provisions.
- 5 Observations on applications made under the Licensing Act 1964.
- 6 The issue of statutory notices, registrations and certificates in respect of charitable collections and gaming.

SCRUTINY COMMITTEES: TERMS OF REFERENCE

- 1 Monitor, review and advise on policy.
2. Oversee service reviews and make recommendations to relevant policy committee(s)
- 3 Monitor service and budget performance and implementation of policy.
4. Consider matters referred by individual Members.
5. Obtain community views and expert opinions, where appropriate.
6. Establish task groups and working parties as necessary for specific purposes.

RESOURCES AND ENVIRONMENT SCRUTINY COMMITTEE – Scope

The advisory, monitoring and scrutiny role in relation to the following Committees:

- 1 Resources Committee
- 2 Environment and Transport Committee
- 3 Development Control and Licensing Committee

COMMUNITY AND HOUSING SCRUTINY COMMITTEE – Scope

The advisory, monitoring and scrutiny role in relation to the following Committees:

- 1 Community and Leisure Committee.
- 2 Health and Housing Committee

STAFF APPEALS COMMITTEE

A Terms of Reference

- 1 To consider and determine staff appeals against a decision by the appropriate Chief Officer acting under his/her delegated powers, or by a Committee, relating to their rights under the appropriate conditions of service or against a decision of a disciplinary nature including dismissal or relocation and to consider and determine staff appeals against job evaluation assessments.
- 2 The relevant provisions of the National Scheme of Conditions of Service relating to the appropriate procedure for dealing with staff appeals shall be applied in full during the consideration of staff appeals.

B Terms of Delegation to Committee

The Appeals Committee has full delegated powers to determine staff appeals submitted under the terms of reference set out at (A) (1) and (2) above.

EMERGENCY COMMITTEE

Leader, Deputy Leader, Chairman of the Council and Chairman of the Resources Committee.

Terms of Reference

To undertake consultations on the Council's behalf on matters relating to the District Emergency Plan and to implement arrangements for meeting the Council's emergency responsibilities.

STANDARDS COMMITTEE

Terms of Reference

- 1 Take steps to assist Members to avoid impropriety.
- 2 Formulate, review and disseminate guidance to Members and Officers on matters of conduct.
- 3 Consider and form a judgement upon complaints of misconduct made against individual members.

Terms of delegation to Committee

- 1 To consider and recommend one or more codes of conduct or protocols for members and/or officers of the Council.
- 2 To monitor and from time to time review and recommend changes to the codes of conduct or protocols for members and/or officers of the Council.
- 3 To make representations to the Local Government Association and Central Government about any matter relating to the general principles of conduct for members or officers of the Council.
- 4 To consider and determine any allegations against members of the Council of misconduct, meaning a breach of the National Code of Local Government Conduct or a code of conduct or protocol approved by the Council or the Standards Committee on its behalf, as amended from time to time, and for this purpose to resolve upon or recommend to the Council, as appropriate, any sanction it sees fit as a consequence of a finding of misconduct.
- 5 To be responsible for liaison with external agencies, in particular the District Auditor and the Local Ombudsman, in connection with any matter within the Committee's terms of reference.
- 6 To provide advice and guidance to members and to make arrangements for training in connection with any matters within the terms of reference of the

Committee, in particular to enable members and officers to identify and avoid impropriety, actual or perceived.

- 7 To ensure that relevant information contained in documents such as the National Code of Conduct for Members, the Council's Anti-fraud policy and advice on gifts and hospitality are available and adequate to inform Members of their responsibilities.

ACCESS TO INFORMATION PROCEDURES RULES

1 SCOPE

These rules apply to all meetings of the Council, overview and scrutiny committees, policy and other committees and the Standards Committee (together called meetings).

2 ADDITIONAL RIGHTS TO INFORMATION

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

3 RIGHTS TO ATTEND MEETINGS

Uttlesford District Council aims to ensure that it operates to the highest standards of openness, transparency and accountability.

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

The usual procedure for dealing with matters at a committee meeting is for the responsible officer to give a brief verbal report on the item. This will be followed by questions from the Members leading to a proposal to approve, refuse or defer the issue being discussed. The Chairman will clarify the proposal and a vote will be taken.

The Council has always dealt with as much business as possible with the public present. However from time to time the agenda includes some items which may be discussed in private as they deal with information which is personal or sensitive for some other reasons. If there is a confidential matter to be discussed this is normally dealt with at the end of the meeting and members of the public will be asked to leave in such cases.

4 QUESTIONS BY THE PUBLIC OR STATEMENTS

The Council has a period to enable the public to ask questions or make statements at the start of meetings of the Council and at the Committees listed overleaf. At these meetings a period of 15 minutes is set aside for members of the public to ask questions or make statements on any matters for which the Committee is responsible.

The purpose of the question time is to enable the public to express their concerns and receive a response directly from the Chairman of a Committee, other Councillors or officers of the Council.

The question time is kept as informal as possible but there are guidelines in order to make the system as fair and easy to operate as possible. A time limit of 3 minutes is allowed for each speaker and 2 working days' notice to the Chief Executive is required either in writing or by telephone.

Most Committees commence at 7.30pm and public questions are dealt with at the start of meetings. The Committee meetings which incorporate a question and answer session and their usual venues are listed below:

Council	-	Council
<u>Offices, London Road, Saffron Walden</u>		
Resources	-	Council Offices, London Road, Saffron Walden
Environment & Transport	-	Council Offices, High Street, Great Dunmow
Health & Housing	-	Council Offices, London Road, Saffron Walden
Community & Leisure	-	Council Offices, London Road, Saffron Walden
Scrutiny Committees (2)	-	Council Offices, London Road, Saffron Walden

The Development Control and Licensing Committee meets at The Council Offices, High Street, Great Dunmow at 2.00pm for development control matters and at the Saffron Walden Offices for licensing issues at dates and times to be arranged generally at 6.30pm. Whilst their meetings are open to the public a question and answer session is not included.

In addition the Council will hold annually, Community Forums at each of the four main centres in the District to enable the public to take part in debates on local issues.

4.1 General

Members of the public may ask questions or make statements at ordinary meetings of the Council and of such Committees as the Council may decide.

4.2 Order of Questions

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

4.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than midday two days before the day of the meeting. Each question must give the name and address of the questioner.

4.4 Number of Questions

At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.

4.5 Scope of Questions

The proper officer may reject a question if it:

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

4.6 Record of Questions

The proper officer will enter each question/statement in a book open to public inspection and will immediately send a copy of the question to the Chairman or other Councillor to whom it is to be put. Rejected questions will include reasons for rejection.

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

4.7 Asking the Question at the Meeting

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

4.8 Supplemental Question

A questioner who has put a question in person may also put one supplementary question without notice to the member/chairman who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 4.5 above.

4.9 Written Answers

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

4.10 Reference of question to a Committee

Unless the Chairman decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a

question be referred to the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

5 NOTICES OF MEETING

The Council will give at least three clear days notice of any meeting by posting details of the meeting at The council Offices, London Road, Saffron Walden.

6 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least three clear working days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the Chief Executive shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection for the time the item was added to the agenda.

7 SUPPLY OF COPIES

The Council will supply, free of charge, copies of:

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

8 ACCESS TO MINUTES ETC AFTER THE MEETING

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

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;

a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonable fair and coherent record;

the agenda for the meeting; and

reports relating to items when the meeting was open to the public.

BACKGROUND PAPERS

9.1 List of Background Papers

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

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

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

9.2 Public Inspection of Background Papers

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

SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents is kept at and available to the public at The Council Offices, London Road, Saffron Walden and The Council Offices, High Street, Great Dunmow.

11 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

11.1 Confidential Information – Requirement to exclude public

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

11.2 Exempt Information – Discretion to exclude public

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

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

11.3 Meaning of Confidential Information

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

11.4 Meaning of Exempt Information

Exempt information means information falling within the following 15 categories (subject to any condition):

Category	Condition
1 Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, ie it must relate to and be recognisable as referring to a particular individual in the roles indicated.
2 Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, a magistrates' court committee or probation committee.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, ie it must relate to and be recognisable as referred to a particular individual in the roles indicated.
3 Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, ie it must relate to and be recognisable as referring to a particular individual in the roles indicated.
4 Information relating to any particular applicant for, or recipient or former recipient of any service provided by the authority.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, ie it must relate to and be recognisable as referring to a particular individual in the roles indicated.
5 Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, ie it must relate to and be recognisable as referring to a particular individual in the roles indicated.
6 Information relating to the adoption, care, fostering or education of any particular child.	Child means a person under 18 and anyone who is 18 and is still registered as a school pupil, or is the subject of a care order, within the meaning of Section 31 of the Children Act 1989.
7 Information relating to the financial or business affairs of any particular person (other than the authority).	Information within paragraph 7 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act. To be exempt the information must relate to a particular third person who must be identifiable.
8 The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of	Information within paragraph 8 is only exempt if, and for so long as, disclosure of the amount involved would be likely to give an advantage to a person entering

goods or services.	into or seeking to enter into a contract with the authority in respect of the advantage would arise as against the authority or as against other such persons.
9 Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.	Information within paragraph 9 is only exempt if, and for so long as, disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning that property or those goods or services. (The disposal of property includes granting an interest in or right over it.)
10 The identity of the authority (as well as of any other person, by virtue of paragraph 7 above) as the person offering any particular tender for a contract for the supply of goods or services.	For the purposes of this paragraph "tender" includes a DLO/DSO written bid.
11 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.	Information within paragraph 11 is only exempt if and for so long as its disclosure to the public would prejudice the authority in whose or any other consultations or negotiations in connection with a labour relations matter "Labour relations matters" are as specified in paragraphs (a) to (g) of Section 29(1) of the Trade Unions and Labour Relations Act 1974, ie matters which may be the subject of a trade dispute.
12 Any instructions to Counsel and any opinion of Counsel (whether or not in connection with any proceedings), and any advice received, information obtained or action to be taken in connection with: (a) any legal proceedings by or against the authority; or (b) the determination of any matter affecting the authority; whether, in either case, proceedings have been commenced or are in contemplation.	
13 Information which, if disclosed to the public, would reveal 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	Information within paragraph 13 is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.

under any enactment.	
14 Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
15 The identity of a protected informant.	<p>A "protected informant" means a person giving the authority information which tends to show that:</p> <ul style="list-style-type: none"> (a) a criminal offence; (b) a breach of statutory duty; (c) a breach of planning control; or (d) a nuisance <p>has been, or is being, or is about to be committed.</p>

Information falling within any of paragraphs 1-15 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.