

UTTLESFORD DISTRICT COUNCIL

MEMBERS' HANDBOOK

2020-21

SECTION 1 – COUNCILLOR INFORMATION

	Page No
General Information	3
District wards and representation	4
Members of the Council	6
Council, Cabinet, Committees and Working Groups	11
List of representatives on outside bodies	18
Member of Parliament	19
County Councillors representing Uttlesford	20
Committee Timetable	21

UTTLESFORD DISTRICT COUNCIL

The District was created in 1974 under the provisions of the Local Government Act 1972 and comprises the former Saffron Walden borough and former rural districts of Saffron Walden and Great Dunmow.

The electoral arrangements divide the district into 22 wards with 39 councillors. Elections are of the whole council every four years.

General Information

Parishes (including parish meetings).....	57
Parliamentary Constituency.....	Saffron Walden
EU Constituency.....	Eastern Region

DISTRICT AND WARD REPRESENTATION

NAME OF WARD	AREA OF WARD	NO OF CLLRS
Ashdon	Parishes of Ashdon, Hadstock and Swards End together with the Little Walden ward of Saffron Walden parish	1
Broad Oak & the Hallingburys	Parishes of Great Canfield, Great Hallingbury, Hatfield Broad Oak and Little Hallingbury	2
Clavering	Parishes of Arkesden, Clavering, Langley and Wicken Bonhunt	1
Debden & Wimbish	Parishes of Debden and Wimbish	1
Elsenham & Henham	Parishes of Elsenham and Henham	2
Felsted & Stebbing	Parishes of Felsted and Stebbing	2
Flitch Green & Little Dunmow	Parishes of Flitch Green and Little Dunmow	1
Great Dunmow North	North ward of the parish of Great Dunmow	2
Great Dunmow South & Barnston	Parish of Barnston and the South ward of the parish of Great Dunmow	3
Hatfield Heath	Parishes of Hatfield Heath and White Roding	1
High Easter and the Rodings	Parishes of Aythorpe Roding, High Easter, High Roding, Leaden Roding and Margaret Roding	1

NAME OF WARD	AREA OF WARD	NO OF CLLRS
---------------------	---------------------	--------------------

Littlebury, Chesterford and Wenden Lofts	Parishes of Chrishall, Elmdon, Great Chesterford, Littlebury, Little Chesterford, Strethall, Wendens Ambo and Wenden Lofts	2
Newport	Parishes of Newport, Quendon and Rickling and Widdington	2
Saffron Walden Audley	Audley ward of the parish of Saffron Walden	1
Saffron Walden Castle	Castle ward of the parish of Saffron Walden	2
Saffron Walden Shire	Shire ward of the parish of Saffron Walden	3
Stansted North	North ward of the parish of Stansted Mounfitchet	2
Stansted South and Birchanger	Parish of Birchanger and the South ward of the parish of Stansted Mounfitchet	2
Stort Valley	Parishes of Berden, Farnham, Manuden and Ugley	1
Takeley	Parishes of Broxted, Chickney, Little Canfield and Takeley.	3
Thaxted and the Eastons	Parishes of Great Easton, Lindsell, Little Easton, Tilty and Thaxted	2
The Sampfords	Parishes of Great Samford, Hempstead, Little Bardfield, Little Sampford and Radwinter	1

MEMBERS OF THE COUNCIL

Ashdon

James de Vries – Phone: 07986 615094

Email: cllrdevries@uttlesford.gov.uk

Broad Oak and the Hallingburys

Geof Driscoll – Phone: 01799 510510

Email: cllrdriscoll@uttlesford.gov.uk

Neil Reeve – Phone: 07805 508568

Email: cllrreeve@uttlesford.gov.uk

Clavering

Edward Oliver – Phone: 01799 550265

Email: cllroliver@uttlesford.gov.uk

Debden and Wimbish

Stewart Luck – Phone: 01799 510510

Email: cllrluck@uttlesford.gov.uk

Elsenham and Henham

Petrina Lees – Phone: 01279 816675

Email: cllrlees@uttlesford.gov.uk

Garry LeCount – Phone: 01799 510510

Email: cllrlecount@uttlesford.gov.uk

Felsted and Stebbing

John Evans – Phone: 01799 510510

Email: cllrevans@uttlesford.gov.uk

Sandi Merifield – Phone: 07958 389059

Email: cllrmerifield@uttlesford.gov.uk

Flitch Green and Little Dunmow

Christian Criscione – Phone: 01799 510510

Email: cllrcriscione@uttlesford.gov.uk

Great Dunmow North

Alexander Armstrong – Phone: 07913 477631

Email: cllrmstrong@uttlesford.gov.uk

Louise Pepper – Phone: 01371 852115

Email: cllrpepper@uttlesford.gov.uk

Great Dunmow South and Barnston

Colin Day – Phone: 01799 510510

Email: cllrday@uttlesford.gov.uk

Rod Jones – Phone: 07808 772711

Email: cllrrjones@uttlesford.gov.uk

Patrick Lavelle – Phone: 07843 896820

Email: cllrlavelle@uttlesford.gov.uk

Hatfield Heath

Mark Lemon – Phone: 01279 730581

Email: cllrlemon@uttlesford.gov.uk

High Easter and the Rodings

Susan Barker – Phone: 01245 231250

Email: cllrbarker@uttlesford.gov.uk

Littlebury, Chesterford and Wenden Lofts

Neil Gregory – Phone: 01799 510510

Email: cllrgregory@uttlesford.gov.uk

Richard Pavitt – Phone: 01799 510510

Email: cllrpavitt@uttlesford.gov.uk

Newport

Neil Hargreaves – Phone: 01799 510510

Email: cllrhargreaves@uttlesford.gov.uk

Vacancy

Saffron Walden Audley

Deryk Eke – Phone: 01799 510510

Email: clltreke@uttlesford.gov.uk

Barbara Light – Phone: 07519 336217

Email: cllrlight@uttlesford.gov.uk

Saffron Walden Castle

Heather Asker – Phone: 07572 35846

Email: cllrasker@uttlesford.gov.uk

Richard Freeman – Phone: 01799 510510

Email: cllrrfreeman@uttlesford.gov.uk

Saffron Walden Shire

Arthur Coote – Phone: 01799 524064

Email: cllrcoote@uttlesford.gov.uk

Paul Fairhurst – Phone: 01799 510510

Email: cllrfairhurst@uttlesford.gov.uk

John Lodge – Phone: 01799 510510

Email: cllrlodge@uttlesford.gov.uk

Stansted North

Alan Dean – Phone: 01279 813579

Email: cllrdean@uttlesford.gov.uk

Geoffrey Sell – Phone: 01799 510510

Email: cllrsell@uttlesford.gov.uk

Stansted South and Birchanger

Melvin Caton – Phone: 01279 813914

Email: cllrcaton@uttlesford.gov.uk

Ayub Khan – Phone: 01799 510510

Email: cllrkhan@uttlesford.gov.uk

Stort Valley

Janice Loughlin – Phone: 01799 510510

Email: cllrloughlin@uttlesford.gov.uk

Takeley

Geoff Bagnall – Phone: 01799 510510

Email: cllrbagnall@uttlesford.gov.uk

Vere Isham – Phone: 01799 510510

Email: cllrisham@uttlesford.gov.uk

Maggie Sutton – Phone: 01799 510510

Email: cllrsutton@uttlesford.gov.uk

Thaxted and the Eastons

Martin Foley – Phone: 01799 510510

Email: cllrfoley@uttlesford.gov.uk

Mike Tayler – Phone: 01371 831059 or 07850 580687

Email: cllrtayler@uttlesford.gov.uk

The Sampfords

Alan Storah – Phone: 01799 510510

Email: cllrstorah@uttlesford.gov.uk

COUNCIL AND CABINET APPOINTMENTS 2020/21

Chair of the Council: Cllr M Foley

Vice Chair of the Council: Cllr A Coote

Leader of the Council: Cllr J Lodge

CABINET

Cllr J Lodge	- Leader Lead for Strategy, the Economy and Investment
Cllr P Lees	- Deputy Leader Portfolio Holder for Housing; Youth and Health
Cllr L Pepper	- Portfolio Holder for Environment and Green Issues; Equalities
Cllr N Hargreaves	- Portfolio Holder for Finance and Budget
Cllr D Eke	- Portfolio Holder for Infrastructure, Transport and Stansted Airport
Cllr A Armstrong	- Portfolio Holder for Sport, Leisure, Education and the Arts
Cllr J Evans	- Portfolio Holder for Planning and the Local Plan
Cllr R Freeman	- Portfolio Holder for Council and Public Services

- Cllr C Day - Portfolio Holder for Communities,
Public Safety and Police and Fire
Liaison

CABINET DEPUTIES

Planning

- Cllr A Storah - Cabinet Deputy for Planning
- Cllr M Sutton - Cabinet Deputy for Communities

TOPIC LEADS

Strategy, the Economy and Investment

- Cllr P Lavelle - Topic Lead for Chesterford
Research Park
- Cllr G LeCount - Topic Lead for Investment
Strategy
- Cllr J de Vries - Topic Lead for Digital Strategy

Council and Public Services

- Cllr G Bagnall - Topic Lead for Enforcement
- Cllr A Coote - Topic Lead for Customer
Services and Day Centres

Sport, Leisure, Education and the Arts

- Cllr S Luck - Topic Lead for Science,

Technology Engineering & Mathematics (STEM) education

Environment and Green Issues; Equalities

Cllr P Lavelle - Topic Lead for Air Quality and Emissions

Infrastructure, Transport & Stansted Airport

Cllr G Driscoll - Topic Lead for Transport

Cllr V Isham - Topic Lead for Stansted Airport

Cllr N Reeve - Topic Lead for Stansted Airport

Cllr S Luck - Topic Lead for Aviation

GROUP LEADERS AND DEPUTY LEADERS OF OTHER POLITICAL GROUPS

Conservatives

Leader: Cllr C Criscione

Deputy Leader: Cllr S Barker

Liberal Democrats

Leader: Cllr A Dean

Deputy Leader: Cllr J
Loughlin

Uttlesford Independents Group

Leader: Cllr R Pavitt

Deputy Leader: Cllr N
Gregory

Green Party Group

Leader: Cllr B Light

Deputy Leader: Cllr P
Fairhurst

Thaxted and the Eastons Independents Group

Leader: Cllr M Tayler

Deputy Leader: Cllr M Foley

COMMITTEES OF THE COUNCIL**PLANNING COMMITTEE**

Chair: Cllr S Merifield
Vice-Chair: Cllr M Lemon

Cllr G Bagnall	Cllr J Loughlin
Cllr M Caton	Cllr R Pavitt
Cllr P Fairhurst	Cllr N Reeve
Cllr R Freeman	Cllr A Storah
Cllr G LeCount	Cllr M Sutton

Substitutes:

Cllr S Barker	Cllr E Oliver
Cllr N Gregory	Cllr G Sell
Cllr R Jones	Cllr M Tayler
Cllr B Light	Cllr J de Vries

LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE

Chair: Cllr P Lavelle
Vice-Chair: Cllr C Day

Cllr S Barker	Cllr P Lees
Cllr M Foley	Cllr L Pepper
Cllr R Freeman	Cllr B Light
Cllr V Isham	Cllr J Loughlin

Substitutes:

Cllr A Armstrong	Cllr P Fairhurst
Cllr A Coote	Cllr A Khan
Cllr C Criscione	Cllr E Oliver

GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE

Chair: Cllr E Oliver
Vice-Chair: Cllr G Driscoll

Cllr G Bagnall	Cllr A Khan
Cllr M Foley	Cllr S Luck
Cllr V Isham	Cllr J de Vries
Cllr R Jones	

Substitutes:

Cllr H Asker	Cllr C Criscione
Cllr S Barker	Cllr M Sutton
Cllr M Caton	Cllr M Tayler

SCRUTINY COMMITTEE

Chair: Cllr N Gregory
Vice-Chair: Cllr G LeCount

Cllr A Coote	Cllr R Jones
Cllr C Criscione	Cllr P Lavelle
Cllr A Dean	Cllr N Reeve
Cllr G Driscoll	Cllr G Sell

Substitutes:

Cllr S Barker	Cllr R Pavitt
Cllr M Caton	Cllr A Storah
Cllr M Lemon	Cllr M Sutton
Cllr A Khan	

STANDARDS COMMITTEE

Chair: Cllr N Reeve
Vice-Chair: Cllr V Isham

Cllr H Asker	Cllr N Gregory
Cllr S Barker	Cllr A Khan
Cllr A Dean	Cllr B Light
Cllr M Foley	

Independent Members (non-voting):

Georgina Butcher-Doulton
David Pearl
Catherine Wellingbrook-Doswell

Substitutes: Cllr J Evans, Cllr P Fairhurst, Cllr G LeCount, Cllr M Lemon, Cllr J Loughlin, Cllr E Oliver, Cllr R Pavitt, Cllr G Sell, Cllr M Tayler

COMMITTEES OF CABINET**ASSETS OF COMMUNITY VALUE AND LOCAL HERITAGE LIST COMMITTEE:**

Cllrs C Day, D Eke, P Lees and L Pepper

VOLUNTARY SUPPORT GRANTS COMMITTEE:

Cllrs N Hargreaves, P Lees and J Lodge

JOINT COMMITTEES**ESSEX POLICE, FIRE AND CRIME PANEL:**

Cllr C Day

Substitute Member: Cllr G LeCount

NORTH ESSEX PARKING PARTNERSHIP:

Cllr D Eke

Substitute Member: Cllr A Armstrong

WEST ESSEX WELLBEING JOINT COMMITTEE:

Cllrs P Lees and M Tayler

COUNCIL WORKING GROUPS**LOCAL JOINT PANEL:**

Cllrs A Coote, C Criscione and J Loughlin

GOVERNANCE REVIEW WORKING GROUP:

Cllrs A Coote (Chair), C Criscione, J Evans, R Freeman, M Gregory, V Isham, A Khan, P Lees and G Sell

WORKING GROUPS OF THE CABINET

Name of Group	No of Members	Membership	
Community Achievement Panel	5	H Asker M Caton P Lees (C)	M Sutton Vacancy
Energy and Climate Change and Working Group	12	M Caton C Criscione G Driscoll P Fairhurst R Freeman V Isham	B Light R Pavitt L Pepper (C) N Reeve M Sutton M Tayler
Governance Board for Garden Communities	7 + 1 ECC member	C Criscione A Dean J Evans J Lodge (C)	R Pavitt A Storah M Sutton
Highways Panel	4 + 4 ECC members	<u>UDC Members</u> G Driscoll D Eke R Jones G Sell	<u>ECC Members</u> S Barker R Gooding J Moran S Walsh (C)
Housing Board	10 + 2 tenant reps	A Armstrong A Coote A Dean A Khan P Lees (C)	M Lemon S Merifield N Reeve Vacancy Vacancy
Investment Board	12 + 2 independent members	G Bagnall C Criscione N Hargreaves A Khan P Lavelle G LeCount	J Lodge R Pavitt N Reeve G Sell J de Vries Vacancy
Museum Management Working Group	5	N Gregory P Lavelle B Light	G Sell (C) Vacancy
Planning Policy Working Group (open to the public)	10	C Criscione C Day A Dean J Evans N Hargreaves	P Lees J Lodge (C) J Loughlin R Pavitt A Storah
Stansted Airport Advisory Panel	10	M Caton A Dean D Eke (C) P Fairhurst M Foley	V Isham G LeCount M Lemon S Luck N Reeve
Waste Strategy Panel	5	R Freeman R Jones (C)	E Oliver L Pepper M Tayler

REPRESENTATIVES ON OUTSIDE BODIES

Organisation	Number	Representative (s)
Armed Forces and Community Covenant	1	Rod Jones
Board of Turpins Indoor Bowling Club	1	Paul Fairhurst
Campaign to Protect Rural Essex	1	Martin Foley
Committee of the Friends of the Maltings	1	Patrick Lavelle
Cooperation for Sustainable Development Board	1	John Evans
Council for Voluntary Services – Uttlesford	1	Sandi Merifield
Dunmow Day Centre Management Cttee	1	Alex Armstrong
Dunmow Museum Management Cttee	1	Rod Jones
Dunmow Town Strategy Group/Town Team	1	Colin Day
Essex County Health Overview and Scrutiny Committee	1	John Moran (ECC)
Essex County Traveller Unit	1	Colin Day
Essex Flood Partnership Board	1	Neil Reeve
Essex Waste Partnership Board	1	Patrick Lavelle
Friends of Bridge End Gardens	1	Richard Freeman
Harlow and Gilston Garden Town Board	1	John Evans
Historic England Heritage Champion	1	Geoffrey Sell
Local Government Association - General Assembly	1	John Lodge
LGA - Rural Community Partnership	1	Maggie Sutton
LGA – SPARSE Rural Assembly	1	John Evans
Local Strategic Partnership	1	Colin Day
London Stansted Cambridge Consortium	1	John Lodge
Parking and Traffic Regulation outside London Adjudication Committee	1	Geof Driscoll
Saffron Walden Arts Trust	1	Paul Fairhurst
Saffron Walden Business Improvement District (SW BID)	1	John Lodge
Saffron Walden Museum Society	1	Barbara Light
Stansted Airport Community Trust	1	Garry LeCount
Stansted Airport Consultative Committee	1	Neil Reeve
Stansted Day Centre Management Committee	1	Geoffrey Sell
Strategic Aviation Special Interest Group	1	Neil Reeve
Thaxted Guildhall Management Cttee	1	Mike Tayler
Uttlesford Association of Local Councils	1	Christian Criscione
Uttlesford Citizens' Advice Bureau	1	Richard Freeman
Uttlesford Community Travel	1	Geoffrey Sell
Uttlesford Transport Forum	4	Richard Freeman, Deryk Eke, Mark Lemon & Garry LeCount
West Essex Transportation Board	1	Geof Driscoll

OTHER CONTACTS

MEMBER OF PARLIAMENT

Kemi Badenoch MP

The Member of Parliament may be contacted at House of Commons, London SW1A 0AA.

Telephone: 0207 2191943

E-mail: kemi.badenoch.mp@parliament.uk

Contact may also be made via the Saffron Walden Constituency Conservative Office, The Old Armoury, Museum Street, Saffron Walden CB10 1JN

Telephone: 01799 506349

ESSEX COUNTY COUNCILLORS**Representing Uttlesford****Dunmow Division - Susan Barker**

Little Garnetts, Bishop's Green, Great Dunmow CM6
1NF

Telephone: 01245 231250

Saffron Walden Division - John Moran

cllr.john.moran@essex.gov.uk

Telephone: 07496 006467

Stansted Division - Raymond J Gooding

Essex County Council, County Hall, Duke Street,
Chelmsford, CM1 1LX

Telephone: 03330 131722

Thaxted Division - Simon M Walsh

Members' Suite, Essex County Council, PO Box 11,
Chelmsford, Essex, CM1 1LX

Telephone: 03330 132 2665

COMMITTEE TIMETABLE 2020/21

Committee	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Council	19		21			8		8		23		13	18
Cabinet	27		7		1	14	24		6	9	9		
Scrutiny	21	25			24		5			2	4		
Governance, Audit & Performance		2	30		10		10			4	16		
Planning	13	17*	8	5	2 30	28	25	16	20	17	17	14	12
Licensing & Environment al Health			14				19				2		
Standards		15					2				8		

Please note the following:

- 1) Due to the coronavirus public health emergency, meetings have been taking place online. Some meetings have been cancelled and others have had other timetables being put in place. Please visit the UDC website or contact us to check whether your meeting will be going ahead.
- 2) The Planning Committee on 17 June labelled with * is a 2pm start

This page is intentionally left blank

SECTION 2 THE CONSTITUTION

CONTENTS PAGE

PART 1	Summary and Explanation
PART 2	The Articles of the Constitution
PART 3	Responsibility for Functions
PART 4	Rules of Procedure
PART 5	Codes and Protocols
PART 6	Members' Allowance Scheme

CONTENTS PAGE

	Page
PART 1 Summary and Explanation	(1) 3

PART 1 - SUMMARY AND EXPLANATION

The Council's Constitution

Uttlesford District Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

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

What's in the Constitution?

Article 1 of the Constitution commits the Council to acting within the law to provide clear leadership to the community and to provide services to that community in an efficient, effective and accountable manner. Articles 2 -17 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- Scrutiny Committee (Article 6)
- The Executive (Article 7)
- Regulatory Committees (Article 8)
- The Standards Committee (Article 9)
- Task groups and working groups (Article 10)
- Joint arrangements (Article 11)

PART 1 - SUMMARY AND EXPLANATION

- Officers (Article 12)
- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)
- Honorary Aldermen (Article 17)

How the Council operates

The Council is composed of 39 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

The Council has adopted a code of conduct to ensure high standards in the way councillors undertake their duties. The Standards Committee trains and advises councillors on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints regulatory committees to deal with planning and licensing issues which may not be the responsibility of the Executive. The Council appoints committees to carry out the overview and scrutiny functions contained in the Local Government Act 2000. The Council appoints a Standards Committee to promote high standards of conduct and to deal with complaints of breaches of the code of conduct full details of which are contained in Article 9.

PART 1 - SUMMARY AND EXPLANATION**How decisions are made**

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of a Leader who is elected by the Full Council, and a Cabinet of not less than two and not more than nine other councillors whom he/she appoints. The decision as to how many members of the Cabinet there will be is taken by the Leader within the statutory limits. When executive decisions are to be discussed or made, these may be published in the Executive's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Scrutiny

The role of the Scrutiny Committee is to support the work of the Executive and the Council as a whole strengthening the decision-making process and allowing citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committee also monitors the decisions of the Executive. It can call in a decision which has been made by the Executive but not yet implemented. This enables the Scrutiny Committee to consider whether the decision is appropriate. It may recommend that the Executive reconsider the decision. It may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

The Council's Staff

The Council has people working for it (called officers) to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the Council.

Citizens' Rights

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

Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- access a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- petition the Council on any issues in accordance with Article 3 - which guarantees that petitions which meet certain conditions will be considered by the Council or one of the Committees;
- petition the Council pursuant to the scheme adopted under the Local Democracy, Economic Development and Construction Act 2009, details of which are contained in Article 3

PART 1 - SUMMARY AND EXPLANATION

- participate in the Council's question time and contribute to investigations by the Scrutiny Committee;
- complain to the Council about any matters relating to its responsibilities with which they are dissatisfied. The Council has a complaints procedure, details of which are available on request;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Information Commissioner if they believe that the Council has failed to comply with the Freedom of Information Act 2000, the Environmental Information Regulations 2005, the E U General Data Protection Regulation and the Data Protection Act 2018. However, they should only do this after using the Council's own complaints process;
- complain to the Council if they have evidence which they think shows that a councillor has not followed the Council's code of conduct;
- inspect the Council's accounts and make their views known to the external auditor;
- inspect agendas of meetings of the Council, the Executive and its committees; and
- inspect reports to meetings of the Council, the Executive and its committees (unless these contain personal or confidential information)

The Council welcomes participation by its citizens in its work. For further information on citizens' rights, please contact Democratic Services on 01799 510433 or committee@uttlesford.gov.uk or write to Council Offices, London Road, Saffron Walden, Essex CB11 4ER.

CONTENTS PAGE

Page

PART 2 The Articles of the Constitution

Article 1	The Constitution	(2) 3
Article 2	Members of the Council	(2) 5
Article 3	Citizens of the Council	(2) 8
Article 4	The Full Council	(2)16
Article 5	Chairing the Council	(2)19
Article 6	Scrutiny Committee	(2)20
Article 7	The Executive	(2)23
Article 8	Regulatory Committees	(2)26
Article 9	The Standards Committee	(2)27
Article 10	Task groups and working groups	(2)29
Article 11	Joint Arrangements	(2)31
Article 12	Officers	(2)34
Article 13	Decision making	(2)38
Article 14	Finance, contracts and legal matters	(2)41
Article 15	Review and revision of the Constitution	(2)43
Article 16	Suspension, interpretation and publication of the Constitution	(2)45
Article 17	Honorary Aldermen	(2)47

PART 2 - ARTICLES

Article 1 The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

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

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- 1.3.1 enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- 1.3.2 support the active involvement of citizens in the process of local authority decision-making;
- 1.3.3 help councillors represent their constituents more effectively;
- 1.3.4 enable decisions to be taken efficiently and effectively;
- 1.3.5 create a powerful and effective means of holding decision-makers to public account;
- 1.3.6 ensure that no one will review or scrutinise a decision in which they were directly involved;
- 1.3.7 ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and

PART 2 - ARTICLE 1 THE CONSTITUTION

1.3.8 provide a means of improving the delivery of services to the community

1.4 Interpretation and Review of the Constitution

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

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

Article 2 - Members of the Council

Developing Roles for Councillors

2.1 Composition and eligibility

- 2.1.1 The Council will comprise 39 members called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission and approved by the Secretary of State.
- 2.1.2 Councillors are elected and hold office in accordance with the relevant statutory qualifications, and will usually be either electors or residents of the district, or have their main place of work there.

2.2 Election and terms of councillors

The regular election of councillors will be held on the first Thursday in May every four years, unless otherwise determined by statute or by regulation. The next election is due to be held in May 2019. The term of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all councillors

All councillors will:

- 2.3.1 collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions, subject to those matters reserved to the executive;
- 2.3.2 contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision-making;

PART 2 - ARTICLE 2 MEMBERS OF THE COUNCIL

- 2.3.3 represent their communities and bring their views into the Council's decision-making and scrutiny processes, ie become the advocate of and for their communities;
- 2.3.4 deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- 2.3.5 balance different interests identified within their ward and represent the ward as a whole;
- 2.3.6 be involved in decision-making;
- 2.3.7 be available to represent the Council on other bodies; and
- 2.3.8 maintain the highest standards of conduct and ethics as set out in the Code of Conduct in Part 5 of this Constitution and in other relevant documents.

2.4 Rights and duties

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

2.5 Conduct

Councillors will at all times observe the Members' Code of

PART 2 - ARTICLE 2 MEMBERS OF THE COUNCIL

Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.6 Allowances

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

*PART 2 - ARTICLE 3 CITIZENS OF THE COUNCIL***Article 3 - Citizens and The Council****3.1 Citizens rights**

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

3.1.1 Voting and petitions

Citizens on the electoral register for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution. Citizens also have a right to petition under the Council's petition schemes (see below).

3.1.2 Access to Information

Citizens have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the executive and its committees when key and other decisions are being considered, except when confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iii) find out from published Notices of Key Decisions what key decisions will be taken by the executive and when;
- (iv) see reports and background papers, and any records of decisions made by the Council and the executive; and

PART 2 - ARTICLE 3 CITIZENS OF THE COUNCIL

- (v) inspect the Council's accounts and make their views known to the external auditor.

3.1.3 Participation

Citizens have the right to participate in the time set aside for public statements and questions, subject to the time limits set in Part 4 of this Constitution, at all public meetings and contribute to investigations by overview and scrutiny committees.

3.1.4 Petitions

- (i) The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition. Paper petitions can be sent to: Democratic and Electoral Services, Uttlesford District Council, London Road, Saffron Walden, Essex CB11 4ER. Alternatively, links to external online petitions can be sent to committee@uttlesford.gov.uk

The Council offers an online petition system, which means citizens will be able to create a petition via the Council's website. Petitions can also be presented to a meeting of the Council, provided that reasonable notice is given. Dates and times of meetings can be found on the Council's website.

- (ii) Citizens who wish to present their petition to the

PART 2 - ARTICLE 3 CITIZENS OF THE COUNCIL

Council, or would like their councillor or someone else to present it on their behalf, should contact Democratic Services on 01799 510433 or by email at committee@uttlesford.gov.uk at least 10 working days before the meeting. Democratic Services officers will be pleased to explain the process for submitting petitions.

- (iii) Petitions submitted to the Council must include a clear and concise statement covering the subject of the petition stating what action the petitioners wish the Council to take and the name, address and signature of any person supporting the petition. Petitions should also be accompanied by contact details of the organiser, including an address. This is the person we will contact to explain how the Council will respond to the petition. The contact details of the petition organiser will not be publicised. If a petition organiser is not identified the Council will contact the person submitting the petition or will contact other signatories to try to agree who should act as the petition organiser.
- (iv) In order to be properly constituted, a petition must satisfy one or more of the following conditions:
 - be signed by no fewer than 50 individuals who are electors of the district of Uttlesford
 - Be signed by the chairman of no fewer than five councils of parishes within the Uttlesford district
 - Be signed by no fewer than half the electors of any single parish within the district of Uttlesford whether or not the parish has a parish council
- (v) Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be

PART 2 - ARTICLE 3 CITIZENS OF THE COUNCIL

accepted. In the period immediately before an election or referendum the Council may need to deal with petitions differently - if this is the case the Council will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case the Council will explain the reasons in writing.

- (vi) An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what the Council plans to do with the petition and when they can expect to hear from the Council again.
- (vii) If the Council can do what the petition asks for, the acknowledgement may confirm that the Council has taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell the organiser when and where the meeting will take place. If the petition needs more investigation, the Council will tell you the steps it plans to take.
- (viii) Petitions may not be used to call into question decisions relating to planning or licensing matters and decisions relating to individuals or legal bodies where there is a statutory right of appeal.
- (ix) Statutory petitions are the subject of different procedures. These relate, for example, to a petition calling for a referendum on having an elected mayor or petitions for which there may be other statutory provision. Further information is available from the Assistant Director – Governance and Legal or from Democratic Services (committee@uttlesford.gov.uk).

PART 2 - ARTICLE 3 CITIZENS OF THE COUNCIL

(x) To ensure that people know what we are doing in response to the petitions the Council receives, the details of all the petitions submitted will be published on the Council's website, except where this would be inappropriate. Whenever possible the Council will also publish all correspondence relating to petitions (all personal details will be removed).

(xi) The Council's response to a petition will depend on what a petition asks for and how many people have signed it. The Council will consider all the specific actions it can potentially take on the issues highlighted in a petition but its response may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting (if there are at least 3,600 signatures)
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- referring the petition for consideration by the Council's Scrutiny Committee (if there are at least 1,800 signatures, or for other valid reasons)
- writing to the petition organiser setting out the Council's views about the request in the petition

(xii) If a petition is about something over which the Council has no direct control (for example Stansted Airport, the local railway or hospital or services run by the county council such as schools, social services or road repairs) the Council will consider making

PART 2 - ARTICLE 3 CITIZENS OF THE COUNCIL

representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to a petition. If the Council is not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then it will set out the reasons for this to the petition organiser. If a petition is about something that a different council is responsible for, the Council will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps.

(xiii) If a petition contains more than 3,600 signatures it will be debated by the Full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors. The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

(xiv) A petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, a petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision. If a petition contains at least 1,800 signatures, the relevant senior officer will give evidence at a public meeting of the Council's Scrutiny Committee. The senior officers are the Chief Executive, the Directors, and the

PART 2 - ARTICLE 3 CITIZENS OF THE COUNCIL

Assistant Directors. Details are available on www.uttlesford.gov.uk in the "Your Council" section. Petitioners must be aware that it may not be possible for senior officers to answer questions about particular petitions if, for example, doing so would breach commercial confidentiality or professional legal privilege. Petitioners should also be aware that the Scrutiny Committee may decide that it would be more appropriate for a different senior officer to give evidence instead of any officer named in the petition - for instance if the named officer has changed jobs. Committee members will ask the questions at this meeting, but petition organisers will be able to suggest questions by contacting Democratic Services, on 01799 510433 or at committee@uttlesford.gov.uk up to three working days before the meeting. Petitioners may also register to speak in the public speaking period preceding every Committee meeting.

- (xv) A petition organiser has the right to request that the Council's Scrutiny Committee review the steps that the Council has taken in response to a petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate. The committee will endeavour to consider the request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine that the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation or arranging for the matter to be considered at a meeting of Full Council. Once the review has been considered the petition organiser will be informed of the outcome within 10 working days. The results of the review will also be published on the Council's website. If, however, the Council had already sent the petition to the Scrutiny Committee for consideration and the petitioner is unhappy with the outcome, then the review will be conducted by the Standards Committee.

3.1.5 Complaints

Citizens have the right to complain to:

Part 2 - Page 14

Revised June 2018

PART 2 - ARTICLE 3 CITIZENS OF THE COUNCIL

- (i) the Council itself under its complaints scheme;
- (ii) the Ombudsman after using the Council's own complaints scheme;
- (iii) the Information Commissioner after using the Council's own complaints scheme;
- (iv) the Monitoring Officer of the Council about a breach of the Councillors' Code of Conduct.

3.2 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not willfully damage property owned by the Council, councillors or officers.

*PART 2 - ARTICLE 4 THE FULL COUNCIL***Article 4 - The Full Council****4.1 Meanings****4.1.1 Policy Framework**

The policy framework means the following plans and strategies:

- The Council's Corporate Plan;
- Any adopted strategies relating to leisure and culture;
- Any adopted community strategy;
- Any adopted strategies relating to the reduction of crime, disorder and anti-social behaviour;
- The Local Development Plan;
- Policies relating to licensing which the Council is legally required to have in place;
- Any adopted strategies to enforce food safety and health and safety at work legislation;
- Plans and strategies relating to the Housing Investment Programme; and
- Any adopted strategies relating to the management of waste

4.1.2 Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.1.3 Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the Full Council

Only the Council will exercise the following functions:

- 4.2.1 adopting and changing the Constitution;
- 4.2.2 approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- 4.2.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- 4.2.4 appointing the Leader;
- 4.2.5 agreeing and/or amending the terms of reference for committees of the Council, deciding on their composition and making appointments to them;
- 4.2.6 appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- 4.2.7 adopting an allowances scheme under Article 2.6;

PART 2 - ARTICLE 4 THE FULL COUNCIL

- 4.2.8 changing the name of the area;
- 4.2.9 conferring the freedom of the district;
- 4.2.10 appointing Honorary Aldermen;
- 4.2.11 confirming the appointment of the Head of Paid Service;
- 4.2.12 making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- 4.2.13 all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive; and
- 4.2.14 all other matters which, by law, must be reserved to Council.

4.3 Council meetings

There are three types of Council meeting:

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

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution. The annual meeting of the Council is an ordinary meeting of the Council as it is a scheduled meeting but it is one at which business required by statute must be undertaken.

4.4 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the executive.

Article 5 - Chairing the Council

5.1. Election of Chairman and Vice-Chairman

- 5.1.1. The Chairman and Vice-Chairman will be elected by the Council annually as its first business at its annual meeting.
- 5.1.2. Nominations for the posts of Chairman and Vice- Chairman for the Council year shall be made at the annual meeting.
- 5.1.3. Any casual vacancy in the office of Chairman or Vice-Chairman shall be filled at the first ordinary meeting of the Council after such vacancy occurs.

5.2. Role and function of the chairman

The Chairman of Council and in their absence, the Vice-Chairman will have the following roles and functions:

- 5.2.1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- 5.2.2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- 5.2.3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive are able to hold the executive to account;
- 5.2.4. to promote public involvement in the Council's activities;
- 5.2.5. to be the conscience of the Council; and
- 5.2.6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

PART 2 - ARTICLE 6 - SCRUTINY COMMITTEE**Article 6 - Scrutiny Committee****6.1 Terms of reference**

The Council will appoint the committee set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

Committee	Scope
Scrutiny Committee	To monitor decisions of the executive and committees; to scrutinise the performance of outside bodies and to make reports and recommendations as appropriate; to receive public petitions when appropriate in accordance with the Council's petitions scheme

6.2 General role

Within its terms of reference, the Scrutiny Committee will:

- 6.2.1 make reports and/or recommendations to the Full Council and/or the executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- 6.2.2 consider any matter affecting the area or its inhabitants.

6.3 Specific Functions - Scrutiny Committee

- 6.3.1 conduct research, community and other consultation in the analysis of policy issues and possible options;
- 6.3.2 consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- 6.3.3 question members of committees and chief officers

PART 2 - ARTICLE 6 - SCRUTINY COMMITTEE

about their views on issues and proposals affecting the district;

- 6.3.4 liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- 6.3.5 assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- 6.3.6 review and scrutinise the decisions made by and performance of the executive, committees and council officers both in relation to individual decisions and in more general terms;
- 6.3.7 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- 6.3.8 question members of the executive, committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- 6.3.9 make recommendations to the executive, committees and/or Council arising from the outcome of the scrutiny process;
- 6.3.10 review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;
- 6.3.11 question and gather evidence from any person (with their consent); and

PART 2 - ARTICLE 6 - SCRUTINY COMMITTEE

6.3.12 exercise the right to call-in for reconsideration of decisions made but not yet implemented by the executive or committees

6.4 Annual report

The Scrutiny Committee must report annually to Full Council on its activities and make recommendations for future work programmes and amended working methods if appropriate.

6.5 Proceedings of the Scrutiny Committee

The Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Article 7 - The Executive

7.1 Role

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

7.2 Form and composition

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

7.3 Leader

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

- 7.3.1 the annual meeting of Full Council immediately following an ordinary council election; or
- 7.3.2 he/she resigns from the office; or
- 7.3.3 he/she is no longer a councillor; or
- 7.3.4 Full Council passes a resolution of no confidence in the leader in accordance with the provisions of paragraph 7.4 of this Article.

7.4 Vote of no confidence

- 7.4.1 Notice of a motion of no confidence in the leader must be given in writing signed by at least one Member no later than 6 clear working days before the date of the meeting at which it is intended that the motion will be proposed or (if it is intended to propose a vote of no confidence at an extraordinary meeting of the Council

PART 2 - ARTICLE 7 - THE EXECUTIVE

called for that purpose) at the time a request for an extraordinary meeting is made to the Chief Executive.

7.4.2 In the event that a motion of no confidence is passed by a majority of the Members present at the meeting, the appointment of a councillor to the position of Leader of the Council shall be immediately determined.

7.4.3 In the event of a vacancy arising in the office of Leader by virtue of the process outlined in paragraph 7.4.1 above nominations to fill the post shall be received from the floor and the provisions of Council Procedure Rule 14 in Part 4 of this Constitution shall apply.

7.5 Deputy Leader

7.5.1 The Leader shall appoint a member of the executive to be the Deputy Leader.

7.5.2 The Deputy Leader shall hold office until:

- (i) the Leader ceases to be Leader of the Council in the circumstances referred to in either paragraphs 7.3.1 or 7.3.4 above; or
- (ii) he/she is removed from office by the Leader; or
- (iii) he/she resigns from the office; or
- (iv) he/she is no longer a councillor.

7.5.3 If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his place.

7.6 Other executive members

Other executive members shall hold office until:

7.6.1 they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect two working days after receipt of the notice by the proper officer; or

7.6.2 they are no longer councillors; or

7.6.3 they resign from office

7.7 Proceedings of the executive

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

7.8 Responsibility for functions

7.8.1 The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the executive, committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions.

7.8.2 In the event that for any reason both the Leader and Deputy Leader are unable to act in their respective offices or both offices are vacant then the functions of the Leader shall be performed by the executive as a whole or by one member of the executive appointed by the executive for that purpose.

PART 2 - ARTICLE 8 - REGULATORY COMMITTEES**Article 8 - Regulatory committees**

The Council will appoint the committees set out in the left hand column of the table below to discharge the functions described in the right hand column of that table.

Planning Committee	The Council's regulatory functions under the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, the Highways Act 1980 and related legislation.
Licensing & Environmental Health Committee	The functions of the Council in the control of services, persons, vehicles and premises requiring to be licensed or registered.
Governance, Audit and Performance Committee	The Council's functions in respect of internal governance, its Constitution, elections and related matters, internal and external audit, the Council's accounts, monitoring performance of Council services. The Committee makes decisions in respect of some functions and advises the Council in respect of others.

Article 9 - The Standards Committee

9.1 Standards Committee

The Council will establish a Standards Committee.

9.2 Composition

The Standards Committee will be composed of at least six councillors who may not include any members of the executive, and three people who are not councillors or officers of the Council (the independent members) who shall not be voting members of the committee. The Council acknowledges that the rule of political balance contained in the Local Government and Housing Act 1989 may be disapplied providing that no one at a meeting of the full council appointing the Standards Committee votes against the proposal. Subject to the Council not applying political proportionality, each political group represented on the Council shall have at least one member on the Standards Committee. Each political group represented on the Council shall be invited to nominate three of its members or such number up to three as each group finds practicable, with the intention that each group shall be equally represented wherever possible. The Council will then appoint all of those members nominated and any additional members required up to a maximum of nine.

9.3 Role and Function

The Standards Committee will have the following roles and functions:

- 9.3.1 promoting and maintaining high standards of conduct by councillors and any co-opted members;
- 9.3.2 assisting councillors and any co-opted members to observe the Members' Code of Conduct;

PART 2 - ARTICLE 9 - THE STANDARDS COMMITTEE

- 9.3.3 advising the Council on the adoption or revision of the Members' Code of Conduct;
- 9.3.4 monitoring the operation of the Members' Code of Conduct;
- 9.3.5 advising, training or arranging to train councillors and any co-opted members on matters relating to the Members' Code of Conduct;
- 9.3.6 dealing with any reports from the Monitoring Officer in accordance with the Council's procedure for considering Code of Conduct complaints;
- 9.3.7 the exercise of the roles and functions above in relation to the town and parish councils in its area and the members of those town and parish councils;
- 9.3.8 conduct reviews of petitions considered by the council's Scrutiny Committee when requested by the petition organiser to do so.

9.4 Role of Independent Members

- 9.4.1 Independent members shall not be entitled to vote on any matters determined by the Standards Committee;
- 9.4.2 The views of independent members will be sought and taken into account in accordance with the Council's procedure for considering Code of Conduct complaints;
- 9.4.3 The Council may seek the views of one or more of the independent members in other circumstances;
- 9.4.4 Members of the Council and parish and town councils who are the subject of an allegation of a breach of the Code of Conduct may also seek the views of an independent member.

Article 10 - Task Groups and Working Groups

10.1 Task Groups

- 10.1.1 The Council, the executive or any of their committees may appoint one or more task groups at any time.
- 10.1.2 A task group shall not be a committee or sub-committee of the Council or the executive and shall not have decision-making powers.
- 10.1.3 Membership of a task group shall be not more than 7 and not less than 3 members. Membership of a task group appointed by the executive may include, but is not limited to, members of the executive.
- 10.1.4 When appointing a task group the appointing body shall set out the terms of reference of the group and the date by which a final report is required from the group. The task group shall cease to exist on the earlier of the production of its final report or the date a final report was required (whether or not a report has been produced) but without prejudice to the right of the appointing body to appoint the same or different members as a task group to complete the task.
- 10.1.5 In making recommendations to the appointing body a task group may not recommend its continuance or the appointment of another task group to exist beyond the date upon which its final report is required but without prejudice to the right of the appointing body to appoint the same or different members as a task group to complete the task.
- 10.1.6 A decision to appoint a task group by a committee of the Council or by the executive or a committee of the executive may be called in by the Scrutiny Committee.

PART 2 - ARTICLE 10 - TASK GROUPS AND WORKING GROUPS

10.1.7 Upon being informed that a task group has been established the Chief Executive shall designate a lead officer to that group. In the event that the Chief Executive is of the view that the task group is repeating work recently undertaken by a task group which has ceased to exist by virtue of Article 10.1.4 or is substantially duplicating the work of another task group or another body of the Council he or she may in the case of a task group established by a committee of the Council make a report to Full Council and in the case of a task group established by the executive or a committee of the executive make a report to the Leader and the task group shall not proceed until such time as Full Council or the Leader (as the case may be) has considered the Chief Executive's advice.

10.2 Working Groups

10.2.1 The Council or the executive only may appoint one or more working groups at any time.

10.2.2 A working group shall not be a committee or sub-committee of the Council or the executive and shall not have decision-making powers.

10.2.3 When appointing a working group the Council or the executive shall determine the size and membership and set out the terms of reference of the group.

10.2.4 The Council shall review working groups appointed by the Council at the Annual Meeting of the Council and the executive shall review working groups appointed by the executive at the first meeting of the executive after the Annual Meeting of the Council and unless reappointed for the forthcoming year they shall cease to exist at that time.

10.3 The Council, the executive and their committees may only appoint task groups and working groups to consider matters within the remit of the body making the appointment.

Article 11 - Joint Arrangements

11.1 Arrangements to promote wellbeing

The Council or the executive, in order to promote the economic, social or environmental wellbeing of its area, may:

11.1.1 enter into arrangements or agreements with any person or body;

11.1.2 co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

11.1.3 exercise on behalf of that person or body any functions of that person or body.

11.2 Joint arrangements

11.2.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

11.2.2 The executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

11.2.3 Except as set out below, the executive may only appoint executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole. The executive may appoint members to a joint committee from outside the executive where the joint committee has functions for only part of the area of the authority, and that area is

PART 2 - ARTICLE 11 - JOINT ARRANGEMENTS

smaller than two-fifths of the authority by area or population. In such cases, the executive may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

11.2.4 Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.3 Access to information

11.3.1 The Access to Information Rules in Part 4 of this Constitution apply to joint committees.

11.3.2 If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.

11.3.3 If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part 12A of the Local Government Act 1972 will apply.

11.4 Delegation to and from other local authorities

11.4.1 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

11.4.2 The executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

11.4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council.

11.5 Contracting out

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

PART 2 - ARTICLE 12 - OFFICERS**Article 12 - Officers****12.1 General**

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

12.2 Chief Officers

The Council will engage a Chief Executive Officer and such Directors and other officers reporting directly to the Chief Executive, as it considers necessary to carry out its functions, who will be designated chief officers. The current corporate management structure may be accessed on the Council's website at www.uttlesford.gov.uk

12.3 Statutory Officers

The Council is obliged to appoint a Head of Paid Service, a Monitoring Officer and a Chief Finance Officer. The Council will designate the post of Head of Paid Service to the Chief Executive. The Council shall appoint such persons who appear to the Council to be best qualified and able to undertake the statutory roles of Monitoring Officer and Chief Finance Officer. The Chief Finance Officer shall be a qualified accountant. Such posts will have the functions described below.

12.4 Functions of the Head of Paid Service

12.4.1 The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the performance level that is expected to be achieved and the resources necessary to achieve the work plan of the Council.

12.4.2 The Head of Paid Service will determine and publish a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

12.4.3 The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.5 Functions of the Monitoring Officer

12.5.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

12.5.2 After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to Full Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

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

12.5.4 The Monitoring Officer will conduct or arrange investigations into allegations of a breach of a code by a member and make reports or recommendations in respect of them to the Standards Committee.

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

12.5.6 The Monitoring Officer will provide advice on the scope of powers and the authority to take decisions, and on maladministration, financial impropriety and probity to all councillors.

PART 2 - ARTICLE 12 - OFFICERS

12.5.7 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.6 Functions of the Chief Finance Officer

12.6.1 After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to Full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

12.6.2 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

12.6.3 The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

12.6.4 The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, and probity to all councillors and will support and advise councillors and officers in their respective roles.

12.6.5 The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.7 Duty to provide sufficient resources to the Head of Paid Service, Monitoring Officer and Chief Finance Officer

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

12.8 Conduct

Officers will comply with the guidance on gifts and hospitality and the Member/Officer Protocol set out in Part 5 of this Constitution.

12.9 Employment

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

PART 2 - ARTICLE 13 - DECISION MAKING**Article 13 - Decision-Making****13.1 Responsibility for decision-making**

The Council will issue and keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.2 Principles of decision-making

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

13.2.1 proportionality (i.e. the action must be proportionate to the desired outcome);

13.2.2 due consultation and the taking of professional advice from officers;

13.2.3 respect for human rights;

13.2.4 a presumption in favour of openness; and

13.2.5 clarity of aims and desired outcomes

13.3 Types of decision

13.3.1 Decisions reserved to Full Council - decisions relating to the functions listed in Article 4.2 will be made by the Full Council and not delegated.

13.3.2 Key decisions are decisions by or on behalf of the Leader or Cabinet (including decisions by officers acting under delegated powers) which meets one or more of the following conditions:

PART 2 - ARTICLE 13 - DECISION MAKING

1. The decision is likely to result in the Council incurring expenditure or making savings in excess of £100,000, subject to the following:
 - Decisions on the acquisition or disposal of land or of an interest in land will be key decisions if their value exceeds £500,000.
 - The following are not key decisions:
 - o Loans or borrowing decisions made in accordance with the Treasury Management Policy.
 - o Decisions relating to the engagement of staff unless falling within paragraph 4.
 - o Contract awards or renewals for vehicles, plant, machinery, goods, supplies and services where budget provision has been made and the award or renewal is within budget.
 - o Contract awards where the decision to let the contract has already been treated as a key decision.
2. The decision is likely to be significant in terms of its effects on communities living or working in Uttlesford.
3. The decision relates to the adoption or revision of plans and policies which would have a significant impact on the way in which the Council carries out its statutory functions.
4. The decision relates to consideration by the Cabinet of proposals which would have a significant impact on the provision of services to the public or on the operational management of the Council.

PART 2 - ARTICLE 13 - DECISION MAKING**13.4 Decision-making by the Full Council**

Subject to Article 13.8 the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.5 Decision-making by the executive

Subject to Article 13.8, the executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.6 Decision making by overview and scrutiny committees

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

13.7 Decision-making by other committees and sub-committees established by the Council

Subject to Article 13.8, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.8 Decision-making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair hearing contained in Article 6 of the European Convention on Human Rights.

Article 14 - Finance, Contracts and Legal Matters

14.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in the Part 4 to this Constitution.

14.2 Contracts

Every contract made by the Council will comply with the Financial Procedure Rules.

14.3 Legal proceedings

The Assistant Director: Governance and Legal is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests.

14.4 Authentication of documents

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

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Assistant Director: Governance and Legal. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which, in the opinion of the Assistant Director:

PART 2 - ARTICLE 14 FINANCE, CONTRACTS AND LEGAL MATTERS

Governance and Legal should be sealed. The affixing of the Common Seal will be attested by anyone from any of the following list:

14.5.1 Members of the Council.

14.5.2 The Chief Executive

14.5.3 Directors

14.5.4 The Assistant Directors: Finance and Governance
and Legal

Article 15 - Review and Revision of the Constitution

15.1 Duty to monitor and review the constitution

The Governance, Audit and Performance Committee shall monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.2 Changes to the Constitution

15.2.1 Subject to Article 15.2.3, changes to the constitution may only be made by the Full Council after consideration of the proposal by the Governance, Audit and Performance Committee.

15.2.2 In the event that the Council considers amending the constitution to provide for a mayor and cabinet form of executive it must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum.

15.2.3 The Monitoring Officer may approve drafting changes in these circumstances:

- To update the Council's scheme of delegation where responsibility for a function the subject of delegated powers is moved from one officer to another; for instance, following a departmental restructuring or to reflect changes in job titles or the management structure.
- To reflect changes to delegations to officers made by regulatory committees or by the Cabinet.
- To reflect changes in responsibilities of members of the Cabinet, as determined by the Leader.

PART 2 - ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

- To update references in the Constitution to legislation where an Act of Parliament is replaced by another Act in substantially similar terms or to reflect changes which are required by new legislation which the Council has no choice but to make.
- To correct obvious errors or to better give effect to the clear intention of the Constitution.

PART 2 - ARTICLE 16 SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

Article 16 - Suspension, Interpretation and Publication of the Constitution

16.1 Suspension of the Constitution

16.1.1 The Articles of this Constitution may not be suspended. Procedural Rules (save for rules 14.6, 17 and 18.2) may be suspended by the Full Council or committees (during committee meetings) to the extent permitted within those Rules and the law.

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

16.2 Interpretation

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

16.3 Publication

16.3.1 The Chief Executive will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

16.3.2 The Monitoring Officer will ensure that the Constitution is available for inspection at the Council's offices. It can be purchased by members of the local press and the public on payment of a reasonable fee.

PART 2 - ARTICLE 16 SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.3.3 The Monitoring Officer will ensure that the
Constitution is updated and made available as necessary.

Article 17 - Honorary Aldermen

- 17.1. The Council may confer the title of Honorary Alderman or Honorary Alderwoman upon persons who have, in the opinion of the Council, rendered eminent services to the Council as past members of that Council, but who are not then members of the Council.
- 17.2 Any person nominated for such title shall normally have served for 20 years as a member of the Council.
- 17.3 Nominations for the title may be made in writing by any existing Member of the Council and shall be made before the annual meeting of the Council following an ordinary election of councillors or in exceptional circumstances before any annual meeting of the Council.
- 17.4 Any nominations received shall be referred to the Chairman of the Council who shall consult with the group leaders and the Chief Executive before deciding whether to put the nomination to Full Council.
- 17.5 In the event that the nominations do go forward to Full Council a majority of 2/3rds of the members voting thereon is required before the title of Honorary Alderman or Honorary Alderwoman can be conferred.
- 17.6 A certificate shall be presented to each Honorary Alderman or Honorary Alderwoman acknowledging their appointment with an appropriate citation.
- 17.7 Honorary Aldermen or Honorary Alderwomen may attend and take part in such civic ceremonies as the Council may from time to time decide.
- 17.8 Honorary Aldermen or Honorary Alderwomen shall not be entitled to be addressed as Alderman or Alderwoman and may not take part in any civic ceremonies in that capacity at any time while they are serving as a member of the Council.

This page is intentionally left blank

CONTENTS PAGE

	Page
PART 3 Responsibility for Functions	
1. Responsibility for local choice functions	(3) 3
2. Responsibility for Council functions	(3) 7
3. Functions which are not the sole responsibility of the Executive	(3)13
4. Scheme of Delegation of Council functions	(3)19
5. Responsibility for executive functions	(3)35

PART 3 - RESPONSIBILITY FOR FUNCTIONS

Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 some functions must be undertaken by the Council, some involve the Council and the executive (functions which may not be the sole responsibility of the executive) and some which may be the function of the Council or the executive as the Council may determine (local choice functions). The executive has sole responsibility for all functions other than those not to be the sole responsibility of the executive by virtue of legislation and those reserved to the council by legislation or (in relation to local choice functions) by the Council itself. Where a function requires the involvement of the Council, save for in a limited number of cases where legislation requires the function to be performed by the Full Council, the function may be delegated to a committee of the Council or an officer.

1. Responsibility for local choice functions

Function	Decision-making body	Membership
The determination of an appeal against any decision made by or on behalf of the authority	The Council	
Any function relating to contaminated land	The executive	
The discharge of any function relating to the control of pollution or the management of air quality	The executive	
The service of an abatement notice in respect of a statutory nuisance	The executive	

PART 3 - RESPONSIBILITY FOR FUNCTIONS

The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 [power to require consent to the operation of loud speakers in the street] should apply in the authority's area	The Licensing and Environmental Health Committee	Members of the Committee as appointed by Council
The inspection of the authority's area to detect any statutory nuisance	The executive	
The investigation of any complaint as to the existence of a statutory nuisance	The executive	
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	The executive	
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	The executive	
The appointment of any individual (a) to any office other than an office in which he is employed by the authority;	The executive	

PART 3 - RESPONSIBILITY FOR FUNCTIONS

<p>(b) to any body other than -</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment</p>		
The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	The executive	
Functions under sections 106, 110, 111 and 113 of the 2007 Act relating to local area agreements	The executive	

PART 3 - RESPONSIBILITY FOR COUNCIL FUNCTIONS

2. Responsibility for Council functions

Committee - Planning Committee

Membership - 10 members of the authority or such other number as is agreed by the Council

Functions-

- 1 Functions relating to town and country planning and development control as specified in paragraph A Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) save for power to acquire a listed building in need of repair and to serve a repairs notice under s.47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 2 Power to create footpaths, bridleways or restricted byways by agreement
- 3 Power to make public path creation orders
- 4 Power to make public path extinguishment orders and rail path extinguishment orders subject in each case to confirmation by the Secretary of State
- 5 Power to divert footpaths bridleways and restricted byways
- 6 Power to authorise the stopping up or diversion of a footpath, bridleway or restricted byway under s.257 Town and Country Planning Act 1990
- 7 Power to extinguish public rights of way for planning purposes under s.258 Town and Country Planning Act 1990
- 8 Powers in relation to hedgerows under the Hedgerows Regulations 1997

PART 3 - RESPONSIBILITY FOR COUNCIL FUNCTIONS

- 9 Powers relating to the preservation of trees under the Town and Country Planning Act 1990
- 10 Powers relating to high hedges
- 11 Powers in respect of common land and town and village greens under the Commons Act 2006

Committee - Licensing and Environmental Health Committee

Membership - 10 members of the authority or such other number as is agreed by the Council

Functions - Functions relating to licensing and registration in respect of the following matters:-

- 1 animal boarding establishments, dangerous wild animals, dog breeding, performing animals, pet shops, riding establishments and zoos
- 2 game and game dealers
- 3 house to house and street collections
- 4 hackney carriages, private hire vehicles, drivers and operators under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976
- 5 pleasure boats under Public Health Acts Amendment Act 1907
- 6 movable dwellings and camp sites under Public Health Act 1936
- 7 caravan sites under Caravan Sites and Control of Development Act 1960
- 8 scrap yards under the Scrap Metal Dealers Act 1964

PART 3 - RESPONSIBILITY FOR COUNCIL FUNCTIONS

- 9 tables, chairs and other items on pedestrian areas of highways under the Highways Act 1980
- 10 sex establishments under the Local Government (Miscellaneous Provisions) Act 1982
- 11 street trading under the Local Government (Miscellaneous Provisions) Act 1982
- 12 acupuncture, tattooing, ear-piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982
- 13 food premises under the Food Safety Act 1990
- 14 operation of loudspeakers under the Noise and Statutory Nuisance Act 1993
- 15 licensable activities under the Licensing Act 2003
- 16 houses in multiple occupation under the Housing Act 2004
- 17 the Gambling Act 2005 to include the power to set fees in accordance with regulations made there under
- 18 Functions in relation to health, safety and welfare in connection with work and control of dangerous substances to the extent that the functions are discharged by the authority otherwise than in its capacity as an employer under Part 1 Health and Safety at Work etc Act 1974
- 19 Functions relating to smoke free premises
- 20 Power to designate a public place for the purposes of police powers relating to alcohol consumption
- 21 Power to make or revoke an alcohol disorder zone

PART 3 - RESPONSIBILITY FOR COUNCIL FUNCTIONS**Full Council****Functions-**

- 1 Duty to appoint an electoral registration officer
- 2 Power to assign officers in relation to the requisitions of the registration officer
- 3 Duty to appoint a Returning Officer for local government elections
- 4 Duty to provide assistance at Parliamentary and other nationally funded elections and referendums
- 5 Power to pay expenses properly incurred by electoral registration officers
- 6 Power to make temporary appointments to parish councils
- 7 Power to submit proposals to the Secretary of State for a pilot scheme for local elections
- 8 Duty to consult on a change of scheme for elections
- 9 Power to alter the years of ordinary elections of parish councillors
- 10 Functions relating to the change of name of an electoral area
- 11 Power to change the name of the district
- 12 Power to confer the title of Honorary Aldermen or to grant the freedom of the district
- 13 Power to petition for a charter to confer borough status

PART 3 - RESPONSIBILITY FOR COUNCIL FUNCTIONS

- 14 Power to make, amend, revoke, re-enact or enforce byelaws
- 15 Power to promote or oppose local or personal bills
- 16 Functions relating to local government pensions etc
- 17 Power to make standing orders including standing orders as to contracts
- 18 Power to appoint staff and to determine the terms and conditions upon which they hold office
- 19 Duty to make arrangements for the proper administration of financial affairs under s.151 Local Government Act 1972
- 20 Power to appoint "proper officers"
- 21 Duties with regard to the appointment of a Head of Paid Service and Monitoring Officer
- 22 Power to adopt a scheme permitting co-opted members of overview and scrutiny committees to vote under paragraphs 12 and 14 schedule 1 Local Government Act 2000
- 23 Power to make payments or provide benefits in cases of maladministration
- 24 Duty to adopt a code of conduct for members under the Localism Act 2011
- 25 Power to dissolve small parish councils
- 26 Power to make orders for grouping parishes, dissolving groups and separating parishes from groups
- 27 The division of the constituency into polling districts

PART 3 - RESPONSIBILITY FOR COUNCIL FUNCTIONS

- 28 Power to divide electoral divisions into polling districts at local government elections
- 29 Powers in respect of holding elections
- 30 Power to fill vacancies on parish councils in the event of insufficient nominations
- 31 Declaration of vacancy in office in certain cases
- 32 Giving notice of casual vacancies in office
- 33 Duties relating to publicity under the Local Government and Public Involvement in Health Act 2007
- 34 Duties relating to notice to the Electoral Commission
- 35 Power to change the name of a parish
- 36 All powers and duties exercisable in connection with community governance reviews and petitions

Committee - Standards Committee

Membership - Up to 3 members of the authority from each political group and 3 independent persons, as non voting members.

Functions-

- 1 To promote and maintain high standards of conduct within the Council
- 2 To advise the Council on the adoption or revision of its Code of Conduct
- 3 To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, and changes in the law.

PART 3 - RESPONSIBILITY FOR COUNCIL FUNCTIONS

- 4 To give assistance to members and co-opted members of the authority.
- 5 To ensure that all members of the Council have access to training in all aspects of the members' Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code
- 6 Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Localism Act 2011
- 7 Considering petitions when necessary under the Council's petitions scheme

3. Functions which are not the sole responsibility of the executive

- 3.1 The functions set out below are to be performed by the executive subject to the powers of the Council set out thereafter.
 - Preparation of a plan under the Children and Young People's Plan (England) Regulations 2005
 - Preparation of development plan documents under s.15 Planning and Compulsory Purchase Act 2004
 - Preparation of the licensing authority policy statement under the Gambling Act 2005
 - Alterations to the development plan under s.54 Town and Country Planning Act 1990 under transitional arrangements
 - The formulation or preparation of a plan or strategy

PART 3 - RESPONSIBILITY FOR COUNCIL FUNCTIONS

for the control of the council's borrowing, investments or capital expenditure or for determining the council's minimum revenue provision

- In the above cases the following powers are reserved to the council:-
- to instruct the executive to reconsider any draft plan or strategy submitted
- to amend any draft plan or strategy
- to approve for the purposes of public consultation draft proposals for the preparation of alterations to or the replacement of a development plan document
- to approve any plan or strategy (whether or not in draft form) for submission to the Secretary of State or any Minister of the Crown for approval where such submission is required
- to approve a development plan document for the purpose of its submission to the Secretary of State for independent examination under s.20 Planning and Compulsory Purchase Act 2004
- to adopt (with or without modification) any of the above mentioned plans or strategies

3.2 Amending, modifying, revising, varying, withdrawing or revoking any plan or strategy referred to above shall be the responsibility of the executive only to the extent that it is required to give effect to the requirements of the Secretary of State or any Minister of the Crown in respect of a plan or strategy submitted for approval or is recommended by the person carrying out an independent examination of a development plan document or is authorised by the Council when approving or adopting the plan or strategy.

PART 3 - RESPONSIBILITY FOR COUNCIL FUNCTIONS

- 3.3 The functions set out in the left hand column of the table on the next page which but for this provision might be the responsibility of the executive shall not be the responsibility of the executive in the circumstances referred to in the right hand column of the table.

PART 3 - RESPONSIBILITY FOR COUNCIL FUNCTIONS

<p>1. Adoption of a plan or strategy (whether statutory or non-statutory) other than one of those referred to in the foregoing provisions of this paragraph</p>	<p>The Council has determined that the decision should be reserved to it</p>
<p>2. The determination of any matter in the discharge of a function which:-</p> <p>2.1 is the responsibility of the executive; and</p> <p>2.2 is concerned with the Council's budget, borrowing or capital expenditure</p>	<p>The person or body by whom the determination is to be made is minded to determine the matter contrary to or not wholly in accordance with the Council's budget or the Council's plan or strategy for the time being approved and adopted in relation to the Council's borrowing or capital expenditure and the decision maker is not authorised by the executive arrangements, financial regulations, standing orders or other rules and procedures to make a determination in those terms.</p>
<p>3. The determination of any matter in the discharge of a function:</p> <p>3.1 which is the responsibility of the executive; and</p> <p>3.2 in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the Council</p>	<p>The person or body by whom the determination is to be made is minded to determine the matter contrary to the approved or adopted plan or strategy</p>

PART 3 - RESPONSIBILITY FOR COUNCIL FUNCTIONS

- 3.4 Paragraph 3 in the table above does not prevent the discharge of a function by the executive where the circumstances which render a decision necessary may reasonably be regarded as being urgent and the person or body making the decision has obtained from the Chairman of the Scrutiny Committee (or if there is none or he is unable to act from the Chairman of the Council or in his absence the Vice-Chairman of the Council) a written statement that the determination needs to be made as a matter of urgency.
- 3.5 The functions set out in the left hand column of the table on the next page are the function of the executive subject to the limitations set out in the right hand column.

PART 3 - RESPONSIBILITY FOR COUNCIL FUNCTIONS

<p>Making an application under:-</p> <p>s.32 or s.43 Housing Act 1985</p>	<p>Council authorisation to make an application is required</p>
<p>Making calculations (whether original or substitute) under ss. 32 - 37, 43 - 49, 52I & J, 52T & U Local Government Finance Act 1992</p>	<p>Only the preparation of estimates of amounts to be used for the purposes of the calculation and estimates of the calculations for submission to the Council for consideration, the reconsideration of those estimates and amounts in accordance with the Council's requirements and the submission of revised estimates and amounts for the Council's consideration are functions of the executive.</p>

4. SCHEME OF DELEGATION OF COUNCIL FUNCTIONS

GENERAL DELEGATION TO COMMITTEES CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

(In this scheme of delegation chief officers and deputy chief officers have the meanings assigned to them by s.2 Local Government & Housing Act 1989)

The functions of the Council referred to below are delegated to the designated committees and officers.

THE PLANNING COMMITTEE

1. Functions relating to town and country planning and development control as specified in paragraph A Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) save for power to acquire a listed building in need of repair and to serve a repairs notice under s.47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
2. Power to create footpaths, bridleways or restricted byways by agreement
3. Power to make public path creation orders
4. Power to make public path extinguishment orders and rail path extinguishment orders subject in each case to confirmation by the Secretary of State
5. Power to divert footpaths bridleways and restricted byways
6. Power to authorise the stopping up or diversion of a footpath, bridleway or restricted byway under s.257 Town and Country Planning Act 1990
7. Power to extinguish public rights of way for planning purposes under s, 258 Town and Country Planning Act 1990

PART 3 - DELEGATION OF COUNCIL FUNCTIONS

8. Powers in relation to hedgerows under the Hedgerows Regulations 1997
9. Powers relating to the preservation of trees under the Town and Country Planning Act 1990
10. Powers relating to high hedges
11. Powers in respect of common land and town and village greens under the Commons Act 2006

THE LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE

1. Functions relating to licensing and registration in respect of the following matters:-
 - 1.1 animal boarding establishments, dangerous wild animals, dog breeding, performing animals, pet shops, riding establishments and zoos
 - 1.2 game and game dealers
 - 1.3 house to house and street collections
 - 1.4 hackney carriages, private hire vehicles, drivers and operators under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976
 - 1.5 pleasure boats under Public Health Acts Amendment Act 1907
 - 1.6 movable dwellings and camp sites under Public Health Act 1936
 - 1.7 caravan sites under Caravan Sites and Control of Development Act 1960
 - 1.8 scrap yards under the Scrap Metal Dealers Act 1964

PART 3 - DELEGATION OF COUNCIL FUNCTIONS

- 1.9 tables, chairs and other items on pedestrian areas of highways under the Highways Act 1980
- 1.10 sex establishments under the Local Government (Miscellaneous Provisions) Act 1982
- 1.11 street trading under the Local Government (Miscellaneous Provisions) Act 1982
- 1.12 acupuncture, tattooing, ear-piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982
- 1.13 food premises under the Food Safety Act 1990
- 1.14 operation of loudspeakers under the Noise and Statutory Nuisance Act 1993
- 1.15 licensable activities under the Licensing Act 2003
- 1.16 houses in multiple occupation under the Housing Act 2004
- 1.17 the Gambling Act 2005 to include the power to set fees in accordance with regulations made there under
- 2. Functions in relation to health, safety and welfare in connection with work and control of dangerous substances to the extent that the functions are discharged by the authority otherwise than in its capacity as an employer under Part 1 Health and Safety at Work etc Act 1974
- 3. Functions relating to smoke free premises
- 4. Power to designate a public place for the purposes of police powers relating to alcohol consumption
- 5. Power to make or revoke an alcohol disorder zone

PART 3 - DELEGATION OF COUNCIL FUNCTIONS

6. Power to pass a resolution that Schedule 2 Noise and Statutory Nuisance Act 1993 should apply within the Authority's area

THE STANDARDS COMMITTEE

1. The function of advising the Council on the adoption or variation of a code of conduct
2. Promoting high standards of conduct by members and co-opted members
3. Assisting members and co-opted members to observe the code of conduct
4. Monitoring the operation of the code of conduct
5. Providing training to members and co-opted members on the code of conduct
6. Receiving reports from the Monitoring Officer or investigators appointed by the Monitoring Officer into complaints of a breach of the Code of Conduct: determine such complaints and deciding what action to take with regard to any breaches found to have been proved.
7. With regard to parish and town councils within the district:-

receiving reports from the Monitoring Officer or investigators appointed by the Monitoring Officer into complaints of a breach of the code of conduct by town or parish councillors: advising the parish or town council concerned whether there has been a breach of the Code of Conduct and recommending what action the parish or town council should take with regard to any breaches found to have been proved

GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE

The functions of the Council referred to below are delegated to the Governance, Audit and Performance Committee

1. To monitor the performance of the Council and progress against improvement plans; to oversee the Council's internal audit and risk functions; to receive and approve external audit reports; to scrutinize and approve the annual statement of accounts; to make reports and recommendations to the executive, committees and the Council as a whole on its performance management and corporate governance as appropriate.
2. To consider the Internal Audit Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
3. To consider summaries of specific internal audit reports as requested.
4. To consider reports dealing with the management and performance of the providers of internal audit services.
5. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
6. To consider the external auditor's Annual Letter, relevant reports, and reports to those charged with governance.
7. To consider specific reports as agreed with the external auditor.
8. To comment on the scope and depth of external audit work and to ensure it gives value for money.

PART 3 - DELEGATION OF COUNCIL FUNCTIONS

9. To make arrangements for the appointment of the Council's external auditor and to be responsible for appointing the external auditor under any successor arrangements.
10. To commission work from internal and external audit.
11. To maintain an overview of the Council's contract procedure rules and financial regulations and to monitor compliance therewith.
12. To review any issue referred to it by the Chief Executive or a Director, or any Council body.
13. To monitor the effective development and operation of risk management and corporate governance in the Council.
14. To monitor council policies on whistleblowing and the anti-fraud and corruption strategy and the Council's complaints process;
15. To oversee the production of the authority's Annual Governance Statement and to agree its adoption;
16. To oversee the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
17. To monitor the Council's compliance with its own and other published standards and controls.
18. To review and approve the annual statement of accounts for publication. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
19. To consider the external auditor's report to those charged with governance issues arising from the audit of the accounts.

PART 3 - DELEGATION OF COUNCIL FUNCTIONS

20. Carry out and give effect to the outcome of Community Governance Reviews of parish boundary and electoral arrangements, including the power to make orders for creating, abolishing or altering parishes, grouping or degrouping parishes, or dissolving parish councils.
21. Carry out and give effect to the outcome of statutory and interim reviews of polling districts and polling places.
22. To make recommendations to the Full Council on its discharge of the following functions, subject to powers delegated to officers:
 - a. Duty to appoint an electoral registration officer
 - b. Power to assign officers in relation to the requisitions of the registration officer
 - c. Duty to appoint a Returning Officer for local government elections
 - d. Duty to provide assistance at Parliamentary and all other nationally funded elections and referendums
 - e. Power to pay expenses properly incurred by electoral registration officers
 - f. Power to make temporary appointments to parish councils
 - g. Power to submit proposals to the Secretary of State for a pilot scheme for local elections
 - h. Duty to consult on a change of scheme for elections
 - i. Power to alter the years of ordinary elections of parish councillors
 - j. Functions relating to the change of name of an electoral area
 - k. Power to change the name of the district
 - l. Power to confer the title of Honorary Alderman or to grant the freedom of the district
 - m. Power to petition for a charter to confer borough status
 - n. Power to make, amend, revoke, re-enact or enforce byelaws
 - o. Power to promote or oppose local or personal bills

PART 3 - DELEGATION OF COUNCIL FUNCTIONS

- p. Functions relating to local government pensions etc
- q. Power to make standing orders including standing orders as to contracts
- r. Power to appoint staff and to determine the terms and conditions upon which they hold office
- s. Duty make arrangements for the proper administration of financial affairs etc under s.151 Local Government Act 1972
- t. Power to appoint "proper officers"
- u. Duties with regard to the appointment of a Head of Paid Service and Monitoring Officer
- v. Power to adopt a scheme permitting co-opted members of overview and scrutiny committees to vote under paragraphs 12 and 14 schedule 1, Local Government Act 2000
- w. Power to make payments or provide benefits in cases of maladministration
- x. Duty to adopt a code of conduct for members under the Localism Act 2011
- y. Powers in respect of holding elections
- z. Power to fill vacancies on parish councils in the event of insufficient nominations

- aa. Declaration of vacancy in office in certain cases
- bb. Giving notice of casual vacancies in office
- cc. Duties relating to publicity under the Local Government and Public Involvement in Health Act 2007
- dd. Duties relating to notice to the Electoral Commission

ALL CHIEF OFFICERS & DEPUTY CHIEF OFFICERS

In consultation with the chairman of the appropriate committee or, where he or she is not available, the vice chairman, chief officers and deputy chief officers have delegated authority to take any action which would normally require committee approval but which requires an urgent decision subject to that action being in accordance with Council policy and within budget. Such a decision is to be reported to the next meeting of the appropriate committee with a full explanation of the reasons for the decision and the urgency.

THE CHIEF EXECUTIVE

1. The development of the Council's corporate policies.
2. The development of corporate strategies.
3. Public relations and consultation relating to matters which are Council functions.
4. Power to make payments or provide benefits in cases of maladministration
5. All functions delegated to chief officers and deputy chief officers under this Scheme of Delegation

THE CHIEF FINANCE OFFICER

1. To certify the annual calculation of the Council Taxbase
2. To certify the Council's Business Rate estimates
3. To certify the draft Statement of Accounts in accordance with the Accounts and Audit Regulations 2015
4. To determine financial administrative procedures and systems pursuant to discharging statutory responsibilities for

PART 3 - DELEGATION OF COUNCIL FUNCTIONS

making arrangements for the proper administration of the Council's financial affairs under the Local Government Act 1972

5. To review and authorise employees' subsistence and expense rates at 1 April each year in line with national agreements or locally approved variations
6. To respond to consultations of a technical nature relating to local government finance and audit matters
7. To provide other certifications and authorisations required of the Section 151 Officer
8. To comment on and approve documents prepared by the External Auditor prior to consideration by the Governance, Audit and Performance Committee

ASSISTANT DIRECTOR: GOVERNANCE AND LEGAL

1. Authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal including any appeals
2. Take any necessary legal action to protect the interests of the Council.
3. Authorise officers of the Council to appear on behalf of the Council before courts and tribunals

MONITORING OFFICER

1. Power to grant dispensations under s.33 Local Government Act 2011 to district, parish and town councillors who have disclosable pecuniary interests to speak and/or vote on issues relating to such interests and to grant dispensations under the Code of Conduct to district, parish and town councillors with other pecuniary interests to speak and/or vote on issues relating to such interests.

DIRECTOR OF FINANCE AND CORPORATE SERVICES

1. Implementation of national provincial and local agreements and amendments to conditions of service
2. The approval of pensionable ill health retirement in consultation with the Leader of the Council or cabinet member authorised by him or her

DIRECTOR OF PUBLIC SERVICES

1. All functions delegated to the Assistant Directors Housing and Environmental Health and Planning and Building Control under this Scheme of Delegation

ASSISTANT DIRECTOR HOUSING AND HEALTH

1. Grant applications for licences and for registration of premises, persons and vehicles and the amendment or transfer of such licences or registrations where such applications meet policy guidelines adopted by the Council or the Licensing and Environmental Health Committee
2. Determine whether representations made in respect of licensing matters or applications for reviews of licences are valid or may be rejected as being vexatious, frivolous or repetitious
3. Refusal of licenses and registrations where such applications do not meet policy guidelines adopted by the Council or the Licensing and Environmental Health Committee
4. Issue of statutory notices and certificates
5. Issue of statutory notices, registrations and certificates in respect of charitable collections and gaming

PART 3 - DELEGATION OF COUNCIL FUNCTIONS

6. To suspend licenses issued under Part II Local Government (Miscellaneous Provisions) Act 1976 for a period not exceeding 2 weeks where there has been a breach of condition or an alleged offence where in the view of the Assistant Director - Governance and Legal a prosecution would not be appropriate
7. To suspend licences under s.61 Local Government (Miscellaneous Provisions) Act 1976 (as amended) immediately if in his or her opinion it is in the interests of public safety that the suspension should have immediate effect, such suspension to last until the day after the next meeting of the Licensing and Environmental Health Committee
8. Subject to the provision of a satisfactory statutory declaration, to grant an application for a licence where the Council requires a criminal record check where the applicant is in possession of a check to the level required by the Council which is not more than 18 months old and to revoke any licence if a false declaration is made
9. Subject to the provision of a satisfactory statutory declaration to grant an application for renewal of a licence granted by the Council where the Council requires a criminal record check but a check to the level required by the Council is not immediately available and to revoke any licence if a false declaration is made
10. To grant applications for consent to place tables and chairs and other items on pedestrian areas of the highway subject to conditions where such applications fall within the policy previously adopted by the Licensing and Environmental Health Committee or any amendment or amendments thereto made by the Committee and to refuse applications which do not fall within that policy
11. To grant licences in cases where a driver has a pending prosecution for a motoring offence which is in the opinion of

PART 3 - DELEGATION OF COUNCIL FUNCTIONS

the Assistant Director - Governance and Legal is unlikely to attract 6 points or more on the driver's licence

ASSISTANT DIRECTOR PLANNING & BUILDING CONTROL

1. Carry out any functions laid out in the Schedule below, except for the determination of:
 - 1.1 Any application to implement permission otherwise than in accordance with conditions imposed by Committee, within 10 years of the grant of permission;
 - 1.2 Any application a member has called in for a planning reason within the agreed time period;
 - 1.3 Any application the granting of which would represent a departure from the Development Plan where the departure application is to be notified to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009
 - 1.4 Approval of Major Applications (as defined by the GDPO) in Great Dunmow, Saffron Walden and Stansted and approval of applications of more than 5 dwellings elsewhere;
 - 1.5 Any proposal involving the District Council either as applicant or landowner, either on its own, or jointly with another individual or body;
 - 1.6 Applications which would otherwise be delegated but which the Assistant Director Planning and Building Control considers should come before the Committee.
- 2 Carry out all functions related to the enforcement of planning legislation contained in the Schedule except that the issue of all formal notices must be jointly authorised by the Assistant Director - Governance and Legal

PART 3 - DELEGATION OF COUNCIL FUNCTIONS

- 3 Carry out all functions related to appeals against planning and enforcement decisions made by Uttlesford District Council.
- 4 All powers conferred under this section shall be subject to all duties and obligations contained in the Human Rights Act 1998 and all primary and secondary legislation concerning equal opportunities.

The Schedule

All functions concerning the Council's role as Local Planning Authority contained in the following primary legislation and all subordinate legislation made thereunder

AGRICULTURAL LAND (REMOVAL OF SURFACE SOIL) ACT 1953

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

ANTI-SOCIAL BEHAVIOUR ACT 2003

BUILDINGS ACT 1984

BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 1998

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

CLEAN AIR ACT 1956

COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

PUBLIC HEALTH ACT 1925

ECCLESIASTICAL EXEMPTION (LISTED BUILDINGS AND CONSERVATION AREAS) ORDER 1994

ESSEX ACT 1987

EUROPEAN COMMUNITIES ACT 1972

PART 3 - DELEGATION OF COUNCIL FUNCTIONS

GREEN BELT (LONDON AND HOME COUNTIES) ACT 1938

HEDGEROW REGULATIONS 1997

HIGHWAYS ACT 1980

LAND COMPENSATION ACT 1961

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

LOCAL GOVERNMENT PLANNING AND LAND ACT 1980

LOCALISM ACT 2011

PASTORAL MEASURES ACT 1983

PLANNING AND COMPENSATION ACT 1991

PLANNING AND COMPULSORY PURCHASE ACT 2004

PLANNING (HAZARDOUS SUBSTANCES) ACT 1990

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
ACT 1990

PUBLIC HEALTH ACTS

REGULATORY AND INVESTIGATION PROCEDURES ACT 2000

THE ENVIRONMENT ACT 1995

THE HEALTH ACT 2006

TOWN AND COUNTRY PLANNING ACT 1959

PART 3 - DELEGATION OF COUNCIL FUNCTIONS

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011

and the power contained in s.111 Local Government Act 1972 and s.2 Local Government Act 2000, so far as the use of such powers is incidental to the exercise of the functions of a Local Planning Authority under the legislation listed above, subject to prevailing common law and statutory duties and obligations concerning the use of those powers (advice on this point can be obtained from the Assistant Director Governance and Legal).

5. Responsibility for executive functions

Under the Local Government Act 2000 the Leader may discharge all functions of the executive or may arrange for them to be discharged by the executive, a committee of the executive, a member of the executive or by an officer. Such delegation does not preclude the Leader exercising the function personally. In accordance with the Act and Article 7 of the constitution the Leader approved the scheme of delegation set out in the following sections. Thereafter this section will be updated as soon as is reasonably practicable after any alterations to those arrangements are made.

PART 3 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

**SCHEME OF DELEGATION OF EXECUTIVE FUNCTIONS
GENERAL DELEGATION TO THE CABINET, MEMBERS
OF THE EXECUTIVE (PORTFOLIO HOLDERS),
CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

(In this scheme of delegation chief officers and deputy chief officers have the meanings assigned to them by s.2 Local Government & Housing Act 1989)

DELEGATION TO THE CABINET

All executive functions of the Council

DELEGATION TO PORTFOLIO HOLDERS

Scrap Metal Dealers Act 2013

To designate the Executive Member for Communities and Partnerships overall responsibility for the Council's function under the Scrap Metal Dealers Act 2013

The mechanism for dealing with applications under the Act is as follows: the Assistant Director - Housing and Environmental Health to deal with all non contentious matters; contested matters to be dealt with by the Executive Member for Communities and Partnerships.

North Essex Parking Partnership

To designate the Executive Member for Economic Development or other Council representative on the North Essex Parking Partnership On Street Joint Committee and the Off Street Joint Committee with authority to vote on matters such as the NEPP budget and on street TROs, such decisions having the effect of committing the Council.

PART 3 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Local Plan - Duty to Co-operate and Planning Policy

To designate the Executive member for Environmental Services or other Council representative at duty to cooperate meetings in respect of the preparation of the Council's local plan with other relevant plan making authorities to determine the Council's position on local plan issues.

Determination of the Council's position on any matter relating to:

1. the business on an agenda of the Cooperation for Sustainable Development Member Board;
2. duty to cooperate matters relating to development plans of other local planning authorities not represented on the Coop Board, particularly Braintree and South Cambridgeshire
3. consultations on planning policy issues

Executive member for Economic Development

Determination of the Council's position on any matter relating to the proposed Saffron Walden Business Improvement District.

Executive member for Environmental Services

Exercise of the Council's discretion to set Fixed Penalty Notice fines up to legal limits•

DELEGATION TO WARD MEMBERS

Members' new Homes Bonus Scheme

Pursuant to s.236 Local Government and Public Involvement in Health Act 2007 each ward member shall have power to expend up to £3000 in any financial year in relation to any function of the Council which is an executive function insofar as the function is

PART 3 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

exercisable in relation to the ward for which the member is elected. In relation to members of the executive this power relates only to the exercise of such functions which have not been delegated to them by the Leader.

Prior to exercising any function in accordance with this delegation ward members shall consult with the Chief Finance Officer to ensure that such expenditure is legal.

Where a ward member discharges any function in accordance with this delegation he or she shall ensure that a written record of the decision or action taken is made and that such a record is provided to the Council within one month of the date of the decision or action.

The Leader has delegated power to the Section 151 Officer, in consultation with the Monitoring Officer to perform any executive function at the request of any member where:

- i) The performance of the function will be in a ward or partly in a ward not represented by the member or members making the request
- ii) The performance of the function will be of some benefit directly or indirectly to persons living in or carrying out business in the ward or wards which those members represent.
- iii) The total costs of the performance of the functions does not exceed the total amount of the unexpected budget allocated to those members for the performance of the executive functions within their wards and
- iv) The members concerned agree to forgo from their budget allocation such sums as are necessary to meet the cost of the performance of the function.

DELEGATION TO OFFICERS

ALL CHIEF OFFICERS & DEPUTY CHIEF OFFICERS

1. In consultation with the Leader of the Council or relevant Portfolio Holder, or if they are not available with any other member of the Cabinet, to take any action which would normally require Cabinet approval but which requires an urgent decision subject to the action being within budget and in line with Council policy. Any such decisions are to be reported to the next meeting of the Cabinet with a full explanation of the reasons for the decision.
2. To purchase goods, materials and services and to give orders for work to be performed insofar as there is provision for such expenditure within the budget and the purchase or order complies with the Council's Procedure Rules and Financial Regulations.
3. To determine the staff structure required for the effective operation of their areas of responsibility and to employ such staff insofar as there is provision for such expenditure in the budget and appointment is in accordance with the Council's Procedure Rules.
4. The day to day management of the services within their purview within budget.
5. The day to day management of all employees within their service units
6. All matters concerning the employment, discipline and dismissal of all staff below the level of Chief Officer subject to any right of appeal, any statutory provisions and any matter reserved to elected members.
7. The approval and implementation of training programmes and the approval of attendance by employees at courses and seminars within budget.

PART 3 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

8. Road Closure Orders under Section 21 of the Town and Police Clauses Act 1847

THE CHIEF EXECUTIVE

1. The development of the Council's corporate policies.
2. Development of the Council's corporate and service related strategies.
3. Service Planning and the Corporate Plan.
4. The Council's functions under the Crime and Disorder Act.
5. Quality control and client management of fitness and leisure and sports centres.
6. Community development and engagement.
7. National Lottery and grant matters.
8. All functions delegated to Chief Officers and Deputy Chief Officers under this scheme of delegation.
9. The following functions under the Anti-Social Behaviour Crime and Policing Act 2014:- Power to issue closure notices under s.76 and to extend the validity of a closure notice for up to 48 hours under s.77(4).

DIRECTOR OF FINANCE AND CORPORATE SERVICES (S151 OFFICER AND CHIEF FINANCE OFFICER)

1. To determine the budget setting process and timetable.
2. To determine the budget monitoring process and timetable.
3. To make arrangements for exchequer services including payroll, expenses reimbursement, banking, supplier payments and debt recovery.
4. To authorise changes to the signatories on the Council's bank mandate.

PART 3 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

5. To authorise exceptions to the Contract Procedure Rules where there are sound business reasons to do so in consultation with relevant Portfolio Holders or the Cabinet or Leader.
6. To respond to consultations of a technical nature relating to local government finance and audit matters.
7. To certify grant claims, audited returns and statistical information for submission to government departments.
8. To determine applications for discretionary business rate relief.
9. To agree renewal terms on the Council's insurance policies within budget.
10. To make funds available and authorise payments in the event of an emergency situation.
11. To authorise the write-off of bad debts in accordance with Financial Regulations.
12. To authorise the disposal of surplus vehicles, plant and equipment in accordance with Financial Regulations.
13. The completion of grant claims for housing and council tax benefit and discretionary housing payments.
14. All functions delegated to the Assistant Directors of;
 - a. Corporate Services;
 - b. Finance; and
 - c. ICT and Facilities
 - d. under this scheme of delegation.
15. Applications to central government for funding specific projects.

PART 3 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**ASSISTANT DIRECTOR - GOVERNANCE AND LEGAL**

1. To authorise the institution, defence, participation in, withdrawal or compromise of any claims or legal proceedings, civil or criminal including the making of appeals.
2. To give necessary legal authorisation to officers of the Council to appear before any courts or tribunals.
3. To issue any statutory notices and certificates.

DIRECTOR OF PUBLIC SERVICES

1. All functions delegated to the Assistant Director of Housing and Environment and Planning and Building Control under this scheme of delegation.
2. In relation to street scene services the day to day management of contracts and services including the preparation and submission of tenders.
3. Contract monitoring, quality control and client management of the grounds and maintenance service.
4. To issue any statutory notices and certificates.

ASSISTANT DIRECTOR - CORPORATE SERVICES

1. To act as lead officer for the Council's Scrutiny Committee.
2. Monitoring and quality control of contracts relating to human resource advice and support.
3. Provision of customer service centre and community information centres.
4. The administration of human resources.
5. Performance management.

PART 3 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

6. Public relations and consultation.
7. Management and maintenance of the Council's website and intranet.
8. To act as lead officer for the Council's Performance and Audit Committee.
9. To issue any statutory notices and certificates.

ASSISTANT DIRECTOR - FINANCE

1. To issue any statutory notices and certificates.
2. The issue of possession proceedings in respect of council owned properties not forming part of the housing stock.
3. Completion of grant claims for housing and council tax benefit and discretionary housing payments.
4. The administration of sundry debtors.
5. To authorise budget virements in accordance with the virements rules contained within the Financial Regulations.
6. To make borrowing and investment decisions in accordance with the Council's Treasury Management Strategy.
7. To determine the most appropriate methods for procurement of goods and services consistent with the Procurement Strategy approved by the Cabinet.
8. Collection and control of cash.
9. To submit insurance claims to the Council's insurers.
10. To represent the Council at court proceedings in relation to the recovery of monies owed to the Council.

PART 3 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

11. To prove debts on behalf of the Council in bankruptcy and liquidation proceedings.
12. The administration of council tax and Business Rates.
13. The administration of housing and council tax benefits.
14. The administration of Local Council Tax Support scheme (LCTS).
15. The determination of applications for Exceptional Circumstances.
16. Hardship Relief under the LCTS.

ASSISTANT DIRECTOR - ICT AND FACILITIES

1. To issue any statutory notices and certificates.
2. Contract monitoring and quality control of ICT facilities.
3. Development of service related ICT strategies.
4. Monitoring and quality control of contracts relating to council offices and public conveniences.
5. The maintenance, repair and improvement of all non-HRA council assets.
6. Management of all council assets in accordance with the Asset Management Plan.
7. The preparation, implementation and monitoring of a non-HRA stock condition plan.

ASSISTANT DIRECTOR - HOUSING & HEALTH

1. The provision, allocation and management of the Council's housing stock.

PART 3 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

2. The administration of Council house sales.
3. The administration of the Council's statutory and other duties in respect of housing the homeless and dealing with landlord harassment.
4. The maintenance repair and improvement of the Council's housing accommodation.
5. The preparation, implementation and monitoring of housing programmes.
6. The provision of a welfare service for applicants for and tenants of housing accommodation including:-
 - 6.1 Liaison with social services
 - 6.2 operation of a sheltered housing service and
 - 6.3 encouragement of the use of Lifeline
7. Liaison with the Homes and Communities Agency, Housing Associations, the private sector, local councils, agencies and societies to assess housing needs and to provide new homes and to rehabilitate substandard, derelict and unused properties.
8. Power to release restrictive covenants on former council houses sold under the right-to-buy legislation.
9. Authority to authorise ex gratia payments including rent free weeks (up to a maximum of £500) to tenants to assist them with the costs of disturbance.
10. Payment of authorised removal expenses to tenants transferring to smaller accommodation.
11. Approval of estimated service charges in respect of former Council flats and maisonettes.

PART 3 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

12. Dealing with the exchange of tenancies between the Council's tenants and those of other Local Authorities and Housing Associations.
13. Making nominations to Housing Associations.
14. Dealing with succession of tenancies to members of the family who are legally qualified to succeed.
15. The approval of sub letting of part of tenanted property.
16. The allocation of garages and the issue of Notices to Quit.
17. Grant of wayleaves across the Council's housing land.
18. The Council's functions under the Shops Act 1950.
19. The provision, maintenance and funding of day centres for the elderly and people who are disabled.
20. The issue of proceedings for demotion of council tenancies, possession of Council owned properties forming part of the housing stock, forfeiture of leases and injunctions.
21. Animal welfare and licensing, the control of stray dogs and dog control orders.
22. The burial of people where no (proper) arrangements have been made.
23. Food safety and control including food storage, handling, preparation, transport and exposure for sale.
24. Functions under the Shops Act 1950
25. Health and safety at work to the extent that the functions are discharged by the Council in its capacity as an employer under Part 1 Health and Safety at Work etc Act 1974.

PART 3 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

26. Liaison with the appropriate health authorities.
27. The promotion of public health education and home safety.
28. The control and prevention of infectious and notifiable diseases and food poisoning.
29. The control and eradication of rodents, insects and other pests with public health significance or nuisance potential.
30. The prevention or remedy of a statutory nuisance or other pollution matters of concern, the regulation of industrial processes and the implementation of the contaminated land regime under Part IIA Environmental Protection Act 1990.
31. The maintenance of a Port Health operation and border inspection post at Stansted Airport.
32. The administration of grant schemes for the improvement, adaptation or conversion of private sector housing and the disuse or demolition of unfit premises.
33. The licensing of houses of multiple occupancy.
34. To issue any statutory notices and certificates.
35. The following functions under the Anti- Social Behaviour Crime and Policing Act 2014:-
 - Power to issue community protection notices under s.43 2.
 - Power to authorise remedial work under s.47 or pursuant to a remedial order made under s.49 3
 - Power to issue fixed penalty notices under ss.52 and 68
36. To deal with the non-contentious applications under the Scrap Metal Dealers Act 2013

PART 3 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

37 The following functions under the Anti-Social Behaviour Crime and Policing Act 2014:-

- Power to issue community protection notices under s.43(2).
- Power to authorise remedial work under s.47 or pursuant to a remedial order made under s.49(3)
- Power to issue fixed penalty notices under ss.52 and 68

ASSISTANT DIRECTOR - PLANNING & BUILDING CONTROL

- 1 Deal with dangerous trees under the Local Government (Miscellaneous Provisions) Act 1976 and to recharge the costs to owners.
- 2 Determine applications and issue notices under the Building Act 1984, the Building Regulations as amended and allied matters under the Public Health Acts, Clean Air Act 1956 and the Essex Act 1987, and any other relevant legislation.
- 3 Deal with the operation of the Building (Local Authority Charges) Regulations 1998 and any amendments thereto, along with the Council's scheme for the recovery of charges for Building Regulations purposes.
- 4 Issue requisitions for Information.
- 5 Institute legal proceedings for:-
 - 5.1 failure to comply with any statutory notices
 - 5.2 failure to comply with an Enforcement Notice or Stop Notice
 - 5.3 unauthorised display of advertisements
 - 5.4 breaches of the Building Act and Regulations
- 6 The institution of committal proceedings for breach of an injunction.

PART 3 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

- 7 The submission of objections to the Traffic Commissioners or other licensing authority for applications for Goods Vehicle Operators Licences.
- 8 Functions associated with the preparation and monitoring of the Locally Determined Highways Programme.
- 9 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.
- 10 Minor editorial changes to planning policy documents.
- 11 Street names and house numbers.
- 12 The promotion of energy efficiency and carbon reduction measures.
- 13 Disability issues appropriate to the facilities and activities within the purview of the Council.
- 14 Determine applications made to the Council pursuant to sections 1 and 3 of schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

This page is intentionally left blank

CONTENTS PAGE

	Page
PART 4 Rules of Procedure	
Council Procedure Rules	(4) 5
Rule 1 Annual meeting of the Council	(4) 5
Rule 2 Ordinary meetings of the Council	(4) 7
Rule 3 Extraordinary meetings of the Council	(4) 8
Rule 4 Time and place of meetings	(4) 9
Rule 5 Notice of and summons to meetings	(4) 9
Rule 6 Chair of meetings	(4)10
Rule 7 Quorum	(4)10
Rule 8 Duration of meetings	(4)10
Rule 9 Questions by members	(4)10
Rule 10 Motions on notice	(4)11
Rule 11 Motions without notice	(4)11
Rule 12 Rules of debate	(4)13
Rule 13 Previous decisions and motions	(4)18
Rule 14 Voting	(4)19
Rule 15 Minutes	(4)21
Rule 16 Record of attendance	(4)22
Rule 17 Exclusion of the public	(4)22
Rule 18 Members' conduct	(4)22
Rule 19 Disturbance by the public	(4)23
Rule 20 Suspension and amendment of Council procedure rules	(4)23
Rule 21 Participation in meetings by members with disclosable pecuniary interests	(4)24
Rule 22 Application to committees and sub-committee	(4)24

Rule 1	Scope	(4)25
Rule 2	Additional rights to information	(4)25
Rule 3	Rights to attend meetings	(4)25
Rule 4	Questions by the public and statements	(4)25
Rule 5	Notice of meetings	(4)28
Rule 6	Access to agenda and reports before the meeting	(4)28
Rule 7	Supplies of copies	(4)28
Rule 8	Access to minutes etc after the meeting	(4)29
Rule 9	Background papers	(4)29
Rule 10	Summary of the public's rights	(4)30
Rule 11	Exclusion of access by the public to meetings	(4)30
Rule 12	Application of rules to the Executive	(4)33
Rule 13	Procedure before taking key decisions	(4)34
Rule 14	The Forward Plan	(4)35
Rule 15	General exception	(4)35
Rule 16	Special urgency	(4)35
Rule 17	Report to Council	(4)36
Rule 18	Record of decisions	(4)37
Rule 19	Access to meetings	(4)38
Rule 20	Additional rights of access to members	(4)39
Rule 21	Overview and Scrutiny Committees access to documents	(4)40

Budget and Policy Framework Procedure Rules (4)42

1.	Framework for executive decisions	(4)42
2.	Process for developing the framework	(4)42
3.	Decisions outside the policy framework	(4)44
4.	Urgent decisions outside the budget or policy framework	(4)45
5.	Virement	(4)46
6.	In year changes to policy framework	(4)46
7.	Call-in of decisions outside the policy framework	(4)47

Executive Procedure Rules

(4)49

1. Delegation (4)49
2. Conduct of Executive meetings (4)53

Overview and Scrutiny Procedure Rules

(4)56

2. Terms of reference (4)56
3. Membership and Composition (4)57
4. Work Programme (4)58
5. Policy Review and Development (4)58
6. Reports to the Executive (4)60
7. Scrutiny Members' Rights to documents (4)61
8. Scrutiny Review of Decisions (4)61
9. Call in Procedure (4)62
10. Urgent Cabinet decisions (4)64
11. Agenda (4)65
12. Scrutiny Investigations (4)66

Financial Procedure Rules

1. Introduction (4)67
2. Financial management (4)68
3. Financial planning (4)72
4. Risk management (4)74
5. Systems and procedures (4)76
6. External arrangements (4)78
7. Virement, year end balances and supplementary estimates (4)81
8. Assets (4)85
9. Bank accounts (4)88
10. Petty cash (4)89
11. Income (4)89
12. Ordering and paying for goods and services (4)91
13. Payments to employees and members (4)93

1. Recruitment and appointment (4)96
2. Recruitment of Head of Paid Service and Chief Officers (4)96
3. Appointment of paid service (4)97
4. Appointment of chief officers and deputy chief officers (4)97
5. Other appointments (4)98
6. Disciplinary action (4)98
7. Dismissal (4)98
8. Disciplinary Procedure for relevant Officers (4)98

PART 4 - RULES OF PROCEDURE

Council Procedure Rules

1. RULE 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 a date in May to be fixed by the Council.

The annual meeting will:

- 1.1.1 elect a person to preside if the Chairman of Council is not present;
- 1.1.2 elect the Chairman of Council;
- 1.1.3 elect the Vice-Chairman of Council;
- 1.1.4 approve the minutes of the last meeting;
- 1.1.5 elect the Leader at the annual meeting of the council following an ordinary election of Councillors only;
- 1.1.6 appoint at least one overview and scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate
- 1.1.7 agree such part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in part 3 of this Constitution); (only at the first meeting of a newly elected council)
- 1.1.8 approve a programme of ordinary meetings of the Council for the year;

1.1.9 consider any business set out in the notice convening the meeting;

1.1.10 consider any other business which the chairman considers to be urgent

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will:

1.2.1 decide which committees to establish for the municipal year;

1.2.2 decide the size and terms of reference for those committees;

1.2.3 decide the allocation of seats to political groups in accordance with the political balance rules;

1.2.4 receive nominations of councillors to serve on each committee, ratify those nominations and (unless appointed by Full Council) the committees to then appoint their Chairmen and Vice-Chairmen;

1.2.5 appoint members to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive

1.3 Appointment of Substitutes to Committees

The following scheme is applicable to the appointment of substitutes at committee meetings only. It does not apply to the executive or to any committees of the executive, and neither does it apply to working groups or task groups.

1.3.1 The Council will appoint up to two substitutes per committee per group, on nomination in the usual way;

- 1.3.2 Substitute members will receive agendas, be invited to briefings and otherwise be treated as principal members.
- 1.3.3 Substitute members on Licensing and Planning Committees will be subject to the same training requirements as principal members.
- 1.3.4 If a principal member is unable to attend a meeting and wishes to nominate a substitute, they must:
 - i. Make arrangements with the substitute to attend; and
 - ii. Notify a Democratic Services Officer in writing before the start of the meeting that they are to be substituted.
- 1.3.5 If a substitute member attends a meeting in this capacity, they will take the place of the principal member for the duration of the meeting.

RULE 2 ORDINARY MEETINGS

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

- 2.1 elect a person to preside if the Chairman and Vice-Chairman are not present;
- 2.2 except at an extraordinary meeting approve the minutes of the last meeting;
- 2.3 receive any declarations of interest from members;
- 2.4 for a period not exceeding 15 minutes for the Leader, members of the executive and Chairmen of committees to receive questions from members, to permit the Leader, members of the executive or Chairmen to

reply and for the questioner to ask a supplementary question but without any debate on the issues raised;

- 2.5 receive any announcements from the Chairman and Leader;
- 2.6 deal with any business remaining from the last Council meeting;
- 2.7 receive reports from the executive and the Council's committees and receive questions and answers on any of those reports;
- 2.8 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 2.9 consider any other business specified in the summons to the meeting, including consideration of proposals from the executive in relation to the Council's budget and policy framework and reports of the overview and scrutiny committees for debate;
- 2.10 consider motions;
- 2.11 consider any business which, by reason of special circumstances (which shall be specified in the minutes) in the opinion of the Chairman should be considered as a matter of urgency and for this purpose "special circumstances" shall mean a reason which justifies the matter not being held over to be placed on the agenda of the next ordinary meeting of the Council

RULE 3 EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

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

- 3.1.1 the Council by resolution;
- 3.1.2 the Chairman of the Council;
- 3.1.3 the Monitoring Officer;
- 3.1.4 the Chief Finance Officer; and
- 3.1.5 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.

RULE 4 TIME AND PLACE OF MEETINGS

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

RULE 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 five clear working days before a meeting, the Chief Executive will send a summons signed by him or her by post or by e-mail to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

RULE 6 CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chairman.

RULE 7 QUORUM

The quorum of a meeting will be one quarter of the whole number of members or (in the case of a committee) three, whichever is the greater. 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.

RULE 8 DURATION OF MEETING

Meetings of the Council should aim to cease after two hours duration. In the event that the business has not been concluded within that time the Chairman shall seek the view of the meeting as to how long it should continue. Only in exceptional circumstances should a meeting continue after 10.30pm. Where necessary the Chairman shall adjourn unfinished business to another date or to the next meeting of the Council.

RULE 9 QUESTIONS BY MEMBERS**9.1 On reports of the executive or committees**

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

RULE 10 MOTIONS ON NOTICE**10.1 Notice**

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least one member, must be delivered to the Chief Executive not later than six clear working days before the date of the meeting.

10.2 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 they propose to move it to a later meeting or withdraw it.

10.3 Scope

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

RULE 11 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- 11.1 to appoint a Chairman of the meeting at which the motion is moved;
- 11.2 to appoint a Chairman or Vice-Chairman of the Council or any of its committees or a Leader of the Council in the event of a casual vacancy arising (including a vacancy arising as a result of a vote of no confidence under Article 7.4 of the Constitution)
- 11.3 in relation to the accuracy of the minutes;

- 11.4 to change the order of business in the agenda;
- 11.5 to refer something to an appropriate body or individual;
- 11.6 to appoint a committee or member arising from an item on the summons for the meeting;
- 11.7 to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- 11.8 to withdraw a motion;
- 11.9 to amend a motion;
- 11.10 to proceed to the next business;
- 11.11 that the question be now put;
- 11.12 to adjourn a debate;
- 11.13 to adjourn a meeting;
- 11.14 that the meeting continue beyond two hours in duration;
- 11.15 to suspend a particular Council procedure rule;
- 11.16 to exclude the public and press in accordance with the Access to Information Rules;
- 11.17 to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- 11.18 to give the consent of the Council where its consent is required by this Constitution.

RULE 12 RULES OF DEBATE**12.1 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.

12.2 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.

12.3 Seconders' speech

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

12.4 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 five minutes without the consent of the Chairman.

12.5 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:

12.5.1 to speak once on an amendment moved by another member;

12.5.2 to move a further amendment if the motion has been amended since he/she last spoke;

12.5.3 if his/her first speech was on an amendment moved by another member, to speak on the main issue if the amendment on which he/she spoke was not carried;

12.5.4 in exercise of a right of reply;

12.5.5 on a point of order; and

12.5.6 by way of personal explanation

12.6 Amendments to motions and recommendations

12.6.1 An amendment to a motion or recommendation must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words as long as the effect of the amendment is not to negate the motion or recommendation.

12.6.2 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.

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

12.6.4 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.

12.6.5 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.

12.6.6 Subject to the exceptions in Rule 12.6.7, amendments to motions or recommendations shall only be considered if they have been delivered in writing to the Democratic and Electoral Services Manager or to a Democratic Services Officer by 10 am on the day which is two working days preceding the meeting. Amendments submitted shall then be circulated to all members of the Council.

12.6.7 The exceptions to Rule 12.6.6 are:

1. The Chairman shall have discretion to permit amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Chairman should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.
2. Further amendments are permitted that directly respond to amendments submitted in accordance with these rules. Notice of such further amendments should be given as soon as reasonably practical.
3. The Chairman may permit amendments if satisfied that they are necessary to improve the wording or to correct factual inaccuracies and do not make substantive changes to motions or recommendations, or to amendments of which notice has been given in accordance with rule 12.6.6. The Chairman shall give reasons for permitting such amendments to the meeting.
4. The Leader of the Council may amend a Cabinet recommendation in the light of discussion.

12.7 Alteration of motion

12.7.1 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.

12.7.2 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.

12.7.3 Only alterations which could be made as an amendment may be made.

12.8 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.

12.9 Right of reply

12.9.1 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.

12.9.2 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.

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

12.10 Motions which may be moved during debate

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

- (i) to withdraw a motion;
- (ii) to amend a motion;
- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn a debate;
- (vi) to adjourn a meeting;
- (vii) that the meeting continue beyond two hours in duration
- (viii) to exclude the public and press in accordance with the Access to Information Rules; and
- (ix) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4

12.11 Closure motions

12.11.1 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.

12.11.2 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.

12.11.3 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.

12.11.4 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.

12.12 Point of order

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

12.13 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.

12.14 Speaking at meetings when not a member of the committee

A member of the Council may attend a meeting of a committee of the Council of which he or she is not a member and may speak on any matter dealt with at that meeting subject to having advised the Chairman of the member's intention in that regard before the meeting begins provided that this provision does not extend to permit members to speak at hearings before the Licensing Committee hearing applications for licences or certificates or applications for variations or reviews of licenses or certificates unless the member or members concerned shall have first made relevant representations as interested parties within the meaning of the Licensing Act 2003.

RULE 13 PREVIOUS DECISIONS AND MOTIONS

13.1 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 one quarter of the Council.

13.2 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 one quarter of the Council. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

RULE 14 VOTING

14.1 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.

14.2 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.

14.3 Show of hands

Save for voting on budget votes as defined in Rule 14.7 unless a ballot or recorded vote is demanded under Rules 14.4 and 14.5, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

14.4 Ballots

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

14.5 Recorded vote

If any 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.

14.6 Right to require individual vote to be recorded

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

14.7 Voting at budget decision meeting

14.7.1 For the purposes of this rule a “budget decision meeting” is a meeting of the Council which makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A (calculation of council tax requirement), 31B (calculation of basic amount of council tax), 34 to 35 (additional calculations where special items relate to part only of the district), 36 (calculation of tax for different valuation bands), 36A (substitute calculations) and 52ZF (duty to make substitute calculations where a proposal to increase council tax will require a referendum) of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting and a “budget vote” is a vote upon any such calculation.

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

14.8 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.

RULE 15 MINUTES

15.1 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.

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

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.

15.3 Form of minutes

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

RULE 16 RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance

sheets before the conclusion of every meeting to assist with the record of attendance.

RULE 17 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 19 (Disturbance by Public).

RULE 18 MEMBERS' CONDUCT

18.1 Standing to speak

When a member speaks at Full Council they must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they too make a point of order or a point of personal explanation.

18.2 Chairman speaking

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

18.3 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.

18.4 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.

18.5 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.

RULE 19 DISTURBANCE BY PUBLIC

19.1 Removal of member of the public

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

19.2 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.

RULE 20 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

20.1 Suspension

All of these Council Rules of Procedure except Rule 14.6 and 17 and 18.2 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 item being discussed and may not extend beyond the duration of that meeting without further notice.

20.2 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.

RULE 21 PARTICIPATION IN MEETING BY MEMBERS WITH DISCLOSABLE PECUNIARY INTERESTS

- 21.1 This rule applies where a member has a disclosable pecuniary interest (as defined by regulations made under s. 30 (3) Localism Act 2011) and is present at any meeting of the council or of any committee or sub-committee of the council or of any joint committee or sub-committee of the council when a matter relating to that interest is to be discussed
- 21.2 In the circumstances referred to in paragraph 21.1 the member shall withdraw from the meeting while any discussion or vote takes place in relation to such matter.
- 21.3 This rule constitutes a standing order of the council for the purposes of S.106 Local Government Act 1972 and S.31 (10) Localism Act 2011

RULE 22 APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of Full Council. None of the rules apply to meetings of the executive. Rules 3 - 21 (except rules 18.1 and 20.2) apply to meetings of committees and sub-committees.

Access to Information Procedure Rules

RULE 1 SCOPE

These rules apply to all meetings of the council, overview and scrutiny committees, the standards committee, regulatory committees and public meetings of the executive (together called meetings).

RULE 2 ADDITIONAL RIGHTS TO INFORMATION

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

RULE 3 RIGHT TO ATTEND MEETINGS

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

RULE 4 QUESTIONS OR STATEMENTS BY THE PUBLIC

- 4.1 The Council has a period to enable the public to ask questions or make statements at the start of meetings of the Council and meetings of the executive. 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 Council or committee is responsible.
- 4.2 The purpose of the question time is to enable the public to express their concerns and receive a response directly from the Leader, a member of the executive, the chairman of a committee, other councillors or officers of the Council.
- 4.3 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 three minutes is allowed for each speaker and two working days' notice to the Chief Executive is required in writing or by email.
- 4.4 Most meetings are held at the Council Offices, London Road, Saffron Walden and commence at 7.30pm or 7.00pm, and

public questions are dealt with at the start of meetings. The following meetings incorporate a question and answer session:

- Council
- Cabinet
- Scrutiny Committee
- Governance, Audit and Performance Committee
- Licensing and Environmental Health Committee other than when dealing with individual cases
- Standards Committee other than when dealing with individual cases

- 4.5 The Planning Committee allows members of the public to speak on planning applications. The procedure is set out in Part 5 of the Constitution.
- 4.6 The Planning Policy Working Group and the Highways Panel also allow public statements and have adopted procedures which are set out on the agenda for those meetings.
- 4.7 In relation to the meetings listed in 4.4 questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.
- 4.8 A question may only be asked if notice has been given by delivering it in writing or by email to the proper officer no later than 12pm two working days before the day of the meeting. Each question must give the name and address of the questioner.
- 4.9 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.
- 4.10 The proper officer may reject a question if it:
- 4.10.1 is not about a matter for which the local authority has a responsibility or which affects the district;
- 4.10.2 is defamatory, frivolous or offensive;

- 4.10.3 is substantially the same as a question which has been put at a meeting in the past six months; or
- 4.10.4 requires the disclosure of confidential or exempt information
- 4.11 The proper officer will keep each question/statement available for public inspection and will immediately send a copy of the question to the leader or other councillor to whom it is to be put. Rejected questions will include reasons for rejection.
- 4.12 Copies of all questions/and statements accepted will be circulated to all members and will be made available to the public attending the meeting.
- 4.13 The Chairman will invite the questioner to put the question to the Council, or 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.
- 4.14 A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 4.10 above.
- 4.15 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.
- 4.16 No discussion will take place on any question.

RULE 5 NOTICES OF MEETING

The council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Council Offices, London Road, Saffron Walden, Essex, CB11 4ER ("the designated office") or publishing on the council website.

RULE 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 five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection for the time the item was added to the 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.

RULE 7 ACCESS TO AGENDAS AND REPORTS AT MEETINGS

The Council will make available copies of:

- 7.1 any agenda and reports which are open to public inspection;
- 7.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 7.3 unless an exemption under the Freedom of Information Act 2000 the Environmental Information Regulations 2004 or any other legislation which may require disclosure of information applies, 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.

RULE 8 ACCESS TO MINUTES AND DECISIONS AFTER THE MEETING

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

- 8.1 the minutes of the meeting and records of decisions taken by the Council or any of its committees excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- 8.2 the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the executive, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- 8.3 a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- 8.4 the agenda for the meeting; and
- 8.5 reports relating to items when the meeting was open to the public

RULE 9 BACKGROUND PAPERS

9.1 List of background papers

The proper officer 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:

- 9.1.1 disclose any facts or matters on which the report or an important part of the report is based; and

- 9.1.2 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) and, in respect of executive reports, the advice of a political advisor.
- 9.2 The Council will make available for public inspection for four years after the date of the meeting each of the documents on the list of background papers.

RULE 10 SUMMARY OF PUBLIC'S RIGHTS

A written summary of public rights to attend meetings and to inspect and copy documents is kept at and is available to the public at the Council Offices, London Road, Saffron Walden, Essex CB11 4ER and is available on the Council's website. Details are also set out in a leaflet available to the public.

RULE 11 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

- 11.1 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 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.
- 11.3 Where the meeting will determine any persons 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.

- 11.4 The Licensing and Environmental Health Committee may exclude the public from all or part of a meeting where the Committee is of the opinion that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking part in public (Licensing Act 2003 (Hearings) Regulations regulation 14). This includes parties to the hearing and those representing them. In general it is considered desirable that the part of the meeting when members debate applications before announcing a decision should take place in the absence of the public.
- 11.5 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.
- 11.6 Exempt information means information falling within the following categories:
- 11.6.1 Information relating to any individual.
 - 11.6.2 Information which is likely to reveal the identity of an individual.
 - 11.6.3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
 - 11.6.4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a minister of the Crown and employees of, or office holders under, the authority.
 - 11.6.5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

11.6.6 Information which reveals that the authority proposes

(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) To make an order or direction under any enactment

11.6.7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

11.7 Information falling with paragraph 11.6.3 above is not exempt information if it is required to be registered under an Act of Parliament.

11.8 Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

11.9 Where information would be exempt by virtue of paragraphs 11.6.1 to 11.6.7 above and is not prevented from being exempt by virtue of paragraphs 11.7 and 11.8 above then it is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11.10 For the purposes of paragraphs 11.6 to 11.9 above

11.10.1 "Employee" means a person employed under a contract of service.

11.10.2 "Financial or business affairs" includes contemplated, as well as past or current, activities.

11.10.3 "Labour relations matter" means any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 or any dispute relating to any such matter.

11.10.4 "Office Holder" in relation to the authority means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.

11.10.5 References to "the authority" are a reference to Full Council, the executive or as the case may be committees or sub-committees of the Council.

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

RULE 12 APPLICATION OF RULES TO THE EXECUTIVE

Rules 13 - 21 apply to the executive and its committees. The executive or its committees must also comply with Rules 1 - 11 unless otherwise provided for. In the event of a conflict between Rules 13 - 21 and Rules 1 - 11 in respect of executive decisions then Rules 13 - 21 shall prevail.

RULE 13 PROCEDURE BEFORE TAKING KEY DECISIONS AS DEFINED IN ARTICLE 14.3.2 OF THE CONSTITUTION

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- 13.1 a notice has been published on the Council's website at least 28 days before the decision is made which states:-
 - 13.1.1 That a key decision is to be made on behalf of the Council
 - 13.1.2 The matter in respect of which the decision is to be made
 - 13.1.3 Where the decision maker is an individual, that individual's name and title (if any) and where the decision maker is a decision making body the name of that body and a list of its members
 - 13.1.4 The date on which, or the period within which, the decision is to be made
 - 13.1.5 A list of the documents submitted to the decision maker for consideration in relation to the matter
 - 13.1.6 The address from which any documents listed can be obtained
 - 13.1.7 That other documents relevant to those matters may be submitted to the decision maker
 - 13.1.8 The procedure for requesting details of those documents as they become available
- 13.2 Where in relation to any matter the public may be excluded from the meeting at which a matter is to be

discussed or documents need not be disclosed under these Rules the notice under Rule 13.1 must contain details of the matter but must not contain any confidential or exempt information or particulars of the advice of any political advisor or assistant.

RULE 14 THE FORWARD PLAN

- 14.1 The forward plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the executive, a committee of the executive, individual members of the executive, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan.

RULE 15 GENERAL EXCEPTION

Where publication of the intention to make a key decision under Rule 13.1 is impractical then subject to Rule 16 (special urgency), the decision may only be made where:

- 15.1 the proper officer has informed the Chairman of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- 15.2 the proper officer has made copies of that notice available to the public at the offices of the Council and has published it on the Council's website; and
- 15.3 at least five clear days have elapsed since the proper officer complied with Rule 15.2

RULE 16 SPECIAL URGENCY

- 16.1 If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed,

then the decision can only be taken if the decision maker obtains the agreement of the Chairman of a relevant overview and scrutiny committee or if there is none or the Chairman of that Committee is unable to act, the Chairman of the Council or, if there is none, the Vice Chairman of the Council that the making of the decision is urgent and cannot be reasonably deferred.

- 16.2 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 16.1 that the making of the decision is urgent and cannot be reasonably deferred he must publish a notice on the Council's website setting out the reasons why the meeting is urgent and cannot reasonably be deferred

RULE 17 REPORT TO COUNCIL

- 17.1 Where an executive decision has been made which was not treated as a key decision but the relevant overview and scrutiny committee are of the opinion should have been treated as a key decision the overview and scrutiny committee may require the Executive to submit a report to the Council within such period as the Council may specify
- 17.2 A report requested under Rule 17.1 shall contain:-
- 17.2.1 the decision and the reasons for it
 - 17.2.2 the decision maker by which the decision was made
 - 17.2.3 if the Executive are of the opinion that the decision was not a key decision the reasons for that opinion
- 17.3 The Executive Leader shall submit to the Council a report at such frequency as the Council shall determine

but not less than annually giving details of each executive decision taken since the preparation of the last such report where the making of the decision was agreed as urgent in accordance with Rule 16 such report to include particulars of each decision made and a summary of the matters in respect of which each decision was made.

RULE 18 RECORD OF DECISIONS

- 18.1 After any meeting of the executive or any of its committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable.
- 18.2 After an executive decision has been made by an individual member or an officer the member or officer will produce a record of that decision as soon as practicable.
- 18.3 The record produced under Rules 18.1 and 18.2 will include:-
 - 18.3.1 the decision including the date it was made
 - 18.3.2 the reasons for the decision
 - 18.3.3 details of any alternative options considered and rejected at that meeting
 - 18.3.4 details of any conflict of interests in relation to the matter decided which was declared by any member of the body making the decision or, in the case of an individual or officer decision, by any executive member who is consulted by the decision maker which relates to the decision
 - 18.3.5 in respect of any declared conflict details of any dispensation granted

- 18.4 Records prepared in accordance with this Rule and any reports considered at meetings or by individual members or by officers relating to executive decisions taken shall be available for inspection by the public at the council offices and will be published on the Council's website as soon as reasonably practicable

RULE 19 ACCESS TO MEETINGS

- 19.1 Save for as provided in Rules 11.1 and 11.2 all meetings of the Executive and its committees will be held in public.
- 19.2 Nothing in Rule 19.1 prevents the exercise of a lawful power to exclude a member or members of the public in order to maintain orderly conduct or to prevent misbehaviour at a meeting.
- 19.3 A meeting which will be held in whole or in part in the absence of the public under Rule 11.1 or Rule 11.2 is referred to as a private meeting.
- 19.4 At least 28 clear days before a private meeting notice of the intention to hold a private meeting must be published at the Council Offices and on the Council's website.
- 19.5 A notice under Rule 19.4 must include a statement of the reasons for the meeting to be held in private.
- 19.6 At least 5 clear days before a private meeting a further notice must be published at the Council Offices and on its website.
- 19.7 A notice under Rule 19.6 must include:-
- 19.7.1 a statement of the reasons for the meeting to be held in private
- 19.7.2 details of any representations received about why the meeting should be held in public

19.7.3 details of the response to such representations

- 19.8 Where the date by which the meeting must be held makes compliance with Rules 19.4 - 19.7 impracticable the meeting may only be held in private if it is agreed with the chairman of the relevant overview and scrutiny committee or, if there is none or he is unable to act, the chairman of the Council or, if there is none, the Vice Chairman of the Council that the meeting is urgent and cannot reasonably be deferred.
- 19.9 In the event of an agreement being reached under Rule 19.8 the Council shall as soon as reasonably practicable publish at the Council Offices and on its website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

RULE 20 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

- 20.1 This Rule is without prejudice to any other rights of access to information that members may have under the Constitution or by law.
- 20.2 Any member may inspect any documents in the possession or control of the Executive which contains material relating to business transacted at a public meeting.
- 20.3 Documents referred to in Rule 20.2 shall be available for inspection by any member for at least 5 clear days before the meeting or, if the item is added to the agenda at shorter notice, from the time the item is added to the agenda.
- 20.4 Documents in the possession or control of the Executive which contain material relating to business transacted at a private meeting of the Executive (as defined in Rule 19.3) or relating to any decision made by an individual member or an officer shall be available for

inspection by any member when the meeting concludes or when the executive decision by an individual member has been made.

- 20.5 Rule 20.4 does not entitle a member to inspect advice provided by a political adviser or assistant or exempt information other than information of the nature referred to in:-

20.5.1 Rule 11.6.3 (except to the extent that it relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract)

20.5.2 Rule 11.6.

RULE 21 OVERVIEW AND SCRUTINY COMMITTEES' ACCESS TO DOCUMENTS

- 21.1 Subject to Rule 21.3, an overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the executive and which contains material relating to:

21.1.1 any business transacted at a meeting of the executive or its committees; or

21.1.2 any executive decision taken by an individual member of the executive or

21.1.3 any executive decision taken by an officer of the Council

- 21.2 Subject to Rule 21.3, where a member of an overview and scrutiny committee requests any document which falls within Rule 21.1, it shall be supplied as soon as is reasonably practicable and in any event within 10 working days.

21.3 No member of an overview and scrutiny committee shall be entitled to a copy of:-

21.3.1 a document containing exempt or confidential information unless that information is relevant to an action or decision that the member is reviewing or scrutinising or to any review contained in any programme of work of such a committee or sub-committee.

21.3.2 advice of a political adviser or assistant

21.4 Where the executive determines that a member of an overview or scrutiny committee is not entitled to a document or part of a document for a reason set out in Rule 21.3 it must provide the overview and scrutiny committee with written reasons for that decision.

Budget and Policy Framework Procedure Rules

1. The framework for executive decisions

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

2. Process for developing the framework

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

- 2.1 The executive will publicise by including in the forward plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chairmen of review and scrutiny committees will also be notified. The consultation period shall in each instance be not less than six weeks.
- 2.2 At the end of that period, the executive will then draw up firm proposals having regard to the responses to that consultation. If a relevant overview and scrutiny committee wishes to respond to the executive in that consultation process then it may do so. As the overview and scrutiny committees have responsibility for fixing their own work programme, it is open to the overview and scrutiny committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The executive will take any response from an overview and scrutiny committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the executive's response.

- 2.3 Once the executive has approved firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
- 2.4 In reaching a decision, the Council may adopt the executive's proposals, amend them, refer them back to the executive for further consideration, or in principle, substitute its own proposals in their place.
- 2.5 If it accepts the recommendation of the executive without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- 2.6 The decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader.
- 2.7 An in-principle decision will automatically become effective on the sixth working day from the date of the Council's decision, unless the Leader informs the proper officer in writing within five working days that he/she objects to the decision becoming effective and provides reasons why.
- 2.8 In that case, the proper officer will call a Council meeting within a further 10 working days. The Council will be required to reconsider its decision and the Leader's written submission within 10 working days. The Council may:
- (i) approve the executive's recommendation by a simple majority of votes cast at the meeting; or
 - (ii) approve a different decision which does not accord with the recommendation of the executive by a simple majority;

- (iii) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately;
- (iv) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions outside the budget or policy framework

- 3.1 Subject to the provisions of paragraph 5 (virement) the executive, committees of the executive, individual members of the executive and any officers or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wish to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Full Council, then that decision may only be taken by the Council, subject to paragraph 4 below.
- 3.2 If the executive, committees of the executive, individual members of the executive and any officers or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and/or the chief financial officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision

is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

4.1 The executive, a committee of the executive, an individual member of the executive or officers or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:

- (i) if it is not practicable to convene a quorate meeting of the Full Council; and
- (ii) if the Chairman of a relevant overview and scrutiny committee agrees that the decision is a matter of urgency

The reasons why it is not practicable to convene a quorate meeting of Full Council, and the Chairman of the relevant overview and scrutiny committees consent to the decision being taken as a matter of urgency, must be noted on the record of the decision. In the absence of the Chairman of a relevant overview and scrutiny committee the consent of the Chairman of the Council, and in the absence of both the Vice-Chairman's consent will be sufficient.

4.2 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

- 5.1 The Council shall determine budget heads and shall allocate budgets to those heads
- 5.2 Steps taken by the executive, an individual member of the executive or officers or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget in accordance with provisions contained within the Council's financial regulations. Virements which do not fall within the financial regulations shall require the approval of the Full Council.

6. In-year changes to policy framework

- 6.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the executive, a committee of the executive, an individual member of the executive or officers or joint arrangements discharging executive functions, must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes which are:
 - 6.1.1 necessary to ensure compliance with the law, ministerial direction or government guidance;
 - 6.1.2 in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration

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

- 7.1 Where an overview and scrutiny committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- 7.2 In respect of functions which are the responsibility of the executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the executive must meet to decide what action to take in respect of the Monitoring Officers report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the overview and scrutiny committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- 7.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the overview and scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by the overview and scrutiny committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

- i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
- ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
- iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the executive to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Chief Finance Officer.

1. Delegation

- 1.1 At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:
- i) the names, addresses and wards of the people appointed to the executive by the leader;
 - ii) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;
 - iii) the terms of reference and constitution of such executive committees as the Leader appoints and the names of executive members appointed to them;
 - iv) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year; and
 - vi) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.2 Sub-delegation of executive functions

- 1.2.1 Where the executive, a committee of the executive or an individual member of the executive is responsible for an executive function, they may delegate further to joint arrangements or an officer.
- 1.2.2 Unless the Leader directs otherwise, if the Leader delegates functions to the executive, then the executive may delegate further to a committee of the executive or to an officer.
- 1.2.3 Unless the Leader directs otherwise, a committee of the executive to whom functions have been delegated by the Leader may delegate further to an officer.
- 1.2.4 Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.3 The Council's scheme of delegation and executive functions

- 1.3.1 Where matters are not the responsibility of the executive the Council's scheme of delegation will be subject to adoption by the Council at the first annual meeting following an ordinary election of councillors. It will contain the details required in Article 7 and set out in Part 3 of this Constitution. Committees may delegate committee functions to officers.
- 1.3.2 Delegation of executive functions is the responsibility of the Leader. He/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader

must give written notice to the proper officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the executive as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

- 1.3.3 Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chairman.

1.4 Conflicts of Interest

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

1.5 Executive meetings

The executive will meet at least 6 times per year at times to be determined by the Leader. The executive shall meet at the Council's main offices or another location to be determined by the Leader.

1.6 Public and private meetings of the executive

Subject to the right of the executive to determine that meetings considering only matters which are not key decisions may be held in private, all meetings of the executive shall be held in public although the public may be excluded from part of any meeting in accordance with the Access to Information Rules if confidential or exempt information is to be considered.

1.7 Quorum

The quorum for a meeting of the executive, or a committee of it, shall be one quarter of the total number of members of the executive or three, whichever is the larger.

1.8 Decisions of the executive

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

2. Conduct of executive meetings

2.1 Presiding over a meeting

If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader shall preside. In the absence of the Leader and Deputy Leader the Leader may appoint a member of the executive to preside and in default of such appointment a person appointed to do so by those present shall preside.

2.2 Business at meetings of the executive

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

- i) apologies for absence and declarations of interest, if any
- ii) consideration of the minutes of the last meeting;
- iii) matters referred to the executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- iv) consideration of reports from overview and scrutiny committees; and
- v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.3 Consultation

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

2.4 Agenda items for meetings of the executive

- 2.4.1 The Leader will decide upon the schedule for the meetings of the executive. He/she may put on the agenda of any executive meeting any matter which he/she wishes, whether or not authority has been delegated to the executive, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.
- 2.4.2 There will be a standing item on the agenda of each meeting of the executive for matters referred by overview and scrutiny committees. However there may only be up to three such items per executive meeting.
- 2.4.3 Any member of the Council may ask the Leader to put an item on the agenda of an executive meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the executive. The notice of the meeting will give the name of the councillor who asked for the item to be considered. This councillor will be invited to

attend the meeting, whether or not it is a public meeting. However, there may only be up to three such items per executive meeting.

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

Overview and Scrutiny Procedure Rules

The Council will have the overview and scrutiny committees set out in Article 6 and will appoint to them as it considers appropriate from time-to-time. Such committees may appoint sub-committees.

Overview and scrutiny committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

- 1 The Council will have at least one Scrutiny Committee, which will perform all overview and scrutiny functions on behalf of the Council. Any overview and Scrutiny Committee so appointed will normally consist of at least 10 members of the Council.

2 Terms of reference

- 2.1 The performance of all overview and scrutiny functions on behalf of the Council;
- 2.2 The appointment of such sub-committees as it considers appropriate to fulfil those overview and scrutiny functions;
- 2.3 To receive reports from the Leader at their first meeting after each annual council meeting on the state of the district, the executive's priorities for the coming year and its performance in the previous year;
- 2.4 to approve an annual work programme, including the programme of any sub-committees they appoint so as to ensure that the committees' and sub-committees' time is effectively and efficiently utilised;
- 2.5 where matters fall within the remit of more than one overview and scrutiny sub-committee, to determine which of those sub-committees will assume responsibility for any particular issue;
- 2.6 to put in place a system to ensure that referrals to the executive either by way of report or for reconsideration are managed efficiently and do not exceed the limits

set out in this Constitution;

- 2.7 in the event of reports to the executive exceeding the limits in this Constitution, or if the volume of such reports creates difficulty for the management of executive business or jeopardises the efficient running of Council business, at the request of the executive to make decisions about the priority of referrals made.

3 Membership and Composition

- 3.1 All councillors except members of the executive may be members of an overview and scrutiny committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.
- 3.2 There shall be at least 6 ordinary meetings of each overview and scrutiny committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate.
- 3.3 An overview and scrutiny committee meeting may be called by the Chairman of the relevant overview and scrutiny committee, by any three members of the committee or by the proper officer if he/she considers it necessary or appropriate.
- 3.4 The quorum for an overview and scrutiny committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.
- 3.5 Chairmen of overview and scrutiny committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement the committee/sub-committee may appoint such a person as it considers appropriate as chairman, unless already appointed at the annual council meeting.

4 Work Programme

- 4.1 The overview and scrutiny committees/sub-committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.
- 4.2 Any member of an overview and scrutiny committee or sub-committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.
- 4.3 Overview and scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and, if they consider it appropriate, the executive to review particular areas of Council activity. Where they do so, the overview and scrutiny committees shall report their findings and any recommendations back to the executive and/or Council. The Council and/or the executive shall consider the report of an overview and scrutiny committee within one month of receiving it.

5 Policy review and Development

- 5.1 The role of the overview and scrutiny committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 5.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, overview and scrutiny committees

or sub-committees may make proposals to the executive for developments in so far as they relate to matters within their terms of reference.

- 5.3 Overview and scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.
- 5.4 Once it has formed recommendations on proposals for development, an overview and scrutiny committee will prepare a formal report and submit it to the proper officer for consideration by the executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 5.6 If an overview and scrutiny committee cannot agree on one single final report to the Council or executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or executive with the majority report.
- 5.7 The Council or executive shall consider the report of the overview and scrutiny committee at the next available meeting of it being submitted to the proper officer subject to the restriction on the number of items which may be referred from an overview and scrutiny committee to any one meeting.

6 Reports to the executive

- 6.1 The agenda for executive meetings shall include an item entitled: consideration of reports from overview and scrutiny committees. The reports of overview and scrutiny committees referred to the executive shall be included at this point in the agenda (unless they have been considered in the context of the executive's deliberations on a substantive item on the agenda) at the next available meeting of it being submitted to the proper officer, subject to the restriction on the number of items which may be referred from an overview and scrutiny committee to any one meeting.
- 6.2 Where an overview and scrutiny committee or sub-committee prepares a report for consideration by the executive in relation to a matter where the Leader has delegated decision making power to another individual member of the executive, then the overview and scrutiny committee will submit a copy of their report to that member for consideration. At the time of doing so, the overview and scrutiny committee shall serve a copy on the proper officer.
- 6.3 The member with delegated decision-making power must consider the report and respond in writing to the overview and scrutiny committee within four weeks of receiving it. A copy of his/her written response to it shall be sent to the proper officer and the Leader. The member will also attend a future meeting of the overview and scrutiny committee to present their response. Overview and scrutiny committees will in any event have access to the executive's forward plan and timetable for decisions and intentions for consultation.
- 6.4 Where an item is not the subject of detailed proposals from an overview and scrutiny committee following a consideration of possible policy/service developments,

the committee will be able to respond in the course of the executive's consultation process in relation to any key decision.

7 Scrutiny Committee Members' rights to documents

- 7.1 In addition to their rights as councillors, members of overview and scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

8 Scrutiny and review of decisions

- 8.1 Any overview and scrutiny committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions.
- 8.2 As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the executive, the Head of Paid Service and/or any chief officer or deputy chief officer to attend before it to explain in relation to matters within their remit including any particular decision or series of decisions; the extent to which the actions taken implement Council policy; and/or their performance and it is the duty of those persons to attend if so required.
- 8.3 Where any member or officer is required to attend an overview and scrutiny committee under this provision, the Chairman of that committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least 10 working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee.

- 8.4 Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 8.5 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.
- 8.6 An overview and scrutiny committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

9 Call in procedure

- 9.1 When a decision is made by the executive, an individual member of the executive or a committee of the executive, or a key decision is made by an officer with delegated authority from the executive or under joint arrangements, notice of the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made.
- 9.2 The Chairman of the Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision. The notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the Scrutiny Committee objects to it and calls it in.

- 9.3 During that period, the proper officer shall call-in a decision for scrutiny by the committee if so requested by the Chairman or any three members of the scrutiny committee, and shall then notify the decision taker of the call-in.
- 9.4 He/she shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the Chairman of the Scrutiny Committee, and in any case within 10 working days of the decision to call-in.
- 9.5 If, having considered the decision, the Scrutiny Committee is still concerned about it, it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council.
- 9.6 If referred to the decision maker then they shall reconsider within a further ten working days, amending the decision or not, before adopting a final decision.
- 9.7 If following an objection to the decision, the Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of 15 working days from the date of the decision whichever is the earlier.
- 9.8 If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with paragraph 9.12 below.
- 9.9 However, if the Council does object, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's

views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.

- 9.10 Where the decision was taken by the executive as a whole, or a committee of it, a meeting will be convened to reconsider within 10 working days of the Council request.
- 9.11 Where the decision was made by an individual, the individual will reconsider within five working days of the Council request.
- 9.12 If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- 9.13 A call-in request under paragraph 9.3 may be withdrawn at any time up until the Scrutiny Committee meets to consider the decision called in. If a request for call-in is withdrawn by all members who made it, then subject to the agreement of the Chairman, a Scrutiny Committee meeting to consider the decision shall either not be summoned or shall be cancelled. For the avoidance of doubt, the meeting shall go ahead if the Chairman of Scrutiny Committee decides that this is in the public interest. Information about any call-in requests that are withdrawn under this provision shall be included on the agenda for a future meeting of the Scrutiny Committee

10 Urgent Cabinet decisions

- 10.1 The call-in procedure set out above shall not apply where the decision being taken by the executive is

urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

- 10.2 The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required
- 10.3 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

11 Agenda

Overview and scrutiny committees and sub-committees shall consider the following business:

- i) Apologies for absence and declarations of interests;
- ii) Minutes of the last meeting;
- iii) Consideration of any matter referred to the committee for a decision in relation to call in of a decision;
- iv) Responses of the executive to reports of the overview and scrutiny committee;
- v) The business otherwise set out on the agenda for the meeting.

12 Scrutiny Investigations

12.1 Where the overview and scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
- iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

12.2 Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.

FINANCIAL PROCEDURE RULES (FINANCIAL REGULATIONS)

1. Introduction

- 1.1 These Financial Regulations are based upon CIPFA guidance with amendments to reflect the Council's requirements.
- 1.2 Financial Regulations provide the framework for managing the Council's financial affairs. They apply to every Member and Officer of the Council and anyone acting on its behalf.
- 1.3 All Members and Officers have a general responsibility to provide for the security of the assets under their control, and for ensuring that the use of resources is legal, properly authorised and achieves best value.
- 1.4 Reference to the 'CFO' in this document means the Officer appointed to act as Section 151 Officer.
- 1.5 Financial Regulations are to be used in conjunction with the Constitution and Scheme of Delegation and the CFO, in consultation with the Monitoring Officer, shall determine any matter on which conflict may arise.
- 1.6 The CFO shall issue advice and guidance to underpin the financial regulations.
- 1.7 The CFO shall review the Financial Regulations and submit any revisions necessary to the Council for approval. The CFO shall report, where appropriate, breaches of the Financial Regulations to the Council and/or other appropriate committees.
- 1.8 The Regulations refer to the responsibilities of Chief Officers (COs) and Deputy Chief Officers (DCOs). In this context COs are the Chief Executive and Chief

Officers as defined by the Local Government & Housing Act 1989. In practice this means the Monitoring Officer, Section 151 Officer (CFO) and Directors. DCOs are as defined in the LGHA 1989 and are those senior officers responsible for managing services and who report directly to a CO. The advantage of using this terminology is that future changes to structure or job title will not render the Regulations out of date.

- 1.9 Any duties and responsibilities of COs & DCOs in these Financial Regulations may be delegated to another officer with the agreement of the CFO. The terms of any such delegation shall be documented in a form approved by the CFO. Any reference to COs & DCOs in these Regulations shall be deemed to be a reference to such authorised officers.
- 1.10 Failure to observe these Regulations may be classified as misconduct justifying disciplinary action.

2. Financial Management

Introduction

- 2.1 Financial management covers all financial account abilities in relation to the running of the Council, including the policy framework and budget.

Full Council

- 2.2 The Full Council shall adopt the Council's constitution and Members' code of conduct and approve the policy frame work and budget within which the Council operates. This includes responsibility for approving Financial Regulations, based upon recommendations by the Performance & Audit Committee.

Cabinet and Committees

- 2.3 The Cabinet shall prepare annual estimates of revenue and capital expenditure for recommendation to the Full Council as part of the annual budget setting process. The Cabinet shall monitor the use of approved budgets.
- 2.4 The Governance, Audit and Performance Committee shall discharge the functions of an audit committee including approval of the audited annual statement of accounts and receiving internal audit and external audit reports. The Committee shall monitor progress against improvement plans including those arising from the external audit and inspection programme.
- 2.5 The Scrutiny Committee shall review and scrutinize the policies and performance of the Council including the scrutiny of financial management arrangements and the examination of specific financial issues or areas of underperformance at the request of the Council or Committees.

Chief Finance Officer (CFO)

- 2.6 The CFO has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:
- Local Government Act 1972
 - Local Government Finance Act 1988
 - Local Government Act 2003
 - Accounts and Audit Regulations
- 2.7 Under Section 151 of the Local Government Act 1972 the CFO is responsible for the proper administration of the Council's financial affairs.

Section 114 of the Local Government Finance Act 1988 requires the CFO to report to the Full Council and external auditor if the Council or one of its officers:

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

2.9 Section 114 of the 1988 Act also requires:

- the CFO 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 Council to provide the CFO with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

2.10 Under Section 25 of the Local Government Act 2003, the CFO shall provide advice to the Council on the robustness of estimates and adequacy of reserves. The Council shall take account of this advice when determining its annual budget and council tax requirement.

2.11 The CFO shall advise the Cabinet or Full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- initiating a new policy without sufficient funding in place for its implementation;
- committing expenditure in future years;
- incurring internal transfers above virement limits.

- 2.12 The CFO shall establish accounting policies and ensure that they are applied consistently.
- 2.13 The CFO shall determine the accounting procedures and records for the Council.
- 2.14 The CFO shall ensure that the annual statement of accounts is prepared in accordance with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice. The CFO shall certify the draft statement of accounts prior to publication and audit. The Governance, Audit and Performance Committee shall approve the audited annual statement of accounts.
- 2.15 The CFO is generally responsible for determining financial procedures and for advising Members and Officers on financial administration and management.

Chief Officers (COs) and Deputy Chief Officers (DCOs)

- 2.16 COs & DCOs are defined in paragraph 1.8 above.
- 2.17 COs & DCOs shall ensure that appropriate Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the CFO or his nominee.
- 2.18 COs & DCOs shall consult collectively and individually with the CFO and seek approval on any matter liable to affect the Council's finances before any commitments are incurred.

3. Financial Planning

Introduction

- 3.1 The Full Council shall agree the Council's policy framework and budget, the latter being coordinated and proposed by the Cabinet. In terms of financial planning, the key elements are:
- Corporate Plan
 - Corporate Risk Register
 - Medium Term Financial Strategy
 - General Fund annual revenue budget and Council Tax resolution
 - Housing Revenue Account annual revenue budget
 - Capital Programme
 - Treasury Management Strategy.

Policy framework

- 3.2 The Full Council shall approve procedures for agreeing variations to approved budgets. The Full Council shall set the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet shall take in- year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council. In practice, approval of these Financial Regulations by the Council includes inter alia approval of these items.

Budget preparation

- 3.3 The CFO shall develop and maintain a resource allocation process that ensures due consideration of Full Council's policy framework. This shall involve both revenue and capital expenditure projections together with ensuring that all funding opportunities are investigated.

- 3.4 The CFO shall ensure that a Council revenue budget requirement is prepared on an annual basis and a general revenue projection on a minimum three-yearly basis for consideration by the Cabinet, before submission to Full Council.
- 3.5 The CFO shall ensure that a capital programme is prepared on an annual basis for consideration by the Cabinet before submission to Full Council.
- 3.6 COs & DCOs shall ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the CFO. Full Council may amend the budget or ask the Cabinet to reconsider it before approving it.

Budget monitoring and control

- 3.7 The CFO shall provide appropriate financial information to enable budgets to be monitored effectively. The CFO shall monitor expenditure against budget allocations and report to the Cabinet on the overall position on a regular basis, no less than four times during the year.
- 3.8 COs & DCOs shall control income and expenditure within their area and monitor performance, taking account of financial information provided by the CFO and advice provided by finance staff. They shall report on variances within their own areas. They shall take any action necessary to avoid exceeding their budget allocation and alert the CFO to any problems.

Maintenance of reserves

- 3.9 The CFO shall advise the Full Council on prudent levels of reserves for the Council and shall monitor that the target level of reserves is maintained.

4. Risk Management

Introduction

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

Risk management

- 4.2 The Governance, Audit and Performance Committee shall approve the Council's risk management policy statement and strategy and will review the effectiveness of risk management.
- 4.3 The Corporate Management Team (CMT) shall prepare the Council's risk management policy statement and promote it throughout the Council. The CFO shall advise the Cabinet on proper insurance cover where appropriate.

Internal control

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

- 4.6 COs & DCOs shall establish sound arrangements for planning, appraising, authorizing and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Audit requirements

- 4.7 The Accounts and Audit Regulations 2003 as subsequently amended require every local authority to maintain an adequate and effective internal audit. In addition, compliance with public sector Internal Audit standards is mandatory for all internal auditors working in the UK public sector. The Monitoring Officer shall ensure that this is achieved.
- 4.8 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.
- 4.9 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

Preventing fraud and corruption

- 4.10 The Monitoring Officer shall develop and maintain an anti-fraud and anti-corruption policy.
- 4.11 All Members and Officers shall report instances of suspected fraud and corruption in accordance with the Council's Whistleblowing Policy (PPN61).
- 4.12 The Monitoring Officer shall prepare and keep under a review a bribery risk assessment and shall carry out

monitoring to ensure ongoing compliance with the Bribery Act 2010. All Members and Officers shall report instances of suspected bribery or attempted bribery in accordance with the Council's Whistleblowing Policy (PPN61).

Money Laundering

- 4.13 The Monitoring Officer shall ensure that proper procedures are in place to combat the possibility of the Council being used for money laundering purposes.

Treasury management

- 4.14 The Council has adopted CIPFA's Code of Practice for Treasury Management in the Public Services.
- 4.15 The Full Council shall approve the treasury management strategy setting out the matters detailed in CIPFA's Code of Practice, based upon recommendations of the Cabinet. The CFO shall implement and monitor the strategy.
- 4.16 The CFO shall report to the Cabinet not less than twice in each financial year on the activities of the treasury management operation and on the exercise of his delegated treasury management powers. One such report shall comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

5. Systems and Procedures

Introduction

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

5.2 The CFO is responsible for the soundness of the Council's financial systems, the form of accounts and the supporting financial records. Any changes made by COs & DCOs to the existing financial systems or the establishment of new systems shall be approved by the CFO. This includes, but is not restricted to, financial systems and procedures relating to the following:

- Purchasing & procurement
- Council Tax
- Supplier payments
- NNDR
- Housing & Council Tax Benefits
- Payroll
- Treasury Management
- Income collection & revenues recovery

5.3 COs & DCOs shall ensure proper operation of financial processes in their own areas of operation.

5.4 COs & DCOs shall ensure that their staff receive relevant training on the use of financial systems that has been approved by the CFO.

Scheme of Delegation

5.5 COs & DCOs shall ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation shall identify staff authorised to act on that person's behalf, or on behalf of the appropriate committee in respect of payments, income collection and placing orders, together with the limits of their authority.

6. External Arrangements

Introduction

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

Partnerships

- 6.2 The Council shall approve delegations, including frame works for partnerships. The Council is a focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 6.3 Members, the Chief Executive and other Officers as appropriate, represent the Council on partnership and external bodies, in accordance with the scheme of delegation.
- 6.4 The CFO shall promote and maintain the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.
- 6.5 The CFO shall ensure that the accounting arrangements to be adopted relating to partnerships and any joint ventures are satisfactory. In consultation with the Monitoring Officer, the CFO shall consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. The CFO shall ensure that the risks have been fully appraised before agreements are entered with external bodies.

- 6.6 COs & DCOs shall ensure that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External funding

- 6.7 The Council will identify and keep under review potential sources of external grant funding, and seek to maximise the drawdown of such funds subject to compatibility with the priorities and principles described in the Corporate Plan and Medium Term Financial Strategy.
- 6.8 Before a grant funded scheme commences, COs & DCOs shall:
- a) Ensure that the proposed scheme is consistent with Corporate Priorities and objectives in the Divisional Plan.
 - b) Ensure that the funding body's requirements in relation to monitoring are understood and can be fulfilled.
 - c) Consult with their Finance Officer prior to submitting an application for grant funding.
 - d) Identify existing budget provision and/or use of earmarked reserves before committing to match funding.
 - e) Obtain CFO approval for the use of any earmarked reserves.
 - f) Follow the requirements of the Anti-Money Laundering Policy, where applicable.
 - g) Ensure that applications for grant funding are signed off by a member of CMT.
 - h) Ensure that the application requests the funding body to clearly identify the relevant service area and/or grant scheme when making payments.

6.9 After a grant has been awarded, COs & DCOs shall:

- a) Supply monitoring information and claims to the awarding body in accordance with the agreed schedule.
- b) Notify the awarding body of any significant changes to the agreement as stated in grant criteria in a timely manner.
- c) Only use grants for the purpose intended as stated in the grant agreement.
- d) Grant funding of a one off nature must not be used to support ongoing service expenditure.
- e) Maintain all supporting records in accordance with the grant agreement.
- f) Consult with the CFO prior to submitting a claim for grant monies.
- g) Claim the maximum funding entitlement under the grant scheme conditions.

6.10 The CFO shall

- a) Advise and assist the Deputy Chief Officers with the provisions as set out above.
- b) Ensure all income and expenditure relating to the grant scheme is available and in a clear and understandable format.
- c) Provide clear information on the distinction between revenue and capital monies.
- d) Ensure that a clear and accurate audit trail is maintained of all income and expenditure relating to the grant scheme.

- e) Ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.

Work for third parties

- 6.11 The Cabinet shall approve the contractual arrangements for any work for third parties or external bodies.

Trading accounts

- 6.12 The CFO shall advise on the establishment and operation of trading accounts.

7. Virement, year end balances and supplementary estimates

Scheme of virement

- 7.1 A virement is the transfer of money from one approved Service Budget to another and from one Subjective Code to another. A Service Budget is categorized by a separate entry in the Budget Book (e.g. Animal Warden). Budget Holder responsibility for each Service budget is also detailed in the Budget Book. A Subjective Code is a category of expenditure or income e.g. salaries, premises costs, fees & charges income.
- 7.2 Budget Holders are authorized to incur expenditure in accordance with the budget approved by Full Council. Inevitably, changes in the underlying assumptions that underpin the budget occur, necessitating budget adjustments. The scheme of virement provides flexibility to manage budgets within the overall policy framework determined by Full Council.
- 7.3 The Council shall operate a Rolling Budget. A Rolling Budget means that virements shall be enacted as and when changes in circumstances or assumptions underlying the budget occur, and ensures that actual transactions are reported and monitored against an up to date budget.

A virement does not create additional budget availability. Budget Holders shall manage their budgets responsibly and avoid supporting additional recurring expenditure from one off sources of income and avoid creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources.

Virement rules

7.5 The following general restrictions on virements shall apply:

- A virement is only permissible if there has been a change in circumstances or assumptions that underpin the original budget approval. Virements for the purpose of masking variances from the approved budget shall not be allowed.
- The net effect of any and all virements on the Council's net budget requirement shall always be neutral.
- Virements from non-pay to pay Subjective Codes are not permitted, except when to do so would represent good value for money (e.g. replacement of agency staff budget with temporary salaries budget). This will be determined by the CFO.
- Virements between the General Fund and Housing Revenue Account are not permitted.
- Virements between revenue and capital budgets are not permitted.
- No virement relating to a specific financial year should be made after 31 March in that year.
- The minimum level for virements is £1,000.

- Authorisation of virements shall be in writing using a form determined by the CFO for the purpose.
- 7.6 Virements between Subjective Codes within a Service Budget may be authorised by the Budget Holder, without financial limit.
- 7.7 Budget Holders may authorize virements of up to £10,000 between Service Budgets they are responsible for as detailed in the budget book. Such virements require additional authorisation by the CFO.
- 7.8 Virements of up to £10,000 between Service Budgets controlled by different Budget Holders may be made if approved by those Budget Holders. Such virements require additional authorisation by the CFO.
- 7.9 Virements between Service Budgets exceeding £10,000 and up to £25,000 require the authorization of SMB based upon a report jointly authored by the Budget Holder(s) and CFO. Such virements to be reported for information to the Cabinet.
- 7.10 Virements between Service Budgets exceeding £25,000 require the authorisation of Cabinet based upon a report jointly authored by the Budget Holder(s) and CFO.

Treatment of year-end balances

- 7.11 The rules below cover arrangements for the transfer of budgets between financial years, i.e. slippage.
- 7.12 Financial year end variances on Service Budgets shall not, as a matter of course, be carried forward to the following financial year. Such variances shall be managed corporately via transfers to and from reserves.
- 7.13 Requests for slippage of unspent budgets shall only be considered where the Service Budget shows an

under spend of at least an equivalent amount to the slippage request. The request shall include specific details of the expenditure for which slippage is being sought.

- 7.14 Slippage requests shall relate to a specific activity or project with identifiable reasons why such activity did not take place within the financial year as originally envisaged.
- 7.15 The minimum amount for slippage is £1,000.
- 7.16 CMT shall determine individual slippage requests up to a maximum of £25,000. Amounts in excess of this shall be submitted to the Cabinet for approval. There is no upper limit on the individual amount of a slippage request.
- 7.17 Commitments shall not be entered into prior to approval.

Supplementary Estimates

- 7.18 Supplementary Estimates are requests for increases in total spending permission additional to those approved in the Revenue Budget and Capital Programme.
- 7.19 Wherever possible a Supplementary Estimate shall be managed by virement in accordance with the virement rules contained within these Financial Regulations.
- 7.20 Where a Supplementary Estimate cannot be managed by virement, approval by Cabinet is required based upon a report jointly authored by the responsible member of CMT and CFO. Authorisation shall only be given in the following exceptional circumstances:
 - Unavoidable expenditure which cannot be contained by virement

- To enable opportunistic purchase of land or the issue of planning revocations, or purchase notices under relevant Planning Acts.
- The use of general or earmarked reserves for specific purposes.
- To cover expenses incurred in dealing with emergencies and disasters.

7.21 Supplementary Estimates shall be funded by one or a combination of the following:

- Virement
- Additional income
- Transfer from reserves
- Transfer from Working Balance

7.22 Wherever practicable the approval of Cabinet shall be obtained before any commitment is entered into. If this is not possible the relevant Finance Portfolio Holder and Portfolio Holder responsible for the service (if different) shall be consulted. In the event of a genuine emergency requiring urgent unavoidable expenditure e.g. civil emergency any member of CMT shall authorise such expenditure and the CFO shall report the action taken to the next meeting of Cabinet.

8. Assets

- 8.1 The Council's assets include land, buildings & contents, plant, vehicles & equipment, IT assets & software, intellectual property, confidential data, cash and cheques.
- 8.2 COs & DCOs shall ensure that assets are properly maintained and securely held. They shall 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.

- 8.3 The CFO shall make arrangements for an Asset Management Strategy, consistent with the Corporate Plan and Medium Term Financial Strategy, to be adopted, implemented and regularly reviewed.
- 8.4 The CFO shall maintain an asset register for all fixed assets with a value in excess of £10,000. The CFO shall ensure that assets are valued in accordance with the CIPFA Code of Practice on Local Authority Accounting, and the Council's accounting policies.
- 8.5 COs & DCOs shall:
- maintain a property database in a form approved by the CFO for all properties, plant and machinery and moveable assets currently owned or used by the Council above £1,000 in value.
 - ensure the proper security of all buildings and other assets under their control.
 - take action in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
 - ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
 - ensure that no Council asset is subject to personal use by an employee without proper authority.
 - where land or buildings are surplus to requirements, prepare a report for Cabinet, in consultation with the CFO, containing recommendations for disposal. The Cabinet has delegated authority to determine disposals of assets.
 - ensure that all disposals of surplus plant, vehicles, furniture and equipment are managed in accordance with the Disposals policy.

Stocks and stores

8.6 COs & DCOs shall:

- make arrangements for the care and custody of stocks and stores periodically verify the accuracy of stock & stores records by physical inspection
- investigate discrepancies and report these to the CFO who shall authorise write offs up to £5,000 in value. Cabinet approval is required to write off discrepancies above £5,000. CO's and DCO's shall not disaggregate items to circumvent the write off limit.
- dispose of redundant stocks and equipment by a method determined in consultation with the CFO
- seek Cabinet approval to the write-off of redundant stocks and equipment in excess of £5,000 in value
- provide the CFO with a certificate of the value of stock held at 31 March each year.

Intellectual property

- 8.7 Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property. Certain activities under taken within the Council may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property. CMT shall ensure that controls are in place to ensure that staff do not carry out private work in council time and that staff are aware of an employer's rights with regard to intellectual property.

- 8.8 COs & DCOs shall ensure that all confidential data, including personal data, whether held electronically or otherwise, is stored, transmitted and disposed of by secure means in accordance with the Council's Data Protection Policy and IT Acceptable Use Policy and other relevant guidance e.g. that necessary to fulfill the requirements of the Code of Compliance.

9. Bank Accounts

- 9.1 All arrangements with the Council's bankers shall be made by the CFO who shall be authorized to operate such bank accounts as he may consider necessary.
- 9.2 Opening or closing any bank account shall require the approval of the CFO and an independent member of CMT. All Council bank accounts shall include "Uttlesford District Council" within the account name. All instructions relating to the Council's bank accounts shall be authorized by the CFO.
- 9.3 The preferred payment method is by electronic transmission subject to controls and safeguards approved by the CFO. BACS and CHAPS payments shall be authorized by officers approved by the CFO using secure online banking systems approved by the CFO. The CFO (or his/her nominee) will countersign all electronic payments above £5000 in value.
- 9.4 In circumstances approved by the CFO, pre-signed cheques may be used for payments. The facsimile signature of the CFO shall appear on all pre-signed cheques.
- 9.5 Cheques above £5,000 shall be countersigned by one of the officers approved by the CFO, in accordance with the mandate lodged with the Council's banker.

- 9.6 Non-pre-signed cheques for payments exceeding £5,000 shall be signed by any two of the officers approved by the CFO (one of the two may be the CFO). Non pre-signed cheques for payments not exceeding £5,000 shall be signed by either the CFO, or one of the officers approved by the CFO.
- 9.7 Amendments to cheques can be countersigned by the person or persons authorized to sign cheques in accordance with the bank mandate.
- 9.8 Cheques shall be ordered only on the authority of the CFO. All cheques shall be kept in safe custody by the CFO until issue.
- 9.9 The CFO shall manage the Council's bank balances and cashflow and manage borrowing and investments in accordance with the Treasury Management Strategy approved by the Council.

10. Petty Cash

The council does not currently operate petty cash accounts

- 10.1 The CFO shall determine whether operational circumstances justify maintaining petty cash for the purpose of meeting minor expenditure on behalf of the Council.
- 10.2 Where petty cash is deemed necessary, the CFO shall provide a named officer with an agreed amount of cash and shall prescribe rules for operating the petty cash account.

11. Income

- 11.1 The Council shall adopt policies for the setting of Fees

& Charges and Debt Recovery and income collection shall be carried out in accordance with these policies.

11.2 The CFO shall determine the procedures, systems and documentation for the collection of all income due to the Council.

11.3 COs & DCOs shall:

- ensure that income is accounted for in full with no expenditure being funded from monies received.
- whenever possible ensure separation of duties between officers, so that responsibility for cash collection should be separated from that for identifying the amount due and reconciling the amount due to the amount received.
- ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded
- issue official receipts or maintain other documentation for income collection.
- hold securely receipts, tickets and other records of income for the appropriate period
- ensure income is not used to cash personal cheques or otherwise mixed with personal monies
- establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly
- notify the CFO of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the CFO.

Write Off Limits

11.4 Bad debts of up to £5,000 shall be written off by the CFO, having ascertained that all reasonable steps have been taken to recover the debt and that it would be uneconomical to pursue the debt further. Cabinet approval is required to write-off bad debts in excess of £5,000.

12. Ordering and Paying for Goods and Services

Introduction

- 12.1 Public money should be spent with demonstrable probity and in accordance with the Council's policies. Councils have a statutory duty to achieve best value in part through economy and efficiency. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements.
- 12.2 These Regulations should be read in conjunction with the Council's Contracts Procedure Rules.
- 12.3 COs & DCOs shall ensure that sufficient budgetary provision exists before orders are placed or contractual commitments entered into.
- 12.4 Orders shall be placed by means of an official ordering process determined by the CFO, and authorised by the responsible Budget Holder or their nominee in accordance with a list of authorising officers maintained by the Budget Holder.
- 12.5 Orders will ordinarily be placed using the Council's designated electronic ordering system according to rules and procedures determined by the CFO. Exceptions to this must be approved by the CFO.
- 12.6 Subject to appropriate safeguards including variance tolerance and adequate IT systems being in place, as determined by the CFO, suppliers may be paid by means of electronic invoices based upon the budget holder certification that goods and services have been received and are satisfactory.
- 12.7 For certain categories of purchase the CFO shall approve the issue of credit cards to officers which shall be used in accordance with rules determined by the CFO.

- 12.8 All leasing arrangements require the prior approval of the CFO.
- 12.9 Ex-gratia payments (e.g. goodwill gestures in settlement of a complaint) of up to £5,000 may be approved by the responsible member of CMT. Cabinet approval is required to make ex-gratia payments in excess of £5,000.
- 12.10 Where practicable, COs & DCOs shall ensure that there is adequate separation of duties between ordering and the certification of invoices for payment. Names of invoice authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the CFO.
- 12.11 Officers certifying an invoice for payment shall ensure that:
- goods or services have been received and are satisfactory
 - the invoice has not previously been paid
 - prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices
 - VAT is correctly accounted for
 - the invoice is coded to the correct accounting code
 - discounts have been taken where available.
- 12.12 COs & DCOs shall notify the CFO of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the CFO.
- 12.13 Suppliers shall not normally be paid in advance of goods or services being supplied, with the exception of subscriptions, publications, training/seminar attendance and other exceptions determined by the CFO.

13. Payments to employees and members

Staffing

- 13.1 The Chief Executive shall provide overall management to staff and ensure that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
- 13.2 COs & DCOs shall ensure that appointments are made in accordance with the Council's policies and approved establishments, grades and scale of pay and that adequate budget provision is available. Non-recurring sources of funding shall not be used to appoint permanent members of staff.
- 13.3 The Director of Finance and Corporate Services (DFCS) (or his nominee) shall be notified of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the CFO.

Salaries, wages and allowances

- 13.4 The DFCS shall in consultation with the CFO establish arrangements to make all payments of salaries and wages to all staff, including payments for overtime, and payment of allowances to members.
- 13.5 The DFCS shall ensure that proper authorization procedures are in place and that there is adherence to corporate timetables in relation to starters, leavers, variations and enhancements.
- 13.6 The DFCS shall ensure that where applicable, payments are made on the basis of properly authorized timesheets or claims. No member or employee shall certify their own claims for payment.

- 13.7 The DFCS shall ensure that frequent reconciliations of payroll expenditure against approved budget and bank accounts are carried out.
- 13.8 The DFCS shall ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with Inland Revenue regulations.
- 13.9 The DFCS shall arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees.
- 13.10 The DFCS shall arrange for the accurate and timely payment of tax, superannuation and other deductions.
- 13.11 Salaries and wages may only be paid through the Council's payroll system. COs & DCOs shall give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis and take account of HM Revenue & Customs guidance. In cases of doubt advice shall be obtained from the CFO.

Reimbursement of expenses

- 13.12 Staff and Members are entitled to reclaim travel, out of pocket and subsistence schemes in accordance with the Council's policies and procedures.
- 13.13 Rail warrants or Council credit cards shall be used for the purpose of paying for rail travel, rather than using personal monies and reclaiming via expenses.
- 13.14 Members and officers shall submit claims for expenses on a monthly basis and, in any event, within one month of the financial year end.
- 13.15 COs & DCOs shall ensure that expense claims are

properly authorized prior to payment. Authorizing officers shall ascertain that journeys were authorized and expenses properly and necessarily incurred, and that allowances are properly claimed.

- 13.16 Subject to appropriate safeguards and adequate IT systems being in place, as determined by the CFO, expenses may be claimed and authorized electronically.

Taxation

- 13.17 The CFO shall provide advice on all taxation issues that affect the Council.
- 13.18 The CFO shall maintain the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Officer Employment Procedure Rules

1. Recruitment and appointment

1.1 Declarations

1.1.2 The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or an officer of the Council; or of the partner of such persons.

1.1.3 No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

1.2 Seeking support for appointment.

- i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.
- iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of Paid Service and chief officers

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

- 2.1 draw up a statement specifying:
- i) the duties of the officer concerned; and
 - ii) any qualifications or qualities to be sought in the person to be appointed;
- 2.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- 2.3 make arrangements for a copy of the statement mentioned in paragraph (2.1) to be sent to any person on request.

3. Appointment of Head of Paid Service

This process is subject to mandatory standing orders regulations.

The Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the executive.

4. Appointment of chief officers and deputy chief officers

This process is subject to mandatory standing orders regulations.

- 4.1 A committee or sub-committee of the Council will appoint chief officers. That committee or sub-committee must include at least one member of the executive.
- 4.2 An offer of employment as a chief officer shall only be made where no well-founded objection from any member of the executive has been received.
- 4.3 Appointment of deputy chief officers is the responsibility of the Head of Paid Service or his/her nominee.

5. Other appointments

- 5.1 Officers below deputy chief officer. Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.
- 5.2 Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. Disciplinary action

- 6.1 Councillors will not be involved in the disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time to allow a right of appeal to members in respect of disciplinary action.

7. Dismissal

Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time to allow a right of appeal to members in respect of dismissals.

8. Disciplinary procedure for relevant officers

- 8.1 In the following paragraphs
 - (a) “the 2011 Act” means the Localism Act 2011(b);
 - (b) “chief finance officer”, “disciplinary action”, “head of

the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;

- (c) "independent person" means a person appointed under section 28(7) of the 2011 Act;
- (d) "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
- (e) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) "relevant officer" means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

- 8.2 A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.
- 8.3 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- 8.4 In paragraph 8.3 "relevant independent person" means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such

independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

- 8.5 Subject to paragraph 8.6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 8.3 in accordance with the following priority order-
- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the authority;
 - (c) a relevant independent person who has been appointed by another authority or authorities.
- 8.6 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 8.5 but may do so.
- 8.7 The authority must appoint any Panel at least 20 working days before the relevant meeting.
- 8.8 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—
- (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.

- 8.9 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

CONTENTS PAGE

	Page
PART 5 Codes and Protocols	
Councillors' Code of Conduct	(5) 3
Member/officer protocol	(5)17
Anti-fraud policy statement	(5)33
Anti-fraud policy - guidance	(5)34
Code of good practice: probity in planning	(5)38
Planning Committee procedures for member site visits	(5)53
Procedure for public attendance at meetings of the Planning Committee	(5)54
Protocol for calling in planning applications	(5)57
Code of good practice: probity in licensing	(5)59
Gifts and hospitality guidance	(5)73
Statutory officers - protocol	(5)76
Procedure for considering a complaint under the Code of Conduct for Councillors	(5)81
Code of corporate governance	(5)96
Local authority members - restriction on voting	(5)113
Protocol on the use of Council supplied computer facilities by members	(5)114
Youth Council Constitution	(5)120

PART 5 - CODES AND PROTOCOLS

THE COUNCILLORS' CODE OF CONDUCT

Part 1

Introduction and Interpretation

1. This is the Code of Conduct adopted by Uttlesford District Council. It sets out standards of conduct expected of elected and co-opted members of the Council. It is also intended to promote the adherence by members to the following principles:
 - Selflessness: Holders of public office should act solely in terms of the public interest.
 - Integrity: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or friends.
 - Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
 - Accountability: Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
 - Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

PART 5 - COUNCILLORS' CODE OF CONDUCT

- **Honesty:** Holders of public office should be truthful.
- **Leadership:** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour when it occurs.

What does the Code cover?

2. The Code covers three main areas:

- It sets out some general obligations regarding the behaviour of elected and co-opted members.
- It explains how members should behave if they have a personal interest in an item of Council business.
- It sets out rules requiring registration of interests for public inspection.

When does the Code apply?

3. You must comply with this Code whenever you are carrying out your Council duties for which you were elected or appointed. The Code also applies when you act, claim to act or give the impression you are acting as a representative of the Council. It does not apply to your conduct in your private life. However, conduct that falls short of the high standards expected of those in public life can damage the reputation of the Council and its members, even if it is not within the scope of the Code. The Code applies to elected councillors and it also applies to co-opted members.

General obligations regarding behaviour

4. You must treat others with respect.
5. You must observe any protocols or codes of practice adopted by your authority.
6. You must not:
 - a. Do anything which may cause the Council to breach the Equality Act 2010 or otherwise act unlawfully;
 - b. Bully any person;
 - c. Intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct;
 - d. Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority;
 - e. Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - i. You have the consent of a person authorised to give it;
 - ii. You are required by law to do so;
 - iii. The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

PART 5 - COUNCILLORS' CODE OF CONDUCT

- iv. The disclosure is reasonable and in the public interest; and is made in good faith and in compliance with the reasonable requirements of the authority;
 - f. Prevent another person from gaining access to information to which that person is entitled by law;
 - g. Conduct yourself in a manner which could be reasonably regarded as bringing the Council or your office into disrepute;
 - h. Use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
7. You must, when using or authorising the use by others of the resources of your authority:
- a. Act in accordance with your authority's reasonable requirements;
 - b. Ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - c. Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Members' Interests in Council Business**Disclosable pecuniary interests.**

8. Disclosable pecuniary interests (DPIs) are defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. An explanation of what is a DPI is set out in Appendix A to this Code. It is very important that members understand what amounts to a DPI, that they identify carefully all the DPIs relevant to them and that they take the action

required by law. Breach of the requirements related to DPIs may amount to a criminal offence.

Personal Interests

9. Personal interests are interests you have in business considered by the Council that do not fall within the definition of a disclosable pecuniary interest but which should be declared in the interests of transparency. They are defined in Appendix B to this Code.

Personal and Prejudicial interests.

10. To decide whether a personal interest is prejudicial, members should apply the following test: "Would a member of the public with knowledge of the relevant facts reasonably regard my interest as so significant that it is likely to prejudice my judgement of the public interest?" If the answer is "yes", then you should treat your interest as "personal and prejudicial".

Disclosure of Members' Interests

11. If you are present at a Council meeting that is considering business in which you have an interest, you must disclose the existence and nature of the interest to the meeting. Council meetings for this purpose also include:

- Meetings of committees, sub-committees, working groups and panels.
- Meetings of the Cabinet and of committees and sub-committees of the Cabinet.

This provision only applies if you are aware or ought reasonably to be aware of the interest.

PART 5 - COUNCILLORS' CODE OF CONDUCT**Decisions made by Cabinet members**

12. If you are a Cabinet member with an interest in any business of the Council which would be disclosable by virtue of paragraph 11 and you have made a decision on behalf of the Cabinet in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest. This applies to decisions made on behalf of the Cabinet outside meetings as well as to those made at meetings.

Disclosure of Sensitive Interests

13. If details of your interest are not published in the Register of Members' Interests because they have been classed as "sensitive", you must disclose the fact that you have an interest and the type of interest (disclosable pecuniary or personal) but need not disclose the nature of the interest.

Participation in meetings if you have an interest

14. If you have a disclosable pecuniary interest in any Council business then, unless you have a dispensation from the Council's Monitoring Officer, you must:
- Withdraw from the room or chamber where the meeting considering the business is being held.
 - Not participate or participate further in any discussion of the matter at the meeting.
 - Not participate in any vote or further vote taken on the matter at the meeting.
15. If you have a personal and prejudicial interest in any Council business then, unless you have a dispensation from the Council's Monitoring Officer:

PART 5 - COUNCILLORS' CODE OF CONDUCT

- You may attend a meeting for the purpose of making representations only.
 - You must not participate or participate further in any discussion of the matter at the meeting.
 - You must not participate in any vote or further vote taken on the matter at the meeting.
16. If you have a personal interest that is neither a disclosable pecuniary interest nor a prejudicial interest, you may participate in discussion of the matter and may vote.
17. If a Council function may be discharged by a member acting alone and you have a disclosable pecuniary interest in such a matter, you may not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by yourself) unless you have obtained a dispensation from the Monitoring Officer permitting you to do so.

Registration of Members' Interests

Disclosable Pecuniary Interests

18. You are required to notify the Council's Monitoring Officer of any disclosable pecuniary interests as follows:
- You must give notice of all disclosable pecuniary interests within 28 days of being elected or appointed as a member of the Council.
 - If you are re-elected or reappointed, you must give notice within 28 days of re-election or re-appointment of any disclosable pecuniary interests that are not already entered in the Register of Members' Interests

PART 5 - COUNCILLORS' CODE OF CONDUCT

- If you are obliged, at a meeting or as part of a record of an executive decision, to declare a disclosable pecuniary interest which is not entered on the Register of Members' Interests, you must notify the Council's Monitoring Officer within 28 days of the declaration.
- Notify the Monitoring Officer of new disclosable pecuniary interests within 28 days of becoming aware of them.

Personal Interests

19. You are required to notify the Council's Monitoring Officer of any personal interests that are not registrable as disclosable pecuniary interests as follows:
- The name of any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council.
 - The name of any body:
 - o exercising functions of a public nature; or
 - o directed towards charitable purposes; or
 - o one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management
 - The name of any person or body from whom you have received a gift or hospitality with an estimated value of at least £50.

Sensitive interests

20. Where you have an interest that is registrable and the nature of the interest is such that you and the Council's Monitoring Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority's register then copies of the register available for inspection and any published version of the register shall not include details of the interest but may state that you have an interest details of which are withheld under s.32(2) Localism Act 2011 and/or this paragraph.

PART 5 - COUNCILLORS' CODE OF CONDUCT**APPENDIX A: DISCLOSABLE PECUNIARY INTERESTS**

A1. You have a disclosable pecuniary interest in any business of the Council if:

- it is of a kind described in A2 below;
- it is an interest held by you or by another “relevant person” as set out in A3 below; and
- in the case an interest held by another “relevant person”, you are aware that the other person has the interest.

A2. The table below sets out the nature of “disclosable pecuniary interests”. As an elected or co-opted member, you fall within the description “relevant person”, as well as others described

A3 As explained, you will have a disclosable pecuniary interest

Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	<p>Any payment or provision of any financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>

PART 5 - COUNCILLORS' CODE OF CONDUCT

Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council-</p> <p>a) under which goods or services are to be provided or works are to be executed; and</p> <p>b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the Council's area.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	<p>Any tenancy where to your knowledge -</p> <p>a) the landlord is the Council; and</p> <p>b) the tenant is a body in which the relevant person has a beneficial interest</p>
Securities	<p>Any beneficial interest in securities of a body where -</p> <p>a) that body (to your knowledge) has a place of business or land in the Council's area; and</p> <p>b) either -</p> <p>(i) the total nominal value of the securities exceeds £25000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

PART 5 - COUNCILLORS' CODE OF CONDUCT

if you or another “relevant person” has an interest described in A2. The following are “relevant persons”:

- You, as an elected or co-opted member of the Council.
- Any of the following:
 - o Your spouse or civil partner,
 - o A person with whom you are living as husband and wife,
 - o A person with whom you are living as if you are civil partners.

A4. You will only have a disclosable pecuniary interest through another person if you are aware that the other person has that interest.

A5. The following are statutory definitions to be used for the interpretation of the table in A2:

“body in which the relevant person has a beneficial interest”	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
“director”	includes a member of the committee of management of a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union
“land”	excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“member”	includes a co-opted member;
“relevant period”	means the period of 12 months ending with the day on which a member gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Localism Act;
“securities”	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

APPENDIX B: PERSONAL INTERESTS

Even if an interest does not amount to a disclosable pecuniary interest, you will have a personal interest in an item of Council business in these circumstances:

- B1. The item of business relates to or is likely to affect any person or body who employs or has appointed you. Or
- B.2 A decision in relation to that business might reasonably be regarded as affecting your financial position or wellbeing or that of a related person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision. Or
- B.3 The item of business relates to or is likely to affect:
 - Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council.

PART 5 - COUNCILLORS' CODE OF CONDUCT

- Any body of which you or a related person are a member or in a position of general control or management which does one or more of the following:
 - o exercises functions of a public nature;
 - o is directed towards charitable purposes; or
 - o seeks, as one of its principal purposes to influence public opinion or policy (including any political party or trade union)
- The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.

B.4 “Related Persons”. The following are “related persons” in determining whether you have a personal interest:

- A member of your family or any person with whom you have a close business or personal association.
- Any person who employs or has appointed such persons, any firm in which they are a partner or any company of which they are directors.
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000.00 or one percent of the total issued share capital (whichever is the lower)

MEMBER/OFFICER PROTOCOL

1. Introduction

Members and officers are indispensable to one another and mutual respect is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective public sector organisation. However, members and officers have different roles and different expectations.

This protocol is intended to:

- Ensure that there is a clear understanding of the respective roles of members and officers;
- Set out some principles governing the relationship between them;
- Establish some ground rules for the relationship;
- Encourage mutual respect and good communication;
- Allow for the constructive and amicable resolution of any conflict.

The Council is committed to the highest possible standards of operation, integrity, openness and accountability.

Overall, the aim of the protocol is to provide a framework to enable members and officers to work together for the benefit of people who live, work, visit, provide employment or provide services in Uttlesford.

Nothing in this protocol shall prevent or hinder a Council member from fully engaging with officers of the Council, including requesting meetings with officers, attending such meetings or offering information and advice concerning any issue within their wards or wards for which they have responsibility”.

PART 5 - MEMBER/OFFICER PROTOCOL**2. Role of Members and Officers****2.1 Members**

Members are democratically elected and have a mandate to represent their ward and to contribute to decisions made by the Council. They are advocates, representatives and community leaders for their ward and the people who live there and will often be seen by their constituents as the local representative of the Council as a whole. If constituents are unhappy about Council services, they will expect their councillor to do something about it.

Members will have a strong knowledge of the area they represent and the issues that affect it. This local knowledge is important in ensuring that good decisions are made, and should be respected. Members are usually, but not always, members of political groups. Political groups are a legitimate aspect of local government democracy.

Members are responsible for setting the budget and policy framework within which the Council works. Beyond this, members may have different roles. Some will be members of the Cabinet and will have a wide ranging responsibility for making strategic and operational decisions on behalf of the Council. Some will be members of Committees which scrutinise and have oversight of policies and performance. Some will be members of regulatory committees; for example, deciding applications for planning permission and ensuring compliance with licensing conditions.

2.2 Officers

Officers are employees of the Council. Their roles and responsibilities are set out in their contract of employment and job description. Some are mainly responsible for the delivery of services and work within the policies and standards set by the Council. Others will have a role in developing policies and strategies and in providing professional advice aimed at ensuring that the Council operates in an effective and lawful manner.

PART 5 - MEMBER/OFFICER PROTOCOL

As employees, it is important that the Council complies with its legal obligations as employer and with good employment practice.

Officers are not politicians and their loyalty is to the Council as a whole. It is important that their professional integrity and impartiality is respected, especially where they are obliged to give advice that is not welcomed.

What members can expect from officers:

- A commitment to the Council as a whole and not to an individual political group
- A working partnership
- A timely response to enquiries and complaints
- Professional advice not influenced by political views or preference
- Integrity, mutual support and appropriate confidentiality
- Respect for the role of a member as an elected representative.

What officers can expect from members:

- Political leadership and direction
- A working partnership
- Compliance with ethical standards and probity requirements
- Non-involvement in day-to-day management
- Fairness
- Respect for their position as employees of the Council.

PART 5 - MEMBER/OFFICER PROTOCOL**3. Working Relationships**

- 3.1 Officers and members will be guided by these behaviours in their working relationship:

To be:	Not to be:
Positive	Unhelpful
Professional	Obstructive
Authoritative	Arrogant
Respectful	Discourteous
Constructive	Imprudent
Communicative	Evasive
Discreet	Secretive
Reliable	Disorganised
Friendly	Friends
Honest	

- 3.2 Officers will provide advice and assistance to individual members in respect of Council business, including issues raised by constituents. They must not be requested to advise upon private matters.
- 3.3 Officers are employed by, and serve, the whole Council. They are politically neutral and must avoid being identified with any political party. Members must respect this.
- 3.4 The working relationship between senior officers and the Leader and Cabinet will be particularly close. This relationship, however, must not:
- compromise officers' duties to all members of the Council;

- be so close as to give the appearance of partiality on the part of officers;
- undermine the confidentiality of any discussions within the Corporate Management Team or between senior officers and other members;
- compromise officers' professional responsibility to advise members that a particular course of action should not be pursued;
- undermine officers' responsibility for action taken under delegated powers.

3.5 It is important that in any dealings between members and officers neither should seek to take unfair advantage of their position.

3.6 Similarly, an officer must not lobby or use influence on an individual member to make a decision in his or her personal favour. They should not:

- raise personal matters to do with their job;
- make claims or allegations about other officers;
- make negative comments on the competency of another officer or member.

3.7 In their dealings with officers (especially junior employees), members need to be aware that it is easy for officers to be overawed and feel at a disadvantage. Such feelings can be intensified where members hold official and/or political office.

PART 5 - MEMBER/OFFICER PROTOCOL

- 3.8 A member should not apply any pressure on an officer to do work outside of normal duties or normal working hours. A member should not, even in an emergency, contact officers directly, even if they have their mobile phone number. In an emergency or when a matter cannot wait until normal working hours, the correct course will be to call the Council's out of hours number (01223 849755), which will ensure a speedy and coordinated approach. Even in an emergency, pressure should not be put on an officer to do anything that he or she is not empowered to do.
- 3.9 Members should approach officers of appropriate seniority when raising queries. Other than for routine service queries, this is likely to be at service manager level or above. If members wish to meet officers, they should generally make an appointment first. This is partly to allow officers to plan their work and partly because of the need to ensure that personal data, which may be visible in offices, is not inadvertently disclosed – for instance information relating to housing or benefit applications.

4. Familiarity

- 4.1 Close personal familiarity between individual members and officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.
- 4.2 Such familiarity could also cause embarrassment to other members and/or other officers and give rise to suspicions of favouritism.
- 4.3 Therefore care should be taken by individual members and officers in their relationship with each other. Members should declare to the Chief Executive any close family, business or personal relationship with an officer. Officers should make sure that their line manager is made aware of any similar relationship.

5. Communication

- 5.1 Officers should reply promptly and helpfully to correspondence, including emails, received from members. As a minimum, they should meet corporate standards for responses but should also recognise that it will sometimes be appropriate to give priority to correspondence from members. If an immediate reply is not possible, correspondence should be acknowledged and the member kept informed about progress.
- 5.2 Similarly, members should reply promptly and helpfully to communications from officers, especially where a member's view is sought before action is taken.
- 5.3 Written communication between members and officers should always be professional in tone, avoiding the appearance of over-familiarity. There is a particular risk with email of making inappropriate comments. Emails are a permanent record and may be held up to public scrutiny through, for instance, disclosure under freedom of information legislation or in the course of legal proceedings. Officers and members should always be alert to how correspondence would appear if held up to public gaze.
- 5.4 Written communication may not be the appropriate first step where, for instance, the facts are uncertain or a matter is controversial. A telephone call or personal discussion should be considered instead. In all cases, the preferred communication method of individual councillors should be taken into account, if known.
- 5.5 If members raise issues on behalf of constituents, officers should reply in terms that will allow members to give explanations to constituents that are helpful and constructive. Whilst members will hold officers to account, members will, in turn, be held to account by their constituents for the actions of the Council.

PART 5 - MEMBER/OFFICER PROTOCOL

- 5.6 Unless a member or officer requests confidentiality, it will be assumed that correspondence between a member and an officer is not confidential and may be shown to others. (An obvious exception is where an issue relates to an individual constituent and would normally be treated in confidence). If, in an officer's view, correspondence between an individual member and an officer is of interest to other members, to keep them fully informed, it should be made clear to the original member that copies have been sent to other members.
- 5.7 Where issues are raised by, or with, individual members relating to a matter of general interest in a ward, copies of correspondence may be sent to other members for the ward. However, a member may specifically request that correspondence is not copied to other members.
- 5.8 Official letters sent on behalf of the Council should normally be in the name of the appropriate officer, rather than in the name of a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to be signed by a member, but this should be the exception rather than the norm.

6. Involvement of ward councillors

- 6.1 Whenever a public meeting is organised by the Council to consider a local issue, all the councillors representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting with the maximum possible notice being given. Similarly whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be consulted at the outset of the exercise.
- 6.2 Ward Councillors should be notified in advance about any issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.

- 6.3 Ward councillors should be copied into correspondence with town or parish councils within their ward unless there is a good reason not to.
- 6.4 Ward councillors should be consulted and involved in significant issues affecting their ward. They will have a strong knowledge of the area they represent and the issues that affect it. This local knowledge is important in ensuring that good decisions are made and should be respected.

7. Requests for factual information

- 7.1 Officers will use the Members' Bulletin as the primary means of providing factual information to members. There are other sources of information available to members, in particular the "Keep Me Posted/ Gov Delivery e-newsletter, to which members are encouraged to subscribe.
- 7.2 All members of the Council are entitled to request factual information from officers about a Council department or service and the information will be provided unless:
- there is a legal reason why it should not be disclosed (e.g. the information is confidential, commercially sensitive or should not be disclosed under data protection principles.
 - the request for information is for private purposes, rather than in connection with the member's elected role.
 - the relevant Director or Assistant Director considers the request to be unreasonable in terms of the resources required to provide the information. In case of dispute, the request will be referred to the Chief Executive.

PART 5 - MEMBER/OFFICER PROTOCOL

- 7.3 Members making requests for information should allow adequate time for officers to provide it. Requests relating to committee or Council meetings should be made well in advance. If officers are not given enough notice, they may not be able to supply information in time. Late requests can also divert officers from work of equal or greater importance or urgency. Giving timely attention to agenda papers can mitigate this risk.
- 7.4 Members do not need to rely on Freedom of Information rights to ask for information, as they have a statutory right of access to information held by the Council, subject to a “need to know” test. This is wider than the rights given to members of the public. In some cases (for instance, where it involves third party personal information) there may be a need for confidentiality. In case of doubt or dispute, the Monitoring Officer will provide advice.

8. Officers’ reports and advice

- 8.1 The Director/Senior Officer in whose name a report to the Council (or any part of its formal decision-making structure) is submitted will always be fully responsible for the contents of it. It is essential that any proposals from members in reports to committees are clearly identified as such.
- 8.2 A draft or final report will only be amended where the suggested amendment also reflects the professional judgement of the author of the report. Any dispute between a member and the officer responsible for the report which cannot be resolved shall be referred to responsible Director or to the Chief Executive for resolution.
- 8.3 On occasions, officers will need to express a professional view on a matter which may not support the view of members and/or senior officers. They must be allowed to do so without interference from, or victimisation by, members or other officers.

- 8.4 At some committee meetings, a resolution may be passed which authorises named officers to take action between meetings in consultation with a member. It must be recognised that it is the officer, rather than the member, who takes the action and it is the officer who is accountable for it.

9. Officer advice to members and party groups

- 9.1 It must be recognised by all officers and members that in discharging their duties and responsibilities, officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual member of the Council.
- 9.2 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business. Officers may properly be called upon to provide information to party groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner. This means that, on occasions, information requested by one group will in fact be provided to all.
- 9.3 The support provided by officers can take many forms, including a briefing meeting with the executive or an executive member or the Chairman/Vice-Chairman of a committee prior to a committee meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, support is available to all party groups.
- 9.4 Scrutiny committees have the power to require Cabinet Members and officers to appear before them and answer questions. As a matter of convention, the Council's scrutiny committees will only require the attendance of the Chief Executive, Directors and Assistant Directors. However, to facilitate proper conduct of business, these senior officers may arrange, as necessary, for other officers to attend meetings to assist.

PART 5 - MEMBER/OFFICER PROTOCOL

- 9.5 The Chief Executive, Directors and Assistant Directors may, in exceptional circumstances, be invited to attend political group meetings to explain or to advise on policies and/or issues provided that this facility is available to all political groups represented on the Council. Officer attendance at group meetings will usually be at Assistant Director, Director or Chief Executive level. More junior officers should not generally be asked to attend group meetings and, if they are, they should first obtain permission of a Director or the Chief Executive.
- 9.6 Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business and should not be present when matters of party business are to be discussed.
- 9.7 Special care needs to be exercised by officers when involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons are not bound by the Council's Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and confidential information should not be disclosed.
- 9.8 Officers must respect the confidentiality of any party group discussions at which they are present.
- 9.9 Party group meetings are not empowered to make decisions on behalf of the Council. Conclusions reached at group meetings are not Council decisions and should not be interpreted or acted upon as such.
- 9.10 Where officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the executive, executive member or relevant committee when the matter in question is considered.

10. Constructive criticism & redress

- 10.1 It is important that there should be mutual courtesy between Members and officers. It is important that there are reasonable standards of courtesy and no member or officer should seek to take unfair advantage of their position.
- 10.2 Members have the right to criticise reports or the actions taken by officers but they should:
- always avoid personal attacks on officers;
 - ensure that criticism is constructive and well-founded;
 - take up an individual concern with the officer privately, where possible;
 - avoid criticising officers in the media or social media.
- 10.3 Members should not raise matters relating to the conduct or capability of an officer at Cabinet and committee meetings or in any public forum. This could be damaging both to effective working relationships and to the image of the Council. An officer has no means of responding to such criticisms in public.
- 10.4 If a member considers that he or she has not been treated with proper respect or courtesy, and fails to resolve it through direct discussion with the officer, he should raise the matter with the appropriate Director or Assistant Director. The Director or Assistant Director will look into the matter and report back to the member. If the member continues to feel concern, they should then report it to the Chief Executive who will look into the matter afresh. A complaint about a Director or an Assistant Director should be raised with the Chief Executive. A complaint about the Chief Executive should be raised with the Leader. Any action taken against an officer in respect of a complaint will be in accordance with the provisions of the Council's disciplinary rules and any statutory provisions which may apply.

PART 5 - MEMBER/OFFICER PROTOCOL

- 10.5 If an officer considers that he or she has not been treated with proper respect or courtesy, and a direct discussion is impractical or fails to resolve the matter, he or she should raise the matter with their line manager or Director without delay. In such circumstances, the Director will take such action as is appropriate either by approaching the individual and/or Party Group Leader. The Director will inform the Chief Executive if the Party Group Leader becomes involved, or in any other case where it is appropriate. Feedback should be given to the officer on the outcome.
- 10.6 The Council operates a confidential whistle-blowing policy. The Council is committed to the highest possible standards of operation, integrity, openness and accountability. It is expected that where an officer or member is concerned about potential unlawful conduct of an officer or member, they voice those concerns so that they can be dealt with effectively.

11. Officers' advice on declarations of interest

- 11.1 The Council's Monitoring Officer will on request provide advice and information to members on declarations of interest of a personal nature and whether or not such an interest might amount to a disclosable pecuniary interest or a prejudicial interest. However, members will know the nature and extent of any interest they may have. It is the member's responsibility, therefore, to decide whether any interest should be declared.

12. Officer decisions taken under delegated powers

- 12.1 When making a decision under powers delegated to an officer, it must be recognised that it is the officer, and not any member, who takes the action and it is the officer who is accountable for it.

13. Media Liaison

- 13.1 Communications with the media can be an important part of a member's workload, such as responding to queries. In any media contact, members and officers should always have regard to the reputation of the Council. Generally, members provide comments and views and officers provide factual information. This factual information may well include explaining the Council's policy on a particular issue. If any member is unsure about the facts of any issue he should contact the Communications Team or appropriate officer, or ask the media representative to do so. Members should avoid being seen to anticipate decisions and should not criticise officers in the media or via social media networks which may be accessible to the public.
- 13.2 If a member contacts or is contacted by the media he should indicate in what capacity he is speaking e.g. in a personal capacity, as a member of the executive, as a ward member, as Chairman of a committee, on behalf of the Council or on behalf of his political group. Members should avoid giving the impression they are speaking on behalf of the Council when expressing a personal view. If a member is contacted by the media, it may be useful to inform the Communications Team of the query or discussion; the Communications Team may offer guidance on the nature of the response where it is appropriate to do so.
- 13.3 It is the role of the Communications Team to publicise decisions and services, and to enhance and protect the reputation and profile of the Council. In this regard members should refer to the Council's Media Relations Protocol. The Media Relations Protocol provides guidance on the work undertaken by the Communications Team, and sets out the responsibilities of officers and members acting as media spokespeople in written and verbal communications. It also references the legal obligations of the Council in publishing material, and the Government's Code of Recommended Practice on Local

PART 5 - MEMBER/OFFICER PROTOCOL

Authority Publicity which covers the rules around content and style of publicity, distribution, advertising, promotion of individual councillors and restrictions during the election period.

14. Unresolved issues and amendments to this protocol

- 14.1 If there are any issues of concern which are not dealt with by this Protocol, then the relevant member or officer may discuss the matter with the Chief Executive with a view to advice being provided.
- 14.2 Should any Member or officer wish to suggest an amendment to this protocol, he/she is asked to contact either the Chief Executive or the Monitoring Officer.
- 14.3 Any amendments require approval of Council on the recommendation of the Governance, Audit and Performance Committee. The Standards Committee and any other relevant body may be consulted on issues raised by the protocol and on proposed amendments when appropriate.

ANTI-FRAUD POLICY STATEMENT

1. The Council is committed to the highest possible standards of openness, probity and accountability.
2. The Council condemns the theft of Council property and personal belongings of staff.
3. The Council has well defined procedures to deal with financial irregularity, theft and corruption whether perpetrated by its employees, councillors, members of the public, contractors or suppliers of goods and services.
4. The Council's affairs and the actions and omissions of employees are regularly open to scrutiny, for example by:
 - The external auditor
 - The public, e.g. complaints procedure, inspection of records
 - Council tax payers - annual inspection of accounts
 - The business community - annual business consultation
 - HM Revenue and Customs
 - Department of Social Security
 - Local Government Ombudsman
6. In addition there is internal scrutiny applied by the Council through Internal Audit services.
7. If you suspect a Council employee, councillor, member of the public, or contractor or anyone with business dealings with the Council of fraud, corruption or theft you should contact the Internal Audit Section on 01799 510610, the Monitoring Officer on 01799 510416, or the Chief Executive on 01799 510400. All allegations are treated as confidential and thoroughly investigated. You will be advised of the outcome of the investigation.
8. If for any reason you feel unable to raise your concerns through any of the above routes, you may wish to raise them through

PART 5 - ANTI-FRAUD POLICY STATEMENT

Public Concern at Work (telephone 020 7404 6609), a registered charity whose services are free and strictly confidential.

ANTI-FRAUD POLICY - GUIDANCE NOTES**1. Introduction**

- 1.1 The Council believes that all its employees have a responsibility to be alert to the possibility of theft and fraudulent or corrupt practices. An effective policy on fraud, corruption and theft provides a means by which proper supervision and public accountability may be maintained.
- 1.2 The Council expects that individuals and organisations (eg contractors, suppliers of goods and services) with which it comes into contact will act towards the Council with integrity at all times.

2. Definitions

- 2.1 Fraud is defined by the Audit Commission as: "the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain".
- 2.2 Corruption is defined by the Audit Commission as: "the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person."
- 2.3 Theft is defined in the Theft Act 1968 as: "A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it".
- 2.4 Council property includes plant and equipment, furniture, depot and office supplies, including: stationery,

PART 5 - ANTI-FRAUD POLICY STATEMENT

photocopying paper, envelopes, computer software and hardware.

- 2.5 Personal belongings are the responsibility of the employee. Each employee must take adequate steps to ensure the safe keeping of his belongings whilst on Council premises and/or on Council business.
- 2.6 The Council has no liability for the loss of personal belongings from its premises or vehicles.

3. Policies and Procedures

- 3.1 The Council has a number of policies and procedures in place which are designed to aid in the prevention, detection and investigation of fraud, corruption or theft. These are set out in the following documents:
 - a) Financial Regulations,
 - b) Gifts and Hospitality Guidance,
 - c) Disciplinary Rules and Procedures,
 - d) Whistleblowing Policy,
 - e) Confidential Reporting Code, and
 - f) IT Security Policy.
- 3.2 The Council has appointed its Assistant Chief Executive: Legal to act as the lead officer in connection with its Anti-Fraud Policy. If an employee is concerned that an act which is being proposed to him, be it by another employee, a councillor, contractor or supplier may constitute fraud, corruption or theft, he should contact his Director, the Internal Audit Section, the Monitoring Officer, the Chief Finance Officer or the Chief Executive.

PART 5 - ANTI-FRAUD POLICY STATEMENT

In addition, all employees are required by the Council's Financial Regulations to report all suspected irregularities to their Director who should immediately inform the Assistant Chief Executive: Legal. Reporting is essential to the Council's Anti-Fraud Policy and Confidential Reporting Code.

- 3.3 Investigations will usually be undertaken by Internal Audit Services who will have direct and full access to all records. Where financial impropriety or theft of Council property or staff personal belongings is discovered the matter may be referred to the Police, with a view to prosecution of the perpetrator(s).
- 3.4 The external auditor also has powers to investigate independently fraud, corruption and theft and the Council can make use of these services.

4. Employee Protection

- 4.1 The Public Interest Disclosure Act 1998 promotes accountability in the public, private and voluntary sectors by encouraging people not to turn a blind eye to malpractice in the workplace. It encourages the adoption of whistleblowing procedures. It will help to ensure that organisations:
 - 4.1.1 respond to the message rather than shoot the messenger;
 - 4.1.2 resist the temptation to cover up serious malpractice; and
 - 4.1.3 protect employees who report fraud or corruption from being victimised or dismissed.
- 4.2 In addition to employees, the Act covers trainees, agency staff, contractors and suppliers. The usual

PART 5 - ANTI-FRAUD POLICY STATEMENT

employment law restrictions on minimum qualifying period and age do not apply to this Act.

- 4.3 An employee disclosing information to those referred to in paragraph 3.2 above will be protected providing they have an honest and reasonable suspicion that fraud, theft or corruption has occurred, is occurring or is likely to occur.
- 4.4 This Act does not protect from disciplinary action employees who make malicious and/or vexatious allegations.

*PART 5 - PROBITY IN PLANNING***CODE OF GOOD PRACTICE: PROBITY IN PLANNING****1 Introduction**

- 1.1 Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It can be highly contentious. It is important that the process is characterised by open and transparent decision-making.
- 1.2 One of the key purposes of the planning system is to control development in the public interest. Performing this role, planning necessarily affects land and property interests, particularly the financial value of land holdings and the quality of their settings. It is important, therefore, that the Council makes planning decisions affecting those interests openly, impartially, with sound judgement and for justifiable reasons. There should be no grounds for suggesting that a decision has been biased, not impartial or not well founded in any way.
- 1.3 This Code applies to all councillors (whether or not they are members of the Planning Committee) at all times when they involve themselves in the planning process. This includes both decision making meetings of the Council and less formal situations, such as meetings with officers or the public and consultative meetings

2. Conduct of Councillors and Officers**2.1 General**

- 2.1.1 Councillors and officers have different, but complementary roles both serving the public. Councillors are responsible to the electorate, officers are responsible to the Council as a whole.

- 2.1.2 Both councillors and officers are guided by codes of conduct. The Councillors' Code of Conduct provides guidance on standards for councillors. Breaches of the Code may be regarded as maladministration by the Local Government Ombudsman and may lead to a councillor being reported to the Standards Committee. Such a report may result in sanctions being imposed upon the councillor concerned. Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. In addition to these codes, the Council's Procedural Rules set down rules which govern the conduct of Council business.
- 2.1.3 Councillors must not instruct officers to make a particular recommendation nor to take a particular course of action other than through a decision of the Council or one of its committees. Officers must give objective, impartial planning advice, based on their professional judgement and not be compromised or influenced by political considerations. Chartered Town Planners may only advocate their own professional view.

2.2 Public Duty

Councillors have a special duty to their ward constituents including those who did not vote for them. However their overriding duty is to the whole community. The Council's District Plan is adopted in the interests of the whole community, following public consultation. It therefore reflects the overall public interest, rather than those individuals or organisations. Councillors and officers must support the Council's planning policies and make decisions in accordance with them, unless there are sound planning reasons for not doing so.

*PART 5 - PROBITY IN PLANNING***2.3 Voting and Impartiality**

- 2.3.1 Notwithstanding the provisions of s.25 Localism Act 2011 members of the Planning Committee should not declare which way they intend to vote in advance of the consideration of an application. To do so may indicate pre-judgment of the application and expose the Council to the possibility of legal challenge as the exact meaning of s.25 has yet to be determined by the courts. Further, even if s.25 does prevent a legal challenge to the validity of a decision it offers no protection against allegations of maladministration or a breach of the Code of Conduct. Members should not make up their minds until they have read the relevant committee reports, heard the evidence and considered the representations. It is important that members hear all the evidence and representations prior to reaching a decision. Consequently members should ensure that they are present in the Council Chamber/Committee Room at all times whilst an item is being discussed. In the event that a member arrives after consideration of a particular item has commenced or leaves the Council Chamber/ Committee Room during the consideration of an item and then returns then that Member should not vote on that item.
- 2.3.2 Councillors who are also members of town or parish councils may find that they are expected to express a view at a Town or Parish Council meeting or vote on whether the town or parish council should object or comment on a proposal from its point of view. In such circumstances they should not declare outright support or opposition for a proposal and if they chose to

vote should make clear that they may find themselves having to vote differently when sitting on the committee, having heard the evidence, technical and legal background from officers. In particularly contentious cases councillors are advised to abstain from the town or parish council vote to make clear that they are not prejudicing the decision they will have to make as a district councillor. This will assist in ensuring that the propriety of their vote at the Council's committee meeting cannot be challenged.

- 2.3.3 If a councillor does declare his outright support for or opposition to a proposal at a town or parish meeting or elsewhere before the matter has been put before the committee where that councillor would be entitled to vote he should, if attending the committee meeting when the matter is being discussed or reported, make an open declaration to that meeting to that effect and take no part in the voting on that item. This does not mean that councillors on the committee cannot make a comment or reflect local concerns about a proposal before it is considered. However, the view or comment should not pre-determine or be seen to pre-determine the way the councillor will vote.
- 2.3.4 Councillors should not organise support for or against a planning application and should not lobby other councillors since this would also signal that they had made up their mind before hearing the evidence. Each councillor should make up his own mind on the evidence and facts presented to the committee.
- 2.3.5 The basis of the planning system is the consideration of private proposals against wider public interests. Opposing views are often strongly

PART 5 - PROBITY IN PLANNING

held by those involved. Whilst councillors should take account of various views expressed on an application they should not favour or show bias against or towards any particular person, company or group or any particular site or locality. They should not put themselves in a position where they may appear to do so.

2.4 Gifts and Hospitality

Councillors should be very cautious about accepting gifts and hospitality and must follow the the Councillors' Code of Conduct. They should also have regard to the Guidance on receipt of gifts and hospitality in part 5 of the Members' Handbook. Officers should follow that Guidance.

2.5 Declaration and Registration of Interests

2.5.1 The Councillors Code of Conduct sets out requirements and guidance for councillors, for the registration and declaration of interests, These must be followed scrupulously and councillors should review the situation regularly. It must be borne in mind that not only should impropriety be avoided but also any appearance, or grounds for suspicion, of improper conduct. Responsibility for this rests individually with each councillor. When declaring an interest at committee this should be done at the beginning of the meeting and councillors should be clear and specific in identifying the item on the agenda in which they have a pecuniary or non-pecuniary interest and if so the nature of that interest.

2.5.2 Officers must declare any personal or financial interest in any planning matter before the Council, must not deal with such matters on

behalf of the Council and must not give advice to councillors or other officers on them. An officer with a personal or financial interest in a planning matter must withdraw from any relevant committee meeting whilst that matter is discussed. Planning officers must maintain their professional integrity and should avoid becoming associated in the public mind with representatives of the development industry or environmental or other pressure or amenity groups.

2.6 Development Proposals Submitted by Councillors and Officers

- 2.6.1 Proposals to Council by serving and former councillors and officers and their close friends and relatives could easily give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way to give no grounds for accusations of favouritism. Applications which are recommended for approval will be reported to the committee and not dealt with by officers under delegated powers.
- 2.6.2 When the councillor or employee has left the council, after a period of 2 years the application can, if appropriate be dealt with under delegated powers.
- 2.6.3 Serving councillors who act as agents for people pursuing a planning matter with the Council or submitting planning applications on behalf of their employers as part of their job, must declare an interest and take no part in the processing of the application or in the decision-making process. Any councillor who is a planning or similar agent will not be appointed to the committee.

PART 5 - PROBITY IN PLANNING

- 2.6.4 Members of the committee should not act as agents or submit planning applications for other parties or voluntary bodies. To do so would give rise to suspicion that the committee was not impartial or may be influenced in the decision making process.
- 2.6.5 The procedures set out in the paragraphs 2.6.1 - 2.6.3 above shall also apply in relation to determining applications and notifications to carry out works to trees.

2.7 Council Development

The Council's own proposals for development and determining applications and notifications to carry out works to trees must be dealt with on exactly the same basis as applications submitted by members of the public. Officers must make recommendations having regard only to proper planning or tree matters and must not have regard to any other benefits, financial or otherwise, which may accrue to the Council as a result of any particular decision on a planning or tree proposal. Councillors must make decisions similarly. Such applications will be reported to the committee and not dealt with by officers under delegated powers.

2.8 Lobbying of and by Councillors

- 2.8.1 Lobbying is an attempt to influence councillors' views in order to achieve a particular decision. It can be of councillors by applicants, agents or objectors or by other councillors. Lobbying may be verbal or by the circulation of letters or documents to all or some councillors. Planning decisions must be made strictly on the facts and policies relating to each application. Lobbying can, unless care and common sense

are exercised by all parties concerned, lead to the impartiality and integrity of a councillor being called into question. Notwithstanding the provisions of s.25 Localism Act 2011 when being lobbied, councillors, and members of the committee in particular, should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such circumstances they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying that they should speak or write to the relevant officer in order that their opinions can be included in the officer's report to the committee. If they do express an opinion they should make it clear that they will only be in a position to take a final decision after having received and considered all the relevant evidence and arguments at committee.

- 2.8.2 A committee member who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If a member responds to lobbying by deciding to go public in support of, or against, a particular outcome it would be very difficult for that member to argue convincingly when the committee takes its decision that he has carefully weighed the evidence and arguments presented at committee. Although not amounting to a disclosable or other pecuniary interest according to the Code of Conduct the proper course of action for such a member would be to make an open declaration not to vote. However, this is a severe restriction on the member's wish - duty, even - to represent the views of the electorate. Thus, councillors should,

PART 5 - PROBITY IN PLANNING

generally, avoid organising support for or opposition to a planning application and avoid lobbying other councillors. Such actions can easily be misunderstood by parties to the application and by the public. Where a member makes a declaration that he or she will not vote then the member should withdraw from the committee table but may remain in the room and speak on behalf of his or her ward members either for or against the application.

2.9 Circulation of Information

Planning applications must be determined on the basis of the documents and information formally submitted. Any submissions from applicants, agents or objectors which are formally received by the Council can properly be taken into account in making a decision. It can cause problems if councillors are given information or assurances by applicants which are not part of the formal application and which are not, therefore, enforceable. Problems can also arise if councillors are given information by objectors which may be misleading, untrue or irrelevant. It can be problematical if officers are unaware of submissions by applicants and objectors and are therefore unable to consider them and advise the committee about their relevance or enforceability. Councillors should forward such information to the officers for consideration prior to the committee meeting.

2.10 No Political Decisions on Planning Applications

Decisions on planning applications must not be taken in political group meetings prior to committee meetings. The view of the Ombudsman was that the use of political whips to influence the outcome of a planning application was contrary to the National Code and amounted to maladministration. There is nothing in

the Localism Act 2011 nor the Councillors' Code of Conduct which would contradict this view. It could also give rise to legal challenge.

3. The Decision-Making Process

3.1 Pre-application Discussions

3.1.1 Discussions between a potential applicant and the Council (through its planning officers) prior to the submission of the application can be of considerable benefit to both parties and is encouraged by the Audit Commission, the Local Government Association and the National Planning Forum. It should always be made clear at the outset that the discussions will not bind the Council to make a particular decision and that any views expressed are personal and provisional. Advice should be considered and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning officers. In addition, all officers taking part in such discussions should make clear whether or not they are the decision maker. A written note should be made of all potentially contentious meetings and telephone discussions. A follow up letter may be advisable, especially when documentary material has been left with the Council.

3.1.2 Councillors should not seek to advise applicants or agents about the likely acceptability of planning proposals. They should advise prospective applicants to contact the appropriate officer for advice on both merits and procedures. They should make it clear that they will only be in a position to take a decision after having considered the officers' reports and any representations and heard any debate in the committee meeting.

PART 5 - PROBITY IN PLANNING

- 3.1.3 Councillors should not meet applicants or agents or third parties in connection with a current or proposed application. If councillors do agree to meet they should only do so in the presence of a planning officer. In exceptional circumstances, where it is not possible to arrange a meeting in the presence of a planning officer without causing undue delay councillors should notify the relevant planning officer of the proposed meeting beforehand and the notification recorded in the application file. Councillors should listen and may ask questions but should not comment or negotiate. They must make clear that any views they express are personal, rather than those of the Council. A note should be taken of the meeting and placed on the application file. The fact that a councillor has discussed any proposal with the applicant, agent, supporters or objectors must be made clear when the application is before the committee for determination.
- 3.1.4 If councillors receive information that is relevant to a planning decision they must declare that information to the relevant planning officers and to the committee. Discussions with applicants, agents or objectors should be reported and any correspondence made available to officers before the committee meeting.
- 3.1.5 Paragraphs 3.1.2 to 3.1.4 above do not apply to councillors when they are acting as agents for people pursuing a planning matter with the Council or submitting planning applications on behalf of their employers as part of their job. However, they should make it clear to their clients that they cannot and will not use their position as a councillor to influence the outcome of an application.

- 3.1.6 Any councillor may request that an application delegated to officers for determination be reported to committee for determination.

3.2 Reports to Committee

Officer reports to committee should be accurate and cover, amongst other things, the substance of objections and views of consultees. Relevant points should include a clear exposition of the development plan, the site, its related history and any other material considerations. Reports should contain a clear written recommendation. Oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur. If the report's recommendation is contrary to the provisions of the development plan the material considerations which justify this must be clearly stated.

3.3 Committee Procedures and Decision

- 3.3.1 Pre-committee briefing meetings between officers and councillors are not part of a formal committee proceeding. They must always be after the agenda has been set and officers' recommendations have been made. The purpose of the meetings is to inform the Chairman/Vice-Chairman on planning issues, the reasons for officer recommendations and to give the Chairman/Vice-Chairman an opportunity to give notice of or to be told about any potential problems or the need for more information.
- 3.3.2 Councillors should endeavour to obtain factual information from officers prior to the meeting. This can assist in reducing delays which may be caused by deferral to obtain further information.
- 3.3.3 The committee's decision must be in accordance

PART 5 - PROBITY IN PLANNING

with the provisions of the development plan unless material considerations indicate otherwise.

When councillors propose to make a decision contrary to officer recommendation the proposer must set out clearly the reasons for so doing.

The Chairman will ensure that the planning officer is given an opportunity to comment before a vote is taken. Any decision contrary to the provisions of the Development Plan must be clearly justified and recorded in the Minutes.

- 3.3.4 Any information received after preparation of the committee report which is relevant to the determination of an application will be summarised on the supplementary representation sheet circulated prior to the meeting. Any information or documents received after its printing will be verbally reported to the meeting. In certain circumstances consideration of the application may need to be deferred.

3.4 Deferments

The decision on any application should not be deferred without proper justification. For example, the justification for deferring a decision might be to ensure that all the proper visit is not part of the formal committee proceedings and is not a forum for debate or making planning decisions. Site visits are not open to the public and should not be used to canvass local opinions or as an opportunity for lobbying or advocacy. Councillors should not express personal opinions during site visits.

3.5 Public Attendance at Committee Meetings

- 3.5.1 All planning applications, other than those determined by officers exercising delegated powers, will be considered in public session

and all background information will be made available for public inspection upon publication of the agenda papers, unless there are specific reasons for exempting information in accordance with the Local Government Act 1972.

- 3.5.2 Applicants, agents and members of the public, representatives of parish councils and members of the Council who are not members of the committee may speak at the meeting. The procedures for notifying the Council and speaking are set out in part 5 of the Constitution.

3.6 Site Visits

Site visits can cause delay and additional costs and should only be used when the expected benefit is substantial. A site visit is only likely to be necessary if the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers. The reason for requesting a site visit must be clearly set out by the proposer and recorded in the Minutes. All site visits must be carried out in accordance with the Council's agreed procedures set out in Appendix 1 to this Code. A site visit is not part of the formal committee proceedings and is not a forum for debate or making planning decisions. Site visits are not open to the public and should not be used to canvass local opinions or as an opportunity for lobbying or advocacy. Councillors should not express personal opinions during site visits.

4. Administrative Matters

4.1 Member Training

Councillors will be given regular updates to keep them informed of important changes in legislation, procedures or practices, either verbally at meetings or as briefing

PART 5 - PROBITY IN PLANNING

notes (for example in the Members' Bulletin). Officers will arrange training on planning issues. All members of the Council will be invited to attend. All members of the Planning Committee should attend.

4.2 Monitoring of Decisions

The Council should monitor planning decisions taken, on an annual basis, both in terms of quality and consistency. Annually, councillors will visit a sample of implemented planning permissions to assess the quality of the decisions. The committee should formally consider the annual report and decide whether it gives rise to the need to review any policies or practices. The review may include information identifying the number of cases where officers' recommendations were not accepted and the outcome of any related appeal decisions. The results of the monitoring will be reported to councillors along with any recommendations to improve quality, consistency or performance.

4.3 Record Keeping

The planning application files should be complete and accurate containing sufficient information and itemising events so that the reason for the decision can be easily understood. Only "background papers" as defined in the Local Government Act 1972 are automatically available as a right to third parties. These would include, in addition to the application document, associated letters and supporting information, replies from consultees and letters from supporters and objectors. The same principles apply to applications determined under officers' delegated powers. Such decisions should be as well documented and recorded as those taken by councillors. These principles apply equally to enforcement and development framework matters.

4.4 Complaints

Any complaints received about the way in which a planning application or other planning matter has been dealt with in terms of procedures or fairness will be investigated under the Council's complaints procedure. The fact that someone may disagree with the decision the Council has reached is not a complaint which will normally necessitate investigation as such. However, officers will explain the reasons for the Council's decision in any particular case.

APPENDIX 1

PLANNING COMMITTEE PROCEDURE FOR MEMBERS' SITE VISITS

1. Procedure

- 1.1 The decision to visit the site of a current planning application is taken by the committee and the reasons are recorded in the minutes of the meeting. The Divisional Head: Planning and Building Control is also authorised to organise a meeting if it is necessary in advance of a committee meeting.
- 1.2 The purpose of the site visit is to acquaint members with the site, not to hold a debate or take a decision other than at the Committee Meeting.
- 1.3 Site visits normally take place during the morning of the relevant meeting.
- 1.4 The applicant or his agent is notified of the visit and requested to make access available and peg out the proposed location of the building(s), if appropriate. The applicant may attend the site visit, but may not make any representations.

PART 5 - PROBITY IN PLANNING/PUBLIC SPEAKING

- 1.5 One representative of the town or parish council may attend but may not make representations.
- 1.6 The local District Council member(s) is/are notified and he should contact the Chairman if he wishes to attend but may not make representations at the site visit.
- 1.7 On site, the Chairman usually states the reasons for the visit and invites the planning office to run briefly through the proposal. Members should remain in one group for the duration of the visit.
- 1.8 Sometimes, neighbours and other interested persons are also at the site, particularly if it is next to public land. The landowner has the right under common law to exclude anyone from his land if he so chooses. Members are requested to ignore unauthorised representations.

2. Notes

- 2.1 Apologies for absence from members to the Chairman assist in the conduct of the meeting and timekeeping.
- 2.2 Should a member be delayed or in any doubt about the location of a site, he should contact the Chairman.

APPENDIX 2**PROCEDURE FOR PARISH/TOWN COUNCIL REPRESENTATIVES/ MEMBERS OF THE PUBLIC ATTENDING MEETINGS OF THE PLANNING COMMITTEE****1. Agendas**

- 1.1 The Council will send out the agenda sheets for all committee meetings to all parish and town councils, unless a parish/town council has specifically requested not to receive any agendas.

PART 5 - PROBITY IN PLANNING/PUBLIC SPEAKING

- 1.2 The agenda sheets will be sent out a week before the meeting.
- 1.3 If the parish/town council would like a copy of a particular report, the clerk should telephone the committee officer listed at the end of the agenda.

2. Attendance by Parish/Town Councillors and Members of the Public

- 2.1 Town/parish councils and applicants/agents, objectors and supporters may make representations on all applications.
- 2.2 A representative of the town or parish council may also attend site visits. (see Procedure for Members' Site Visits above).
- 2.3. The Town or parish council representative and members of the public may attend the meeting and speak on any application. They must register with the Democratic Services Officer at Uttlesford District Council (telephone 01799 510369) or e-mail: committee@uttlesford.gov.uk by 2pm on the day before the meeting.

The order of speaking for each application will be as follows

- 1. Non-committee member
- 2. Up to 5 supporters
- 3. Up to 5 objectors
- 4. Town or parish council
- 5. Applicant or Agent

The town/parish council representative and members or the public may speak for up to 3 minutes.

- 2.4 At the meeting those making representations should sit in the public area until the relevant item is to be considered.

PART 5 - PROBITY IN PLANNING/PUBLIC SPEAKING

- 2.5 Those making representations should sit at the allotted desk alongside members to make their statement and having made their statement should then return to the public area (or leave the meeting).

PROTOCOL FOR CALLING IN PLANNING APPLICATIONS

1. Introduction

- 1.1. Uttlesford District Council is the local planning authority for the district of Uttlesford. As such it is responsible for taking decisions on planning applications within the District. Under the Town and Country Planning Act 1990 decisions on planning applications must be taken in accordance with the development plan unless material planning considerations indicate otherwise.
- 1.2. Most applications are dealt with by officers under delegated powers. Officers have power to refuse any applications which are not in accordance with the development plan and have delegated authority to grant planning permission in specified cases where the proposed development does accord with the development plan. The full scope of the delegated powers can be found in the Members' Handbook.
- 1.3. This protocol sets out the procedures to be followed when a member wishes an application for planning permission which can be dealt with by officers under delegated powers to be considered by the Planning Committee ("calling in an application").

2. Procedure for calling in an application

- 2.1. Any member of the council may call in an application which would fall to be dealt with by officers under delegated powers regardless of where the application site is situated within the District.
- 2.2. If a member is considering calling in an application for a site in a ward in respect of which that member is not a ward member then before calling in the application the member shall inform the member or members for that ward of the intention to do so.

PART 5 - PROTOCOL FOR CALLING IN PLANNING APPLICATIONS

- 2.3. A request for a planning application to be called in must be:-
 - 2.3.1. In writing (including e-mail);
 - 2.3.2. Made within 5 weeks of the validation date (which may be ascertained from the Council's website);
 - 2.3.3. State if the application is to be called in if the officer recommendation is for approval or refusal (but not both);
 - 2.3.4. Give valid planning reasons for requesting that the application be called in.

3. Invalid call-ins

- 3.1. A request for a call-in may be rejected by the Assistant Director – Planning and Building Control if he is not satisfied that the reasons given for the call-in are planning reasons.
- 3.2. An application should not be called in merely because it is controversial. Applications should only be called in where there are planning reasons for disagreeing with the officer recommendation.
- 3.3. Members should not call in an application because they are requested to do so by an applicant, an objector or a parish or town council unless the member concerned is satisfied that there are planning reasons for disagreeing with the officer recommendation.
- 3.4. Members should not call in an application made by or opposed by a related person (as defined by the Code of Conduct of Uttlesford District Council) under any circumstances

CODE OF GOOD PRACTICE: PROBITY IN LICENSING

1. Introduction

- 1.1 The Licensing Act 2003 transferred control of Licensing from magistrates to local authorities. Although the licensing function is by law delegated to the Licensing Committee all members of the Council may become involved in dealing with applications eg by representing the views of constituents or debating upon the Council's Licensing Policy. Decisions must be taken to promoting the licensing objectives and with regard to the Council's Licensing Policy and Government guidance. Applications can be highly contentious. It is important that the process is characterised by open and transparent decision-making.
- 1.2 The Licensing Act seeks to balance freedom of greater choice in how people spend their leisure time with safeguards to prevent crime and nuisance, to ensure public safety and to protect children from harm. Performing this role, licensing necessarily affects licensees, those living or carrying on business in the vicinity of licensed premises and the public at large. It is important, therefore, that the Council makes licensing decisions affecting those interests openly, impartially, with sound judgement and for justifiable reasons. There should be no grounds for suggesting that a decision has been biased, not impartial or not well founded in any way.

2. Conduct of Councillors and Officers

2.1 General

Councillors and officers have different, but complementary roles.

- 2.1.1 The Councillors' Code of Conduct provides guidance and standards for councillors. Breaches

PART 5 - PROBITY IN LICENSING

of the Code may be regarded as maladministration by the Local Government Ombudsman and may lead to a councillor being reported to the Standards Committee. Such a report may result in sanctions being imposed upon the councillor concerned. In addition to the Code of Conduct, the Council's Procedure Rules set down rules which govern the conduct of Council business. The Licensing Act 2003 (Hearings) Regulations 2005 also contain provisions for the conduct of hearings under the 2003 Act.

- 2.1.2 Officers from different departments within the Council also have different roles with regard to licensing. Licensing officers are responsible for the administration of licences. As such they must be completely impartial and not express a view on applications. In particular reports from licensing officers will not contain any recommendations. Environmental Health, Licensing and Planning are statutory consultees on applications. Officers from these departments will make representations on some applications and will suggest conditions or even that a licence should be refused with in those representations.
- 2.1.3 Councillors must not instruct officers from any department to make a particular representation nor to take a particular course of action other than through a decision of the Council or one of its committees. Officers must give objective professional advice, based on their professional judgement and not be compromised or influenced by political considerations.

2.2 Public Duty

- 2.2.1 The Councillors' Code of Conduct sets out the duties and responsibilities of councillors. It states that, whilst councillors have a special duty to their ward constituents including those who did not vote for them, their overriding duty is to the whole community. The Council's Licensing Policy is adopted in the interests of the whole community, following public consultation. It therefore reflects the overall public interest, rather than those of individuals or organisations. Councillors and officers must support the Council's Licensing Policy and make decisions in accordance with it unless there are sound reasons for not doing so.

2.3 Voting and Impartiality

- 2.3.1 Notwithstanding the provisions of s.25 Localism Act 2011 members of the Licensing Committee should not declare which way they intend to vote in advance of the consideration of a matter. To do so may indicate pre judgement and expose the Council to the possibility of legal challenge as the exact meaning of s.25 has yet to be determined by the courts. Further, even if s.25 does prevent a legal challenge to the validity of a decision it offers no protection against allegations of maladministration or a breach of the Code of Conduct. Members should not make up their minds until they have read the relevant committee reports, heard the evidence and considered the representations. It is important that members hear all the evidence and representations prior to reaching a decision. Consequently members should ensure that

PART 5 - PROBITY IN LICENSING

they are present in the Council Chamber/Committee Room at all times whilst an item is being discussed. In the event that a member arrives after consideration of a particular item has commenced or leaves the Council Chamber/Committee Room during the consideration of an item and then returns then that Member should not vote on that item.

- 2.3.2 Councillors who are also members of town or parish councils may find that they are expected to express a view at a town or parish council meeting or vote on whether the town or parish council should object or comment on a proposal from its point of view. In such circumstances dual-hatted members who sit on the Licensing Committee should not declare outright support or opposition for a proposal and should abstain from voting to make clear that they are not prejudicing the decision they will have to make as a District Councillor. This will assist in ensuring that the propriety of their vote at the Council's committee meeting cannot be challenged. If a councillor does declare his outright support for or opposition to a proposal at a town or parish council meeting or elsewhere before the matter has been put before the committee where that councillor would be entitled to vote he should, if attending the committee meeting when the matter is being discussed or reported, make an open declaration to that meeting to that effect and take no part in the decision making process on that item.
- 2.3.3 Councillors should not organise support for or against a licensing application and should not lobby other councillors since this would also signal that they had made up their mind before

hearing the evidence. Each councillor should make up his own mind on the evidence and facts presented to the committee.

- 2.3.4 The basis of the licensing system is often the balancing of conflicting interests. Opposing views are frequently strongly held by those involved. Whilst councillors should take account of various views expressed on an application they should not favour or show bias against or towards any particular person, company or group or any particular premises or locality. They should not put themselves in a position where they may appear to do so.

2.4 Gifts and Hospitality

Councillors should be very cautious about accepting gifts and hospitality and must follow the advice in the Councillors' Code of Conduct. They should also have regard to the Guidance on receipt of gifts and hospitality in Part 5 of the constitution. Officers should follow that Guidance.

2.5 Declaration and Registration of Interests

- 2.5.1 The Councillors' Code of Conduct sets out requirements and guidance for councillors, for the registration and declaration of interests and the consequences of having such interests. These must be followed scrupulously and councillors should review the situation regularly. It must be borne in mind that not only should impropriety be avoided but also any appearance, or grounds for suspicion, of improper conduct. Responsibility for this rests individually with each councillor. When declaring an interest at committee this should be done at the beginning

PART 5 - PROBITY IN LICENSING

of the meeting and councillors should be clear and specific in identifying the item on the agenda in which they have an interest, if so whether the interest is a disclosable or other pecuniary interest or a non-pecuniary interest and in any event the nature of that interest.

- 2.5.2 Officers must declare any personal or financial interest in any licensing matter before the Council, must not deal with such matters on behalf of the Council and must not give advice to councillors or other officers on them. An officer with a personal or financial interest in a licensing matter must withdraw from any relevant committee meeting whilst that matter is discussed. Officers must maintain their professional integrity and should avoid becoming associated in the public mind with representatives of the licensed trade or environmental or other pressure or amenity groups.

2.6 Licensing Proposals Submitted by Councillors and Officers

- 2.6.1 Unopposed proposals to the Council by serving councillors and officers and their close friends and relatives will be dealt with under delegated powers as the Council has no power to refuse a licence where no representations are made. Where representations are made from relevant bodies or interested parties the matter will be dealt with by a hearing before the Licensing Committee in the usual way. However to avoid any suspicion of impropriety in the case of member or officer applications Environmental Health, Licensing and Planning officers will prepare full reports on the applications for consideration by their respective committees which will determine what (if any) representations ought to be made.

- 2.6.2 Serving councillors who act as agents for people pursuing a licensing matter with the Council or submitting licensing applications on behalf of their employers as part of their job, must declare an interest and take no part in the processing of the application or in the decision making process. Any councillor who is a licensing or similar agent will not be appointed to the committee.
- 2.6.3 Members of the committee should not act as agents or submit licensing applications for other parties or voluntary bodies. To do so would give rise to suspicion that the committee was not impartial or may be influenced in the decision-making process.

2.7 Council Applications

- 2.7.1 The Council's own applications must be dealt with on exactly the same basis as applications submitted by members of the public. Officers must make representations having regard only to the licensing objectives and the Council's Licensing Policy and must not have regard to any other benefits, financial or otherwise, which may accrue to the Council as a result of any particular decision on a licensing application. Councillors must make decisions similarly. Unless there are representations the applications will be dealt with under delegated powers. However to avoid any suspicion of impropriety in the case of a Council application Environmental Health, Licensing and Planning officers will prepare full reports on the applications for consideration by their respective committees which will determine what (if any) representations ought to be made.

*PART 5 - PROBITY IN LICENSING***2.8 Lobbying of and by Councillors**

2.8.1 Lobbying is an attempt to influence councillors' views in order to achieve a particular decision. It can be of councillors by applicants, agents or objectors or by other councillors. Lobbying may be verbal or by the circulation of letters or documents to all or some councillors. Licensing decisions must be made strictly on the facts and policies relating to each application. Lobbying can, unless care and common sense are exercised by all parties concerned, lead to the impartiality and integrity of a councillor being called into question. Notwithstanding the provisions of s.25 Localism Act 2011 when being lobbied, councillors, and members of the committee in particular, should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such circumstances they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying that they should make written representations to the relevant officer in order that their opinions can be presented with the officer's report to the committee.

2.8.2 A committee member who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If a member responds to lobbying by deciding to go public in support of, or against, a particular outcome it would be very difficult for that member to argue convincingly when the committee takes its decision that he has carefully weighed the evidence and arguments presented at committee. Although not amounting

to a disclosable or other pecuniary interest according to the Code the proper course of action for such a member would be to make an open declaration not to vote. However, this is a severe restriction on the member's wish - duty, even - to represent the views of the electorate. Thus, councillors should, generally, avoid organising support for or opposition to a licensing application and avoid lobbying other councillors. Such actions can easily be misunderstood by parties to the application and by the public. Where a member makes a declaration that he or she will not vote then the member should withdraw from the committee table but may remain in the room and speak on behalf of his or her ward members either for or against the application.

2.9 Circulation of Information

Licensing applications must be determined on the basis of the documents and information formally submitted. Any submissions from applicants' agents or objectors which are formally received by the Council within the statutory time scale can properly be taken into account in making a decision. It can cause problems if councillors are given information or assurances by applicants which are not part of the formal application and which are not, therefore, enforceable. Problems can also arise if councillors are given information by objectors which may be misleading, untrue or irrelevant. Councillors should return such information to the sender and draw attention to the fact that only officially submitted representations can be considered.

2.10 No Political Decisions on Licensing Applications

Decisions on licensing applications must not be taken in political group meetings prior to committee meetings.

PART 5 - PROBITY IN LICENSING

The view of the Ombudsman was that the use of political whips to influence the outcome of a planning application was contrary to the National Code and amounted to maladministration. There is nothing in the Councillors' Code of Conduct which would contradict this view. By analogy the same would apply to licensing applications which are also quasi-judicial in nature. The use of political whips to influence the outcome of a licensing application could also give rise to an appeal or a legal challenge.

3. The Decision-Making Process**3.1 Pre-application Discussions**

3.1.1 Discussions between a potential applicant, relevant authorities, interested parties and the Council (through its licensing officers) prior to the submission of the application can be of considerable benefit. It should always be made clear at the outset that the discussions will not bind the Council to make a particular decision and that any views expressed by officers are personal and provisional. Advice should be considered and based upon the licensing objectives, the Council's Licensing Policy and government guidance. There should be no significant difference of interpretation by licensing officers. A written note should be made of all potentially contentious meetings and telephone discussions. A follow up letter may be advisable.

3.1.2 Councillors should not seek to advise applicants, agents, relevant authorities or interested parties about the likely acceptability of licensing proposals. They should advise on both policy and procedures. They should make it clear that they will only be in a position to take a decision after having

considered the officers' reports and any representations and heard any debate in the committee meeting.

- 3.1.3 Councillors should not meet applicants or agents or third parties in connection with a current or proposed licensing application. If councillors do agree to meet they should only do so in the presence of a licensing or legal officer. In exceptional circumstances, where it is not possible to arrange a meeting in the presence of an officer without causing undue delay councillors should notify the relevant officer of the proposed meeting beforehand and the notification should be recorded in the application file. Councillors should listen and may ask questions but should not comment or negotiate. They must make clear that any views they express are personal, rather than those of the Council. A note should be taken of the meeting and placed on the application file. The fact that a councillor has discussed any proposal with the applicant, agent, relevant authority or interested parties must be made clear when the application is before the committee for determination.
- 3.1.4 The two paragraphs above do not apply to councillors when they are acting as agents for people pursuing a licensing matter with the Council or submitting licensing applications on behalf of their employers as part of their job. However, they should make it clear to their clients that they cannot and will not use their position as a councillor to influence the outcome of an application.

PART 5 - PROBITY IN LICENSING**3.2 Reports to Committee**

Officer reports to committee should be accurate and cover, amongst other things, the substance of objections and views of consultees. Reports should be impartial and should not contain any recommendations. Oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur.

3.3 Committee Procedures and Decision

The committee's decision must be in accordance with the provisions of the Council's Licensing Policy unless material considerations indicate otherwise. Any decision contrary to the provisions of the Licensing Policy must be clearly justified and recorded in the Minutes.

3.4 Adjournments

Hearings should not be adjourned without proper justification. In no case should a hearing be adjourned to a date after which a decision is required to be taken by legislation.

3.5 Public Attendance at Committee Meetings

3.5.1 Except in exceptional circumstances where the public interest requires it licensing applications, other than those to be determined by officers exercising delegated powers, will be considered in public session and all background information will be made available for public inspection upon publication of the agenda papers, unless there are specific reasons for exempting information in accordance with the Local Government Act 1972. However to enable members to have a free and frank debate and exchange of views

the committee will normally consider it in the public interest to exclude the press and public from that part of the meeting when the members discuss the application and form their conclusions. The legal advisor will remain with the committee whilst it considers applications. However any legal advice will be given in public and the parties will be given the opportunity of commenting upon it.

- 3.5.2 The applicant, relevant authorities who have made representations and interested parties who have made relevant representations may speak at the meetings. They may if they wish be represented by a lawyer or some other person. With the permission of the committee these parties may also call witnesses. Permission to call a witness should not be withheld unreasonably.

3.6 Site Visits

Site visits are unlikely to be necessary and may lead to accusations of bias. In the event that a member of the committee considers that a site visit is necessary he should inform the Head of Legal Services in writing as soon as possible setting out his or her reasons as to why a site visit is required. A site visit will only be arranged if approved by the Chairman or (in the case of the request coming from the Chairman) the Vice-Chairman. Site visits if arranged will be on the day of the meeting and should be attended by all members who will take part in the decision making process. All site visits must be carried out in the presence of a licensing and/or legal officer. A site visit is not part of the formal committee proceedings and is not a forum for debate or making licensing decisions. Site visits are not open to the public and should not be used to canvass local opinions or promote an opportunity for lobbying or advocacy. Councillors should not express personal opinions during site visits.

*PART 5 - PROBITY IN LICENSING***4. Administrative Matters****4.1 Member Training**

Councillors will be given regular updates to keep them informed of important changes in legislation, procedures or practices, either verbally at meetings or as briefing notes (for example in the Members' Bulletin). Officers will arrange training on licensing issues. All members of the Council will be invited to attend. All members of the Licensing Committee should attend.

4.2 Complaints

Any complaints received about the way in which a licensing application or other licensing matter has been dealt with in terms of procedures or fairness will be investigated under the Council's complaints procedure. The fact that someone may disagree with the decision the Council has reached is not a complaint which will normally necessitate investigation as such. However, officers will explain the reasons for the Council's decision in any particular case.

GIFTS AND HOSPITALITY GUIDANCE

This note sets out the Council's guidance on dealing with offers of cash, gifts and hospitality from customers, contractors and those the Council regulates.

1. Why does the Council need guidance on gifts and hospitality?

The purpose of this guidance is to protect officers and the Council as a whole. In local government we need to be very careful to maintain public confidence in our own and the Council's actions. We are subject to public scrutiny and perception.

If you have any doubts about an offer of any gift or hospitality seek the advice of the Monitoring Officer. You should always record the offer of cash, gifts or hospitality with the Monitoring Officer within 28 days. Gifts and hospitality accepted to a value of £25 or more will be entered in your register of interests.

2. What if I am offered a fee or reward?

It is a criminal offence for any member to accept any fee or reward other than his proper remuneration. Any "fee or reward" can include money, gifts, presents, bribes or vouchers. Therefore, never accept cash or vouchers. Even if you have declined the offer always notify the Monitoring Officer that it has been offered.

3. Can I accept gifts?

As a general principle, you should not accept gifts in your capacity as a Councillor. You should politely and tactfully refuse offers of gifts or return them to the giver as soon as possible. If the refusal or return of a gift would cause offence then details of the gift should be recorded with the Monitoring Officer, gifts to a value of £25 or more will be entered in your register of interests.

PART 5 - GIFTS AND HOSPITALITY GUIDANCE**As a general rule, you should not accept gifts from:**

- a) contractors or potential contractors i.e. persons or businesses who supply or want to supply goods or services to the Council;
- b) those the Council regulates i.e. persons or businesses which it licenses or gives permissions or consents.

Gifts of the following type may be accepted:

- a) modest gifts of a promotional nature, e.g. calendars, pens etc;
- b) a modest gift on the conclusion of a courtesy visit to a business or which are presented at civic or ceremonial occasions;
- c) a modest gift presented to everyone at a conference or seminar.

These exceptions apply only to modest gifts. Expensive gifts should not be accepted.

Gifts which are intended for the Council as a corporate body or for a particular service area may be accepted, but not for personal use. Such gifts must be forwarded to the Personal Assistant to the Chief Executive.

4. Can I accept hospitality?

As a general principle hospitality should not be accepted. Hospitality is more likely to be acceptable when it is offered to a group rather than to just one individual. In any case, you should consider:

- a) the person, business or organisation offering the hospitality;

PART 5 - GIFTS AND HOSPITALITY GUIDANCE

- b) the scale and nature of the hospitality;
- c) the timing of the hospitality in relation to decisions to be made by the Council.

Some examples where it may be appropriate to accept hospitality are:

- a) Working lunches/dinner if :
 - i you and others are working on a project together;
 - ii you and others are partners in community issues eg Health Authority, Police etc.;
 - iii it is necessary for you to be able to carry out your function as a Councillor effectively.
- b) Customary lunches/dinners at conferences or seminars where there are numerous guests;
- c) Civic or ceremonial occasions when representing the Council or accompanying the Chairman or the Council's representative.

Some examples where it will not be appropriate to accept hospitality are:

- a) Expensive meals, dances, other entertainments;
- b) Paid or concessionary holidays, travel or accommodation;
- c) Other concessionary rates which are not openly and as a matter of practice available equally to other organisations;
- d) Frequent hospitality from one source.

If you have any questions on any part of this guidance do ask the Monitoring Officer.

*PART 5 - STATUTORY OFFICERS - PROTOCOL***STATUTORY OFFICERS - PROTOCOL****1. Statutory Officers****1.1 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/she must report to and provide information for the executive, the Full Council, the overview and scrutiny committee and other committees. He/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.

1.2 Monitoring Officer

- 1.2.1 Pursuant to Section 5 of the Local Government and Housing Act 1989 the Council is under a duty to designate one of its officers (to be known as the Monitoring Officer) as the officer responsible for performing the duties imposed by that Section.
- 1.2.2 The Monitoring Officer is under a duty to prepare a report to the Council or the executive if at any time it appears to him/her that any proposal, decision or omission by the Council or the executive or one of its committees, or officers, or by a joint committee on which the Council is represented, constitutes or may give rise to a contravention of any enactment, rule of law or statutory Code of Practice, or maladministration under Part III of the Local Government Act 1974. The Monitoring Officer must consult, so far as practicable, with the Head of Paid Service and

the Chief Finance Officer and arrange for a copy of the report to be sent to each member. These duties cannot be delegated. They must be performed personally or, when he/she is absent or ill, personally by a nominated deputy.

- 1.2.3 The officer designated as Monitoring Officer may not be the Head of Paid Service nor the Chief Finance Officer.

1.3 Chief Finance Officer

- 1.3.1 Pursuant to Sections 113 to 116 of the Local Government Finance Act 1988, the officer referred to in the Local Government Act 1972 as the Chief Finance Officer must make a report if it appears to him/her that the executive or a member of the executive or an officer performing an executive function or the authority has made or is about to make a decision to incur unlawful expenditure, or has taken or is about to take unlawful action likely to cause a loss or deficiency, or is about to enter an unlawful item of account, or will incur expenditure in excess of its resources. For non-executive functions, the Council is required to consider the report within 21 days. During the time between the report being issued and its consideration the Council is prohibited from making any payments other than those where there are contractual commitments.
- 1.3.2. The Chief Finance Officer has further duties arising from Section 151 of the Local Government Act 1972, The Local Government and Housing Act 1989 and The Accounts and Audit Regulations 1996.

PART 5 - STATUTORY OFFICERS - PROTOCOL

- 1.3.3 He/she is responsible for the proper administration of the authority's financial affairs; setting and monitoring compliance with financial management standards; advising on the corporate financial position and on the key financial controls necessary to secure sound financial management; providing financial information and preparing the revenue budget and capital programme.

2. Post Holders

- 2.1 Reference in this note to the Monitoring Officer also includes the Deputy Monitoring Officer and, with the exception of paragraphs 1.2.1, 1.2.2 and 3.1, the Chief Finance Officer and the Deputy Chief Finance Officer.
- 2.2 The Council is under a duty to provide the Monitoring Officer with such staff, accommodation and other resources as are, in his/her opinion, sufficient to allow his/her duties to be performed.

3. Protocol

- 3.1 The Council recognises that the role of the Monitoring Officer is a positive and preventative one, relating to the avoidance of illegality and maladministration and to the observance of Codes of Practice.
- 3.2 The Council shall publish the existence and nature of the role, by including reference to it in Members' and Staff Handbooks and in training or induction sessions for members and officers.
- 3.3 Each member and officer shall use his/her best endeavours to ensure the Council does not act unlawfully or against any Code of Practice or so as to give rise to maladministration or injustice.

PART 5 - STATUTORY OFFICERS - PROTOCOL

- 3.4 Each member and officer shall co-operate in every way possible so as to reduce the risk of a need for the Monitoring Officer to issue a formal report.
- 3.5 The Council recognises that it will be required to provide the monitoring officer with such resources as he/she requires to carry out his/her responsibilities.
- 3.6 The Council acknowledges the Monitoring Officer's entitlement to see all reports, agendas, minutes, documents and any other information he/she requires in furtherance of his/her duties.
- 3.7 The Council recognises that there is no general need for the Monitoring Officer to report on:
- (i) Minor procedural irregularities;
 - (ii) Matters which have already been reported to members by another officer and where members are fully aware of the illegality or maladministration involved;
 - (iii) Matters which are being resolved by other means eg most matters which have been referred to the Council's insurers;
 - (iv) Litigation in which the Council is involved, provided the Council's case is arguable;
 - (v) Cases where the Council has been convicted of some offence and a full report on the circumstances has already been submitted to members;
 - (vi) Most matters dealt with through the Council's complaints procedure unless these raise issues of illegality or maladministration which is inherently

PART 5 - STATUTORY OFFICERS - PROTOCOL

present in the Council's systems and therefore will recur unless corrected;

- (vii) Most cases in which the Ombudsman has made a finding of maladministration as this would duplicate a report which has, in any event, to be considered by members.

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

**Procedure for Considering a Complaint
under the Code of Conduct for Councillors**

Our Code of Conduct for Councillors is available on our website at www.uttlesford.gov.uk

A paper copy may be obtained on request to the Council's Monitoring Officer.

If you wish to make a complaint under our Code of Conduct, or under the Code of Conduct for one of the town or parish councils within Uttlesford, please send your complaint in writing to:

Simon Pugh, Monitoring Officer, spugh@uttlesford.gov.uk or Council Offices, London Road, Saffron Walden, CB11 4ER.

1. Purpose of the Code of Conduct procedure

This procedure covers the following topics:

- Some definitions.
- The sort of complaints we can consider.
- Making a complaint.
- Assessing the complaint.
- Investigating the complaint.
- Considering the Investigating Officer's report.
- The procedure for hearings before a Hearing Panel of the Standards Committee.
- What sanctions can be imposed if a complaint is upheld.

2. Some definitions

- 2.1 **“Assessment Panel”**: Assessment panels meet to decide on how to proceed with a complaint in cases

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

where this is not agreed between the Monitoring Officer and the Independent Person assigned to a complaint. Assessment panels are made up of three members of Uttlesford District Council who are also members of its Standards Committee.

2.2 **“Code of Conduct”**: Local councils, including Uttlesford District Council and parish councils within its area, must adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. The Code is expected to promote principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These principles are explained in the Code itself.

2.3 **“Hearing Panel”**: Hearing panels meet to consider complaints that members have breached the code of conduct. Hearing panels are made up of three members of Uttlesford District Council who are also members of its Standards Committee, together with a non-voting Independent Person.

2.4 **“Independent Person”**: This is a statutory role established by the Localism Act 2011. Uttlesford District Council is obliged to appoint at least one “independent person”. In fact, it has appointed three.

- An Independent Person’s views must be sought, and taken into account, by UDC before it makes decisions on allegations that it has decided to investigate.
- An Independent Person’s views must also be sought in the circumstances set out in this procedure.

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

- The views of an Independent Person may also be sought by a member or co-opted member of UDC or of one of the parishes in its area if that member's behaviour is the subject of an allegation.
- One of the Independent Persons will participate in hearing panels alongside elected members.

2.5 **“Investigating Officer”**: This is a person appointed by UDC to investigate a complaint against a member or a co-opted member.

2.6 **“Member”**: This term is used in this procedure to refer to an elected councillor or co-opted member of UDC or of one of the town or parish councils in its area.

2.7 **“Monitoring Officer”**: This is a statutory role provided for by the Local Government and Housing Act, 1989. UDC is obliged to designate one of its officers as Monitoring Officer.

- The Monitoring Officer has an oversight role in ensuring that local authorities act lawfully and address instances of maladministration.
- In the context of this procedure, the role of the Monitoring Officer is not to carry out formal investigation of complaints but to make some decisions on how to respond to complaints, in consultation with an Independent Person, and to provide advice and support to Hearing Panels.
- The Monitoring Officer is responsible for initiating steps towards the informal resolution of a complaint where informal resolution is identified as appropriate by the Monitoring Officer and the Independent Person who is advising on the complaint.

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

- The Monitoring Officer is also responsible for keeping a clear and auditable record of how complaints are considered.

2.8 **“Standards Committee”**: This is a committee made up of elected members of Uttlesford District Council. Its main role is to promote and maintain high standards of conduct by councillors and co-opted members. The membership of Hearing Panels is drawn from UDC’s Standards Committee.

3. The sort of complaints we can consider.

- 3.1 This procedure applies to complaints that a member has acted in a way that breaches the Code of Conduct. Uttlesford District Council (“UDC”) has a code of conduct for councillors and so do most town and parish councils. Some parish councils have the same code of conduct as UDC but some have their own codes.
- 3.2 The Code of Conduct only applies to councillors when they are conducting council business or are acting, claiming to act or are giving the impression that they are acting as a representative of the council to which they are elected. The Code of Conduct does not apply to their private lives.
- 3.3 We cannot consider complaints under this procedure that do not allege a breach of the Code. It is not a way simply of challenging decisions with which someone disagrees. There may be other ways of pursuing complaints or challenges to actions or decisions taken by councillors that do not relate to the Code of Conduct; for instance through a council’s complaints procedure, by complaining to the Local Government Ombudsman or through a statutory appeal process.

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

- 3.4 We can only consider complaints about councillors elected to UDC or to one of the town or parish councils within Uttlesford.

4. Making a complaint

- 4.1 Complaints should be made in writing, which includes email. They should be addressed to UDC's Monitoring Officer and set out full details of the complaint.
- 4.2 If a member of the public has difficulty in putting a complaint in writing, the Monitoring Officer shall arrange other means to record and register the complaint. If the scope or nature of a complaint is not clear, the Monitoring Officer may ask for more detail. In these circumstances the Monitoring Officer must ask the complainant to confirm that the complaint has been accurately recorded.
- 4.3 The Monitoring Officer will offer advice and assistance but will remain impartial between the complainant and the councillor who is the subject of the complaint.
- 4.4 'Anonymous' complaints will not normally be accepted. If a complainant requests anonymity, they must explain why. The Monitoring Officer will consult an Independent Person before deciding whether to accept a complaint on an anonymous basis. The Monitoring Officer shall record the reason for granting anonymity, if allowed.
- 4.5 Within 5 working days of receipt of the complaint in final form the Monitoring Officer shall acknowledge the complaint and provide a copy of the Code of Conduct and this procedure to the complainant.
- 4.6 Once a complaint is in final form, the Monitoring Officer shall send a copy of the complaint to the member who is the subject of the complaint. The Monitoring Officer

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

will aim to do this within 5 working days. However, the Monitoring Officer may decide not to do this if this might prejudice the investigation. The Monitoring Officer shall consult an Independent Member of the Standards Committee before withholding a copy of the complaint from the member who is the subject of the complaint.

- 4.7 If, at any stage, a complainant wishes to withdraw a complaint, the Monitoring Officer shall consult the Independent Person and may consult the member who is the subject of the complaint. Ordinarily consideration of a complaint would cease if the complainant wished to withdraw it. However, there may be circumstances in which it would be appropriate, in the public interest, to pursue a complaint despite the wishes of the complainant.
- 4.8 In the event that the Monitoring Officer receives a complaint that a councillor has failed to declare a disclosable pecuniary interest ("DPI") and there is evidence that a serious potential DPI offence may have been committed, they will make immediate contact with the Police through a nominated single point of contact. In these circumstances this procedure under the Code will be suspended pending consideration of the complaint by the Police. For the avoidance of doubt there is no requirement for the Monitoring Officer to refer cases to the Police where it appears there may have been a genuine error or oversight by the member concerned and no advantage has been secured by them.

5. Assessing the Complaint

- 5.1 Once the substance of a complaint is clear, the Monitoring Officer shall consult the Independent Member about how to proceed. Options at this stage include:
- No further action.

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

- Informal resolution.
- Formal investigation.

The Monitoring Officer shall, where appropriate, ascertain if the complainant and the member who is the subject of the complaint are prepared to attempt resolution of the complaint by informal means. Informal means may include mediation. In the event that informal resolution is not possible, the formal procedure will continue. Informal resolution may not be appropriate where a serious breach of the Code is alleged, where third party rights may be adversely affected or where there is a wider public interest in pursuing a formal investigation.

5.2 A number of factors, not limited to those below, will inform the Monitoring Officer's decision.

- Whether the alleged action relates to a breach of the code of conduct.
- When the action complained about occurred. (Complaints should be made in a timely manner and should usually be made within three months of the alleged breach.)
- Whether the alleged action is considered to be serious or minor/trivial.
- Whether the complaint appears to be politically motivated, vexatious or retaliatory.
- Whether the allegations relate to actions occurring whilst the member was acting in their official capacity or in their private capacity.
- Whether it is in the public interest to investigate.
- Whether the matter is considered suitable for alternative resolution and if so whether the member and the complainant are prepared to consider this alternative.

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

- Whether the complaint should be pursued by other means; e.g. through a parish or town council complaints procedure, through an appeals process or through complaint to the Local Government Ombudsman.
- Whether there is sufficient information on which to consider the complaint.
- In deciding whether to investigate a complaint, careful regard will be had to the right of members to freedom of expression and their role in contributing to political debate.
- Regard will also be had to whether an investigation is appropriate if a member has admitted the breach and has offered a sincere apology.

If the Monitoring Officer and Independent Member cannot agree on how to proceed, an assessment panel of the Standards Committee shall decide.

6. Investigating the Complaint

- 6.1 When there is a decision to investigate a complaint, the Monitoring Officer shall formally appoint an investigating officer with appropriate skills and experience. The appointment shall take account of any potential 'conflict' between the Investigating Officer and Member. If there is no suitable internal appointee, an officer from another authority or an external investigator may be appointed. The Investigating Officer must be prepared to attend any subsequent hearing.
- 6.2 On appointment, the Investigating Officer shall contact, and where possible meet, the complainant, to ensure a full understanding of the nature and substance of

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

the complaint. The Investigating Officer shall acquire a copy of any documentation offered or referred to as evidence, and take details of any witness or witnesses prepared to provide evidence. At this point, the complainant may not extend the scope of the complaint but may clarify any matters.

- 6.3 The Investigating Officer shall contact witnesses and either obtain signed and dated statements from them concerning the complaint, or interview them and obtain a signed and dated record of the interview from them.
- 6.4 Witnesses should generally be prepared to attend a hearing, and have their evidence examined and cross-examined.
- 6.5 Throughout the investigation process, any interviewee, including the complainant and the member, has the right for a 'friend' to attend. The 'friend' shall not normally act in a legal capacity.
- 6.6 After interviewing the parties and witnesses and considering the evidence, the Investigating Officer shall produce a draft report summarising the investigation and making provisional findings of fact. The draft report shall also indicate whether the Investigating Officer considers that there has been a breach of the Code of Conduct, with reasons.
- 6.7 The Investigating Officer shall send a copy of the draft report to both the complainant and the member, marked 'In Confidence', and invite the parties to identify anything in the report with which they disagree, or which they believe requires further consideration. The Investigating Officer shall receive and take account of any comments. If necessary, in the interests of accuracy and justice, this process may be repeated.

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

- 6.8 The Investigating Officer shall then submit a final report to the Monitoring Officer.

7. Considering the Investigating Officer's report.

- 7.1 The Monitoring Officer shall, on receipt, review the report and seek any clarifications necessary.
- 7.2 The Monitoring Officer will then send a copy of the final report to the Independent Person, to the complainant and to the member.
- 7.3 If the report concludes that the member has not breached the Code of Conduct, and the Monitoring Officer and the Independent Person accept the finding, the Monitoring Officer shall send all members of the Standards Committee a copy of the report for information.
- 7.4 If the report finds that the member has breached the Code of Conduct, the Monitoring Officer may consider that the matter does not require a formal hearing and informal resolution may resolve it. In this case, the Monitoring Officer shall consult the Independent Person and may propose a fair resolution that helps to ensure higher standards of conduct in the future. This may require the Member to acknowledge that their conduct was unacceptable. It may include a requirement for any of an apology, a process of conciliation, training or some other remedial action.
- 7.5 If informal resolution is not appropriate or proves not to be possible, the Monitoring Officer shall refer the matter for a formal hearing.
- 7.6 If the complaint is resolved informally, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action.

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

7.7 In all other circumstances, the Monitoring Officer shall refer the Investigating Officer's report to a panel of the Standards Committee for a formal hearing.

8. The procedure for hearings before a Hearing Panel of the Standards Committee.

8.1 Formal hearings will be conducted by a panel of three councillors drawn from membership of the Standards Committee on the basis of availability plus one of the Independent Persons.

8.2 A member of the Standards Committee, against whom a Code of Conduct complaint has been made, shall not be selected as a member of a Hearings Panel until consideration of the complaint has been concluded.

8.3 Agendas for hearings panels shall be published and hearings panels shall be held in public unless:

- This would involve disclosure of exempt information as defined by Schedule 12A, Local Government Act, 1972; and
- In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

8.4 Before a hearing panel meets, the Monitoring Officer shall write to the member and to the complainant, asking each:

- Whether they accept the finding in the report;
- Whether they dispute any factual part of the report, identifying any areas of dispute;

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

- Whether they wish to call any witnesses at the hearing (Only witnesses identified to the Investigating Officer by the complainant or by the member may be called as witnesses. In law, witnesses do not have to attend a hearing panel.);
- Whether the complainant wishes to be present at the hearing (The complainant shall be invited, but is not obliged, to attend the hearing. If the complainant is not present, the procedure below shall be adapted accordingly.);
- Whether they wish to be accompanied at the hearing.

8.5 In advance of a meeting of a Hearing Panel its members shall seek to agree who will chair the hearing. The Chair may issue directions about the conduct of the hearing. A member of a Hearing Panel shall not act as Chair unless they have received relevant training.

8.6 Subject to the discretion of the Chair, the hearing shall be conducted as follows:

- a. The Investigating Officer will be invited to present their report and to call witnesses. The complainant, the member and the Panel (including the Independent Person), in that order, may ask questions or seek clarification both of the Investigating Officer and any witnesses.
- b. The complainant will be invited to comment on the report and its findings and to call witnesses. The Investigating Officer, the member and the Panel, in that order, may ask questions or seek clarification both of the complainant and any witnesses.

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

- c. The member will be invited to comment on the report and its findings and to call any witnesses. The Investigating Officer, the complainant and the Panel, in that order, may ask questions or seek clarification both of the member and any witnesses.
 - d. The Investigating Officer, the complainant and the member will be invited, in that order, to make brief concluding remarks.
- 8.7 The Chair and Panel, including the Independent Person, may ask for advice at any stage from the Monitoring Officer.
- 8.8 Once the hearing has been concluded, the Hearing Panel, with the Independent Person, will retire to consider its decision. It may call on the Monitoring Officer to provide advice and guidance. The Hearings Panel is required to do the following: (i) to decide on the facts, (ii) to decide on whether these facts constitute a breach of the Code of Conduct, and (iii) to decide on the appropriate sanction.
- 8.9 In deciding whether or not to uphold the complaint the Hearing Panel must apply, as the standard of proof, the balance of probability, with the burden of proof resting on the Investigating Officer. The Hearing panel may only make an adverse finding if satisfied, on this basis, that the member has breached the Code of Conduct.
- 8.10 The Hearing Panel will then return and announce its findings on whether there has been a breach of the Code, with reasons.
- 8.11 Following announcement of the Hearing Panel's findings, the complainant and the member will be invited to make submissions, if necessary, regarding remedies or sanctions.

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

- 8.12 The Hearing Panel will then consider what, if any, sanction it wishes to impose. It shall retire whilst it considers this. It will then announce its decision and give reasons.
- 8.13 Following the hearing, the Monitoring Officer shall draft a record of the decision for approval by the Hearing Panel. Once the record of decision has been settled, a copy shall be sent to each of the parties.

9. Appealing a Decision about a Complaint

- 9.1 There is no right of appeal against a decision on a Code of Conduct complaint. If the complainant or the member considers that the complaint has not been considered properly by UDC, they may be able to complain to the Local Government Ombudsman or seek permission for judicial review.

10. Sanctions available to a Hearings Panel

- 10.1 The Hearings Panel has powers to take action in respect of individual councillors as necessary to promote and maintain high standards of conduct.
- 10.2 The Hearings Panel may do one, or a combination, of the following:
 - a. Issue a formal Censure or Reprimand to the Member
 - b. Report its findings to Council (or to the Parish or Town Council) for information
 - c. Recommend the Member's Group Leader (or in the case of ungrouped members, recommend the Council or Committees) to remove the Member from appointments to Committees or Sub-Committees of the Council

PART 5 - Procedure for Considering a Complaint under the Code of Conduct for Councillors

- d. Recommend the Leader of the Council to remove the Member from any appointment to the Cabinet, or from particular Portfolio responsibilities
- e. Instruct the Monitoring Officer to (or recommend that the Parish or Town Council) arrange training for the Member
- f. Recommend to the Council (UDC) or its Cabinet, or to the Parish or Town Council that all outside appointments to which he has been appointed or nominated by that Authority are removed
- g. Exclude (or recommend that the Parish or Town Council exclude), the Member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings
- h. If relevant, recommend that the Council removes the Member from the post of Leader of the Council.
- i. Publish its findings in respect of the Member's conduct.

In cases where a Hearings Panel makes an adverse finding against a Member, its decision will be published on the Standards Committee pages of the Council's website. This includes decisions relating to members of Town or Parish councils.

CODE OF CORPORATE GOVERNANCE

Uttlesford District Council's approach to ensuring effective Corporate Governance comprises seven key elements:

1. A corporate commitment to effective corporate governance
2. Effective planning and performance management processes
3. A commitment to openness and accessibility
4. Effective processes to ensure that the Council is accountable to its communities
5. Adequate arrangements for independent review
6. High standards of ethics and probity
7. Sound risk management practices

This Code offers particulars of how these elements are realised.

1. Corporate Commitment

- 1.1 The Council expressly and explicitly commits itself to the adoption of policies, practices and procedures, which ensure openness in all its dealings, subject only to the need to preserve confidentiality where it is proper and appropriate to do so.
- 1.2 The Council commits itself to articulating a vision for its communities, consistent with the district's Community Plan and to working towards the delivery of that vision through:
 - The Council's own strategies and programmes
 - Partnerships with other agencies and organisations

- Articulating and promoting that Vision to other agencies and organisations
- Assisting others to deliver that Vision

2. Clarity of Role and Purpose

- 2.1 The Council believes that a necessary prerequisite of effective governance is clarity in the roles of the various elements of the Council.

Full Council - the core roles being:

- to agree the Council's Budget and Policy Framework;
- various electoral matters (some of which are delegated to the Governance, Audit and Performance Committee) and
- to debate major issues affecting the district.

The Executive - discharges key roles in specified service areas of providing strategic leadership to the authority, and of ensuring that the authority successfully discharges its responsibilities.

At least one Scrutiny Committee - this committee scrutinises executive and committee decisions, monitors performance, and develops policy.

Regulatory Committees - the Planning Committee and Licensing and Environmental Health Committee discharge the Council's key (non-policy) regulatory functions. The Planning Committee considers development control matters, the Licensing Committee deals with individual applications regarding licenses. The Governance, Audit and Performance Committee deals with the Council's functions in respect

PART 5 - CODE OF CORPORATE GOVERNANCE

of internal governance, its constitution, electoral matters, audit and performance management.

A Schedule of Meetings is agreed each year, usually in February for the coming civic year, and is published on the Council's website, www.uttlesford.gov.uk. Additional meetings (particularly for the Licensing Committee) are held as required to deal with applications.

The Council's Constitution clearly sets out the respective roles of full Council, the executive, the overview and scrutiny committees, other committees and officers.

2.2 The Constitution also:

- 2.2.1 sets out clear processes and procedures for policy development; decision-making; reporting of decisions; scrutiny and call-in of decisions
- 2.2.2 contains procedure rules governing the conduct of the Council's business
- 2.2.3 refers to financial regulations and procedure rules governing management of the Council's finances and contracting for goods and services
- 2.2.4 sets out the roles and powers of the Head of Paid Service, Chief Finance Officer and Monitoring Officer, and their statutory duties with regard to the operation and management, financial management and ethical behaviour of the Council and its officers
- 2.2.5 includes a Protocol which sets out expectations of the relationship between elected members and officers, and

PART 5 - CODE OF CORPORATE GOVERNANCE

- 2.2.6 contains a Scheme setting out allowances and expenses payable to elected members in the discharge of their functions.
- 2.3 The Constitution sets out detailed schemes of delegation which clearly identify those matters which the Council or the Leader have delegated to committees of the Council or the executive, to executive members and to officers.
- 2.4 Complete and up-to-date job descriptions and person specifications are in place for all the Council's staff, setting out, inter alia, the purpose and key responsibilities of each employee. Also job descriptions have been agreed for the roles of councillor, Leader of the Council and committee Chairmen.
- 2.5 The staff remuneration is in accordance with a pay structure approved by the Council. The placing of individual posts on that structure is governed by job evaluation.
- 2.6 An Independent Remuneration Panel reviews members' allowances annually and makes recommendations on the appropriate level of allowances and on travelling and subsistence rates.
- 2.7 The Council has a corporate training programme. Roles of senior staff are defined and a management development programme is in place. A series of training programmes for team leaders and supervisors is held.
- 2.8 Induction training is also provided to all new recruits to the Council's employment.
- 2.9 A budget for elected member training has been agreed. There is an annual programme of member workshops on topical issues.

*PART 5 - CODE OF CORPORATE GOVERNANCE***3. Planning and Performance Management Processes****3.1 Vision**

The Council has set out its vision for the District. A Local Strategic Partnership, Uttlesford Futures, has been established comprising representatives from the public sector, business community and voluntary sector to develop a Community Strategy for the district. This Strategy is not restricted to the services the Council provides or is responsible for, but is intended to assist, encourage and influence all relevant agencies to take appropriate actions to realise that vision.

3.2 Planning

- 3.2.1 The Council annually adopts a Corporate Plan setting out its strategy relating to its own activities and functions, and reviews the continuing relevance of its strategies each year.
- 3.2.2 The Council conducts an annual review of the major pressures impinging upon and issues affecting the district and the Council's services.
- 3.2.3 Divisional Plans (which form the core of the annual Corporate Plan) are prepared each year for each of its areas of service, which reflect the priorities identified in the Corporate Plan and which relate to the Council's annual Revenue Budget and Capital Programme.
- 3.2.4 The Corporate Plan, Revenue Budget and Capital Programme are publicly available, and are published on the Council's website.
- 3.2.5 The annual divisional plans and budgets should inform every employee's appraisal and performance

PART 5 - CODE OF CORPORATE GOVERNANCE

development and review which demonstrate each employee's contribution to the achievement of the Council's vision.

- 3.2.6 The performance development and reviews also identify other development needs and contribute towards the formulation of the Council's corporate training programme.

3.3 Performance Management

- 3.3.1 Divisional Plans contain performance information and targets. These comprise both nationally stipulated and locally developed performance indicators.
- 3.3.2 Line managers are expected to take responsibility for the regular monitoring of their services and to report any particular concerns.
- 3.3.3 The Council's Strategic Management Board monitors performance on a monthly basis.
- 3.3.4 The Performance and Audit Committee monitors performance against specified indicators.

3.4 Partnership

- 3.4.1 The Council's Procurement Strategy helps the Council when reviewing services to determine whether it is appropriate for total or partial outsourcing of a given service to be explored. The Council has a PFI contract for the management of three leisure centres within the district.
- 3.4.2 The Council also has a commitment to working in partnership with other local authorities and relevant agencies where such partnership

PART 5 - CODE OF CORPORATE GOVERNANCE

working will improve services and/or deliver greater financial efficiency. To this end, the Council has entered into agreements with other councils for the provision respectively of payroll facilities and the management and enforcement of off and on street car parking and is actively exploring other partnership options.

4. Openness and Accessibility

4.1 Agendas, Reports and Minutes

- 4.1.1 The Council complies with the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985 and regulations made thereunder and the Local Authorities Executive Arrangements) (Access to Information) Regulations 2000 (as amended).
- 4.1.2 As a minimum, this provides inter alia that all meetings of the Council, Committees and of the executive at which key decisions are taken will be held in public. Subject only to the right of the executive to decide that meetings of the executive which are not considering key decisions shall be held in private, except where exempt or confidential information (as defined in the Act) is being considered, all meetings at which decisions are taken will be held in public. Moreover, the Council will construe the definition of “exempt or confidential information” tightly, so that the public will only be excluded from meetings from the minimum number of items.
- 4.1.3 Agendas for all formal Council member-level bodies will be posted on the Council’s website www.uttlesford.gov.uk

PART 5 - CODE OF CORPORATE GOVERNANCE

- 4.1.4 Where decisions are based on officer reports, these reports (except where they include exempt or confidential information) will be posted on the Council's website so as to be as widely available for inspection as possible.
- 4.1.5 The Council also complies with the Freedom of Information Act 2000. Its publication scheme was approved by the Information Commissioner in January 2009 and it has a detailed Freedom of Information Policy which can be found on the Council's website.

4.2 External Communications

- 4.2.1 No-one, however, can get an accurate picture of what the Council is doing merely from access to agendas, reports and minutes.
- 4.2.2 Accordingly, the District Council publishes a Council magazine *Uttlesford Life* on a regular basis.

4.3 Consultation

- 4.3.1 The Council will comply with the following principles when consulting the public on proposals.
- 4.3.2 Consultation by the Council with its citizens will be:
 - (i) Representative - so that the views of those consulted really do represent those of the wider community;
 - (ii) Reliable - so that findings from consultation can be relied on within certain limits of confidence;

PART 5 - CODE OF CORPORATE GOVERNANCE

- (iii) Sensitive to trends - so that the Council will know whether or not it is improving over time and responding to the community's aspirations;
 - (iv) Actionable - so that the Council has a chance to make the changes or improvements that residents want to see.
- 4.3.3 The aim and purpose of the Uttlesford Futures Partnership is to encourage extensive participation by key stakeholders in shaping a vision for the district and in influencing the future strategy of the District Council and its partner organisations.
- 4.3.4 In addition, the overview and scrutiny committee has the power to seek the views of, take evidence from and co-opt members of the public/stakeholders when carrying out investigations, policy reviews etc.
- 4.3.5 The Council has established a citizens' panel within the district to enable the views of residents to be gathered on a range of issues.

4.4 Liaison

- 4.4.1 The Council liaises with the various Chambers of Commerce and major employers to ascertain the views of the business community in the district on the Council's activities, and annual service and financial proposals. Additional meetings are held from time-to-time with representative bodies or individual businesses in key employment sectors, to discuss issues of concern and priorities.
- 4.4.2 The Council also undertakes regular liaison with representatives of service users. These include welfare agencies in connection with

PART 5 - CODE OF CORPORATE GOVERNANCE

both housing and housing benefit services. The Council facilitates meetings of the Uttlesford Benefits Forum when representatives of voluntary organisations meet the Council to discuss mutual issues.

4.4.3 Periodic meetings are held of Uttlesford Local Agenda 21 to ascertain views on sustainability.

4.4.4 The Council co-ordinates service focused forums for transport, arts, sport and tourism. There is regular liaison with the voluntary sector.

4.5 Public Accessibility/Participation

4.5.1 Members of the public are encouraged to contact their local councillor on any matter concerning the District Council's activities or any other matter affecting the district.

4.5.2 After giving advance notice members of the public are permitted to speak at the start of any formal meeting of the Council, the executive or their committees. They are also allowed to make representations on planning applications at meetings of the Planning Committee.

4.5.3 The Council's website also has a facility where citizens can make their views known.

5. Accountability

5.1 Access to Information

The cornerstone of the Council's accountability is its commitment to ensuring that citizens are aware of its activities, and have access to information about the decisions which the Council is taking - see under "Openness and Accessibility" above.

PART 5 - CODE OF CORPORATE GOVERNANCE**5.2 The Council's Performance**

- 5.2.1 The Council is committed to ensuring that its citizens are aware of its performance. Performance is monitored by the Governance Performance and Audit Committee. Reports to the committee and minutes of its meetings are published on the Council's website.
- 5.2.2 The Council publishes a comprehensive Statement of Accounts every year. This is prepared in accordance with accounting rules and practices agreed by the Chartered Institute of Public Finance and Accountancy and endorsed by the Council's external auditors. The Statement is posted on the Council's website.

5.3 Complaints

Citizens have the right to complain to:

- 5.3.1 the Council itself under its complaints procedure (a copy of which can be obtained from the Council Offices during normal office hours).
- 5.3.2 the Ombudsman if not satisfied with the outcome of using the Council's own complaints scheme;
- 5.3.3 the Information Commissioner (on data protection, freedom of information or environmental information issues) if not satisfied with the outcome of using the Council's own complaints scheme;
- 5.3.4 the Council about a breach of the Councillor's Code of Conduct.

6. Independent Review

6.1 Internal Audit

- 6.1.1 The Council's internal audit team is charged with independently monitoring the Council's activities; to review and report on compliance with policies, plans and procedures; to ensure good standards of financial management; the soundness of accounting and other internal controls; the safeguarding of the Council's assets; and the prevention and detection of fraud.
- 6.1.2 The audit team is responsible to the Governance, Audit and Performance Committee. The Internal Audit Manager reports to the Head of Legal Services. Copies of audit reports are issued to relevant officers and members for action and information.
- 6.1.3 External audit (see below) reports annually on the adequacy of internal audit arrangements.

6.2 External Audit

- 6.2.1 The Council's activities are also monitored by external auditors. Their responsibilities are set out in the Statement of Responsibilities of Auditors and of Audited Bodies published by the Audit Commission (www.audit-commission.gov.uk).
- 6.2.2 The External Auditors monitor the effectiveness of the Council's service and financial planning and performance management processes and practices.

PART 5 - CODE OF CORPORATE GOVERNANCE

- 6.2.3 They annually review the Council's financial standing, legality of financial transactions, systems of internal financial control, standards of financial conduct and the prevention and detection of fraud and corruption. They also audit and give an opinion on the Council's financial statements, and certify grant claims to Government.
- 6.2.4 They also issue periodic reports on matters which they have considered, and publish an annual Audit Letter which is issued to all members of the Council and discussed at a meeting of the Governance, Audit and Performance Committee and is posted on the Council's website.
- 6.2.5 All external audit findings are drawn to the attention of and recommendations agreed with, relevant staff, and, where appropriate, members. The implementation of agreed recommendations is monitored during the following audit.

6.3 Inspection

- 6.3.1 The Department of Work and Pensions carry out periodic reviews of the accuracy of the Council's Housing and Council Tax Benefit processing, and the effectiveness of measures in place to prevent and detect benefit fraud. Major inspection reports will be publicly available.
- 6.3.2 The Food Standards Agency undertakes inspections of local authority food enforcement services.
- 6.3.3 The Food and Veterinary Office of the European Commission carries out regular inspections on the control of imported animal products at Stansted Airport. It has a programme of inspections on the control of imported food of non-animal origin.

7. ETHICS AND PROBITY

- 7.1 The Council's Standards Committee, which comprises members of the Council, Independent Persons, who are non voting members of the committee (legislation prevents independent Persons from being voting members,) has overall responsibility for promoting high standards of ethics and probity in the Council.
- 7.2 It does so by promoting awareness and understanding of codes of conduct for both district and parish/town councillors.
- 7.3 The Council also has in place a Fraud and Corruption Policy aimed at ensuring adherence to the highest standards of ethics and probity, and a Whistleblowing Policy which encourages officers to report any action which they consider to be improper or unethical.
- 7.4 In order to ensure that members and officers understand and respect each other's roles, the Council has also introduced a Member-Officer Protocol which forms part of the Council's Constitution.
- 7.5 The Head of Legal Services holds the role of "Monitoring Officer". He/She has the task of advising the Council should it propose to do anything which is illegal, improper, unethical, contrary to any code of practice or would amount to maladministration.

8. RISK MANAGEMENT

- 8.1 Uttlesford District Council adopts a risk-averse approach to the management of the public money within its control. It also takes all reasonable steps to minimise the risk of loss, damage or injury to its staff and to members of the public visiting its buildings and other property.

PART 5 - CODE OF CORPORATE GOVERNANCE

- 8.2 The Council recognises that it needs to maintain a high level of public confidence in its decisions and its role as a provider of services.

To facilitate this it:

- Will maintain high standards of public accountability and openness;
- Comply with legal requirements;
- Safeguard public and staff health and safety, so far as is reasonably practicable; and
- Maintain systems to identify acts or omissions which would increase the Council's risks.

- 8.3 However, a totally risk-averse approach is not appropriate if the authority wishes to deliver efficient and effective services to its public and to exercise proper community leadership of the district. Accordingly, where the adoption of a risk-averse approach is not relevant, the Council will include in its decision-making processes an assessment of the nature, probability and impact of potential risks, and weigh them against the potential benefits of alternative courses of action.

- 8.4 It also seeks to manage such risks. Such management may include:

- controlling them through seeking specialist advice or adopting rigorous controls;
- transferring risk (e.g. by insurance);
- sharing the risk (e.g. by entering into partnership arrangements); and
- managing or mitigating the risk through internal controls.

8.5 Internal Controls and Procedures

- The Council maintains rigorous and effective systems to monitor financial transactions. Clear and effective Financial Regulations and Procedure Rules are referred to in the Council's Constitution and are available on the Council's website.
- It takes a medium-term view of its financial planning to ensure that resources are likely to be available to meet future demands.
- It ensures that policies and procedures are in place so as to secure, so far as possible, a safe and healthy working environment for its staff.
- It maintains a culture of compliance with legal requirements, and the Legal Services Section has the express role of ensuring that the Council is aware of its legal obligations.
- It endeavours to be open, accessible and accountable in all its dealings and it maintains and publicises procedures so that individuals feel secure in reporting perceived wrongdoing.
- It maintains codes of ethical conduct and offers guidance to members and staff on standards of good behaviour.
- It ensures, so far as is practicable, that its policies and decisions are publicised.
- It adopts standards for the maintenance of its buildings, property, plant and equipment and vehicles which ensure that they are as safe as is reasonably practicable.
- It uses the service plan and appraisal development procedures to attempt to ensure that adequate staff resources are available to deliver the Council's programme and that those staff are adequately supported and trained.

PART 5 - CODE OF CORPORATE GOVERNANCE

- It maintains effective emergency planning arrangements, and exercises and trains its staff in responding to potential civil emergencies, so as to ensure that the authority has the capacity to assist its communities to cope with and recover from disaster.

LOCAL AUTHORITY MEMBERS – RESTRICTIONS ON VOTING

1. In addition to the steps that may be taken directly against a local authority member who is in arrears with amounts of Council Tax, S106 of the Local Government Finance Act 1992 imposes a duty on a councillor whose payments are two months overdue to make a declaration to that effect and to refrain from voting, at any meeting where certain matters are being dealt with.
2. Section 106 applies at any time to a member of a local authority, or a member of a committee of a local authority or of a joint committee of two or more local authorities if, at that time, an amount of council tax has become payable by him and has remained unpaid for at least two months. If such a member is present at a meeting of the authority or committee and specified matters concerning the calculation of budget requirements, council tax amounts or precepts are to be considered he must, at the meeting and as soon as practicable after its commencement, disclose the fact that the section applies to him and that he cannot vote in the matter.
3. In the event that a member fails to comply with his duty under S106, he will, for each offence be liable on summary conviction to a fine not exceeding level 3 in the standard scale, unless he proves that he did not know that the section applied to him or that the matter in question was the subject of consideration at the meeting. Prosecution for an offence under this provision may only be instituted by or on behalf of the Director of Public Prosecutions.
4. If members require any clarification on the above please contact Adrian Webb, S151 Officer, on 01799 510421 or email awebb@uttlesford.gov.uk

PART 5 - LOCAL AUTHORITY MEMBERS – RESTRICTIONS ON VOTING**PROTOCOL ON THE USE OF COUNCIL-SUPPLIED COMPUTER FACILITIES BY MEMBERS****1 Introduction**

The Council provides Members with computer equipment to use to facilitate the performance of their duties as Members. This protocol sets out the conditions on which such facilities are provided.

2 Security for the equipment

- (a) The Member will not be held responsible for theft of loss or accidental damage to the computer equipment, provided s/he takes reasonable care of it. The Member agrees to make reasonable arrangements for the safe-keeping of the equipment while the equipment is in the Member's possession.
- (b) Access to the Council's information systems via the equipment will be available, but subject to password or other security. The Member shall ensure that no-one other than the Member is given access to those systems and shall not reveal any such password to any other person.

3 Use for Council Business

- (a) The equipment is provided to the Member specifically to facilitate the discharge of the Member's functions as a Member. The Member must therefore not use the equipment in any manner which will prevent or interfere with its use for that purpose.
- (b) Accordingly, the Member must not knowingly:
 - (i) misuse the equipment;
 - (ii) install or use any other equipment or software;

PART 5 - PROTOCOL ON THE USE OF COUNCIL-SUPPLIED COMPUTER FACILITIES

- (iii) use any device as a telephone or for any purpose whereby a charge may be incurred by the Council;
- (c) The Member must:
 - (i) Ensure that the equipment is maintained in a working condition;
 - (ii) Report any faults promptly to the ICT service desk (tel: 01799 510412);
 - (iii) Provide reasonable access to Council officers to service, maintain and repair the equipment.
- (d) The Council provides the equipment together with ancillary materials required for the Member's functions as a Member. Accordingly, the Council may decline to provide further equipment or material beyond a certain allowance where the use of such equipment or material appears to the Council to be required for private (non-Council) use.

4 Use for Private Purposes

- (a) The Member may use the equipment for private and family purposes;
- (b) The Code of Conduct restricts Members from improperly using Council resources for political (including party political) purposes. For this purpose improperly using Council resources for political purposes shall mean:-
 - (i) communications sent on Council headed notepaper or by way of electronic transmission on Council owned equipment which constitutes an attack on any individual Member, on a political group or the adopted policy of the Council;

PART 5 - PROTOCOL ON THE USE OF COUNCIL-SUPPLIED COMPUTER FACILITIES

- (ii) communications sent on Council headed notepaper or by way of electronic transmission on Council owned equipment which promote the views or policy of a political group which has not been adopted as the policy of the Council;
- (iii) canvassing support or opposition for a candidate or political group for any election provided that this shall not in any way restrict the use of Council resources for communications between Members or Council officers or restrict a Member from responding to individual constituents using Council resources;
- (c) The Council accepts no responsibility for private use of the equipment or any loss, costs or liability which the Member or any other person may suffer as a result of the use of Council supplied computer equipment.

5 Inspection and Audit

The Council reserves the right to inspect or audit the equipment at any time. The Member is required to give Council officers access at any reasonable time for such inspection and audit. Members are advised that the equipment includes a history file which records its use, and particularly any websites which it has accessed.

6 Costs

- (a) The Council will meet the cost of providing the computer equipment.
- (b) Each Member is responsible for his/her own electricity bill in using the Council supplied computer equipment.

PART 5 - PROTOCOL ON THE USE OF COUNCIL-SUPPLIED COMPUTER FACILITIES

7 Return and Recovery of the equipment

- (a) The equipment remains the property of the Council.
- (b) The Council reserves the right to require the Member to return the equipment at any time and the right to recover the equipment from the Member.
- (c) The Member is required to return the equipment to the Council upon ceasing to be a Member.
- (d) The Member is required to return the equipment to the Council in the event that the Member's use of IT equipment is suspended by the Standards Committee of the Council.

8 Data Protection/Freedom of Information

- (a) Members are covered by the Council's registration under the Data Protection Act 1998. As such the subject access provisions of that Act apply. This means that a person about whom a Member holds information electronically on Council owned equipment may require all such information to be disclosed to them unless a statutory exemption applies. A Member not wishing a disclosure to be made in response to a request should consult with Legal Services to ascertain if such an exemption may apply.
- (b) Where a Member stores information other than as representative of the Council on the Council's systems the Council generally holds this information on behalf of the Member, not on its own account. Accordingly the Council will not "hold" the information for the purposes of the Freedom of Information Act 2000 and would not normally be required to disclose it in response to a request for information made under that Act. Information stored by Members as representatives of the Council

PART 5 - PROTOCOL ON THE USE OF COUNCIL-SUPPLIED COMPUTER FACILITIES

is disclosable under the Act, however, unless a statutory exemption applies. Members will be consulted regarding any request for information stored by them and if a Member objects to the information being disclosed Legal Services will advise as to whether an exemption exists which may be applied.

9 Restriction of Use

The Council reserves the right to restrict the use of the equipment if it has reason to believe that the use of the equipment is likely to offend any provision of the Protocol. In particular, the Council reserves the right to:

- (a) remove or disable any software or equipment not installed by the Council;
- (b) remove any information not relating to the business of the Council or the office of Member;
- (c) disable remote access.

10 Additional advice

Attached to this Protocol is Annex A, which gives advice on the health & safety aspects of using Council supplied computer equipment at home. During their induction Members have been made aware of the Council's policy on the use of email and the internet on Council supplied computer equipment.

This policy is available on request from Democratic Services.

PART 5 - PROTOCOL ON THE USE OF COUNCIL-SUPPLIED COMPUTER FACILITIES

ANNEX A: ADVISORY HEALTH AND SAFETY GUIDELINES FOR MEMBERS WHEN USING DISTRICT COUNCIL IT EQUIPMENT AT HOME

1. The Council needs to consider the health and safety requirements regarding home working as they relate to Members using Council-provided IT equipment in their homes.
2. A copy of the Health and Safety Executive leaflet on home working is enclosed. Please read it carefully.
3. It is important that the electrical system in Members' homes is properly constructed and maintained. Anyone with a modern home (built in the last 20 years) should be alright; however older properties, or a property that has not been rewired with in the last 25 years, should advise the IT section of this. They will then contact the Central Safety Advisory Service for advice on the suitability of the electrical system in the Member's home. However, the cost of any remedial work is the responsibility of the homeowner.
4. Members who work from home will have their workstation assessed to comply with the Display Screen Equipment Regulations.
5. Please remember never to eat and/or drink close to electrical/IT equipment.

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL**Constitution of the Uttlesford Youth Council****Objectives**

The Uttlesford Youth Council exists to give the young people of Uttlesford a voice in the affairs of the Uttlesford District Council (UDC). It endeavours to represent specifically the views of young people, especially on those issues in which they have particular interest.

The Youth Council will be recognised in the Constitution of the District Council, and its members will be invited to attend meetings of the Full Council and will be offered a suitable speaking slot to voice matters of concern to young people up to twice annually, and also exceptionally, by prior arrangement with the Democratic Services of the District Council.

The Youth Council will engage with the District Council on any matters of concern and the District Council will in turn undertake to provide a response within ten working days of the matter first being raised.

Electing councillors**Eligibility**

Candidates for the Youth Council must

- (a) be aged at least 13 on the 31st of August in the calendar year in which the elections for which they are standing are held, and no older than 19 when they stand for election, and
- (b) be either
 - (i) living or working in the district, or
 - (ii) attending school, college, or sixth form in the district

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL

There is no limit on the number of terms that a councillor may serve, nor any restrictions on standing consecutively.

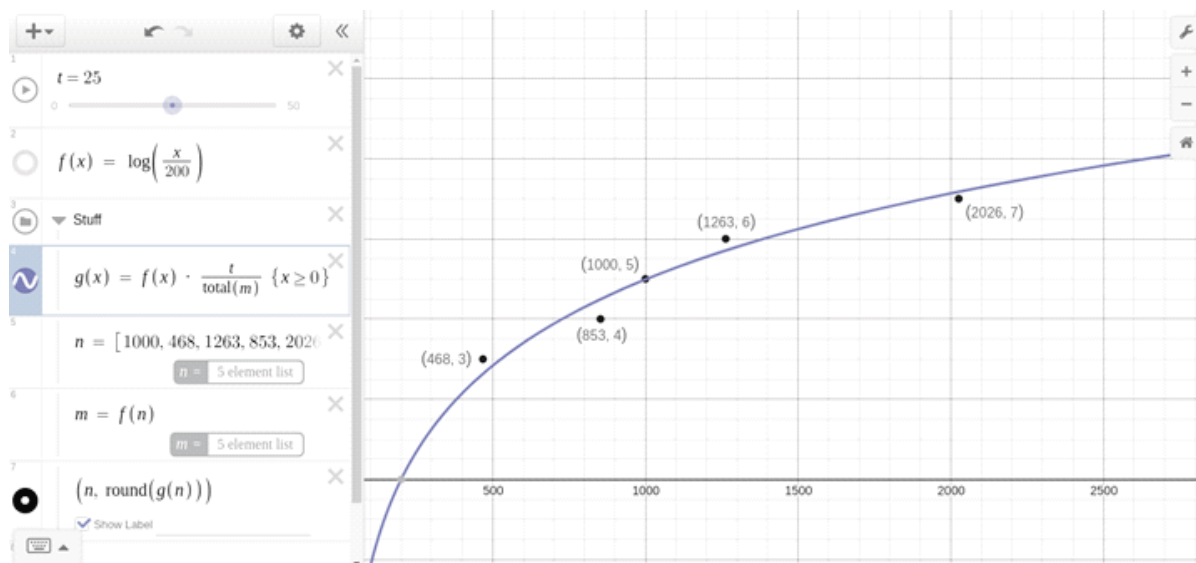
Election pools (constituencies)

Constituency	Number of students (201601)	Number of seats
Felsted School	~ 1,000	5
Forest Hall School	468	3
Helena Romanes School and Sixth Form Centre	1,263	6
Joyce Frankland Academy, Newport	853	4
Saffron Walden County High School	2,026	7
Residents not attending school in the district	-	3

A number of seats on the council be available for each secondary school, college, and sixth form in the district, with weightings based upon their sizes thus:

The number of seats for each constituency is calculated according to this graph, where t is the total number of seats across the constituencies, and n is a list of the student numbers of the constituencies:

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL



In addition to the school-based seats, three seats are available for residents of the district who meet the eligibility criteria but who do not attend school, college, or sixth form in the district (see table above). Those who wish to stand for the Youth Council will be invited to apply by application. Applications will be considered by the Youth Council at the first meeting after the election and successful candidates co-opted.

If the Youth Council has any vacant seats following elections or after resignations, then it may, by majority vote, co-opt an eligible member to fill each seat. Substitutes who wish to be co-opted are to be considered for the seat first, before seeking to co-opt a member who did not stand for election.

Election

Each educational institution is given the responsibility to hold its own elections. The Youth Council will offer support to the institutions to hold campaigns, promote the elections, and hold the elections with the help of the incumbent councillors for that institution.

The candidates for each constituency will be ranked in descending order of preference after voting. The number of councillors to be elected for each school will be taken from the list of candidates in descending order of votes given to each candidate (beginning with

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL

the candidate with the highest number of votes). The remaining candidates, unless they decide to opt out, will become deputies. If a councillor cannot attend a meeting, then they are to nominate one of the deputies to attend as a substitute. The term of a deputy is one year. In the event of a councillor leaving the Youth Council, the deputies are invited in order of lessening preference to fill the vacancy and become a councillor.

Any seats belonging to a councillor whose term has not expired and who is not standing down will not filled by election.

Elections to fill any vacant seats shall take place during a two week period in October or November annually, as agreed by the Youth Council to fit best within school term times. The terms of the councillors-elect will begin on the day of election. The duration of each term shall be approximately one year, ending on the day of the election after that in which they were elected.

General principles

The Youth Council will adhere to the following principles:

- (a) Although councillors are still permitted to be a member of a political party whilst serving their term, the Youth Council itself will always be strictly non-party political, and all meetings will be conducted on that fundamental principle.
- (b) Councillors will not miss school, college, sixth form, or work to undertake any duties for the Youth Council, unless in exceptional circumstances where it has been permitted for the councillor in question by
 - (i) their school, and
 - (ii) their parent or guardian (if under 18 years of age).
 - (iii) their employer
- (c) All councillors shall endeavour constantly to remain aware of and represent the interests of their constituents.

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL**Meetings**

- (a) The Youth Council will hold a full meeting every other month, scheduled in the previous meeting to be
 - (i) during the first week of the month,
 - (ii) in a venue in Uttlesford to which either the Uttlesford District Council or the Essex Youth Services has access, and
 - (iii) from 17:30 to 19:30, unless otherwise agreed. Meetings may be held more frequently if necessitated by urgent business to be considered.
- (b) Meetings of the Youth Council are open to members of the public, district councillors and officers, by prior arrangement through contacting someone nominated by the Youth Council. Any young person whom the Youth Council represents is permitted by prior arrangement to attend an open-session forum at the beginning of the meeting and participate in discussions, but will have no vote. The Youth Council may vote to expel any person on the basis of disruptive behaviour.
- (c) Minutes will be taken at full council meetings, by a councillor confirmed for the role at the beginning of the meeting, comprising at least
 - (i) a list of all councillors present and all apologies received,
 - (ii) details of proposals made and the outcomes of votes upon them,
 - (iii) any significant contributions to discussions by a councillor, and

If a councillor is not available to fulfil this role, the District Council will provide the services of an officer (usually from the Democratic Services team) to undertake this role. Minutes will be published on the Youth Council's page of the website.

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL

- (d) An agenda for each full council meeting will be produced and circulated with at least five full days before the meeting. The agenda will include the undermentioned standard items as well as any matters for discussion as agreed by the chairman. The standard items are:
 - (i) apologies made by councillors who cannot attend the meeting,
 - (ii) minutes of the last meeting to be signed off for accuracy,
 - (iii) any items of business specified on the agenda,
 - (iv) any other urgent business, and
 - (v) the date, time, and venue of the next meeting.
- (e) A meeting of the Youth Council will only be quorate if it comprises
 - (i) at least seven councillors, and
 - (ii) councillors representing at least three different constituencies.

Proposals

Proposals

Any councillor may make a proposal in a meeting. The proposer may withdraw their proposal at any time before voting. The procedure for motion to be considered is as follows:

- (a) The proposal must first be seconded.
- (b) The proposal is then opened for discussion and debate by the councillors present.
- (c) Whilst discussion is open, the proposer may agree to amend their proposal, or any councillor can propose an amendment. If either the original motion or any

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL

amendment proposed is seconded, it will be put to the vote and determined by a majority show of hands.

Majority show of hands

First those in favour of the motion will be asked to raise their hands, and then those against. Each councillor may only vote once. Any hands which are not raised will be counted as abstentions. For the motion to be passed, a simple majority of councillors who voted must vote for the motion.

If the vote is tied, a second discussion period shall ensue, followed by a second vote. If this is also tied, the person acting as chairman will have a casting vote.

A councillor is only eligible to vote if they have been present for the entire discussion of the motion.

Chairmanship**Chairman****Election**

A chairman will be elected with a term of one year, in the last full meeting under the chairmanship of the incumbent chairman. Any councillor may stand for the role of chairman, unless they are the incumbent chairman. Time will be allocated towards the end of the meeting for candidates to make a short speech, and for a vote to be taken. The chairman will be elected by secret ballot. The candidate with the plurality of votes (the most votes, whether or not by overall majority of those present) will be elected.

The chairman-elect's term will begin at the end of the meeting in which they are elected.

Role

The chairman will be responsible for

- (a) chairing full meetings during their term (including ensuring that minutes are taken, directing the Youth Council through the agenda, and overseeing discussions and voting),
- (b) agreeing agenda items for full meetings during their term,
- (c) appointing councillors to working groups and appointing chairmen of working groups, and
- (d) communicating with the chairmen of the working groups to ensure that they have the resources needed.

After a second discussion period, the chairman receives a casting vote to determine the outcome of a tied vote. The chairman can delegate work as agreed to the vice chairman either at or outside of formal meetings, provided that a report back is made to the next meeting.

Vice Chairman

Election

A vice chairman will be elected at the same time, and with the same term and method of election, as the chairman.

Role

The vice chairman will chair meetings in the absence of the chairman. They are expected to assist with the chairman's work outside of meetings.

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL**Working groups**

A working group is a voluntary team of councillors which exists to research and make proposals relevant to the terms of reference on which it has been set up. A working group may be created by vote at a meeting. Upon the creation of a working group, the chairman will either before the conclusion of the meeting or immediately after the meeting has finished:

- (a) appoint councillors to serve on the working group - the chairman will ask for a show of hands for volunteers, and should appoint an appropriate number of councillors to the working group, taking into account the number of other working groups on which each councillor sits and the distribution of schools across the councillors -,
- (b) appoint a chairman, or two co-chairmen, of the working group - the chairman will ask the working group's members for a show of hands for volunteers, appointing the chairman or co-chairmen based upon suitability for the working group -, and
- (c) with the members of the working group, agree suitable terms of reference and a date by which the working group must report back, and set a date, time, and venue for the first meeting of the working group.

Ceasing to be a councillor

A councillor will cease to be a councillor

- (a) at the end of their term of office, failing re-election,
- (b) upon formally resigning, by means of signed letter given to the chairman (or vice chairman if the resigning councillor is the chairman),

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL

- (c) upon moving out of the area or school, college, or sixth form which they represent,
- (d) by failing to attend five meetings in a row, having received a warning letter after missing two in a row, or
- (e) by being expelled for poor attendance and poor performance. If a councillor misses two meetings in a row, their expulsion on the basis of poor attendance will be put forwards for discussion at the third meeting. The rest of the Youth Council is to vote upon the matter, guided by evidence of how likely the councillor is to adequately improve their attendance in future meetings, and how useful the councillor has been to the Youth Council outside of the Full Council meetings (such as in working groups).

Constitutional review

A proposal can be made at any Council meeting to amend any part of the Constitution. The Constitution will be approved by the District Council and any amendment must be agreed by majority vote at a Council meeting.

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL**Meetings**

- (a) The Youth Council will hold a full meeting every other month, scheduled in the previous meeting to be
 - (i) during the first week of the month,
 - (ii) in a venue in Uttlesford to which either the Uttlesford District Council or the Essex Youth Services has access, and
 - (iii) from 17:30 to 19:30, unless otherwise agreed. Meetings may be held more frequently if necessitated by urgent business to be considered.
- (b) Meetings of the Youth Council are open to members of the public, district councillors and officers, by prior arrangement through contacting someone nominated by the Youth Council. Any young person whom the Youth Council represents is permitted by prior arrangement to attend an open-session forum at the beginning of the meeting and participate in discussions, but will have no vote. The Youth Council may vote to expel any person on the basis of disruptive behaviour.
- (c) Minutes will be taken at full council meetings, by a councillor confirmed for the role at the beginning of the meeting, comprising at least
 - (i) a list of all councillors present and all apologies received,
 - (ii) details of proposals made and the outcomes of votes upon them,
 - (iii) any significant contributions to discussions by a councillor, and

If a councillor is not available to fulfil this role, the District Council will provide the services of an officer (usually from the Democratic Services team) to undertake this role. Minutes will be published on the Youth Council's page of the website.

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL

- (d) An agenda for each full council meeting will be produced and circulated with at least five full days before the meeting. The agenda will include the undermentioned standard items as well as any matters for discussion as agreed by the chairman. The standard items are:
 - (i) apologies made by councillors who cannot attend the meeting,
 - (ii) minutes of the last meeting to be signed off for accuracy,
 - (iii) any items of business specified on the agenda,
 - (iv) any other urgent business, and
 - (v) the date, time, and venue of the next meeting.
- (e) A meeting of the Youth Council will only be quorate if it comprises
 - (i) at least seven councillors, and
 - (ii) councillors representing at least three different constituencies.

Proposals

Proposals

Any councillor may make a proposal in a meeting. The proposer may withdraw their proposal at any time before voting. The procedure for motion to be considered is as follows:

- (a) The proposal must first be seconded.
- (b) The proposal is then opened for discussion and debate by the councillors present.
- (c) Whilst discussion is open, the proposer may agree to amend their proposal, or any councillor can propose an amendment. If either the original motion or any

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL

amendment proposed is seconded, it will be put to the vote and determined by a majority show of hands.

Majority show of hands

First those in favour of the motion will be asked to raise their hands, and then those against. Each councillor may only vote once. Any hands which are not raised will be counted as abstentions. For the motion to be passed, a simple majority of councillors who voted must vote for the motion.

If the vote is tied, a second discussion period shall ensue, followed by a second vote. If this is also tied, the person acting as chairman will have a casting vote.

A councillor is only eligible to vote if they have been present for the entire discussion of the motion.

Chairmanship**Chairman****Election**

A chairman will be elected with a term of one year, in the last full meeting under the chairmanship of the incumbent chairman. Any councillor may stand for the role of chairman, unless they are the incumbent chairman. Time will be allocated towards the end of the meeting for candidates to make a short speech, and for a vote to be taken. The chairman will be elected by secret ballot. The candidate with the plurality of votes (the most votes, whether or not by overall majority of those present) will be elected.

The chairman-elect's term will begin at the end of the meeting in which they are elected.

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL

Role

The chairman will be responsible for

- (a) chairing full meetings during their term (including ensuring that minutes are taken, directing the Youth Council through the agenda, and overseeing discussions and voting),
- (b) agreeing agenda items for full meetings during their term,
- (c) appointing councillors to working groups and appointing chairmen of working groups, and
- (d) communicating with the chairmen of the working groups to ensure that they have the resources needed.

After a second discussion period, the chairman receives a casting vote to determine the outcome of a tied vote. The chairman can delegate work as agreed to the vice chairman either at or outside of formal meetings, provided that a report back is made to the next meeting.

Vice Chairman

Election

A vice chairman will be elected at the same time, and with the same term and method of election, as the chairman.

Role

The vice chairman will chair meetings in the absence of the chairman. They are expected to assist with the chairman's work outside of meetings.

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL**Working groups**

A working group is a voluntary team of councillors which exists to research and make proposals relevant to the terms of reference on which it has been set up. A working group may be created by vote at a meeting. Upon the creation of a working group, the chairman will either before the conclusion of the meeting or immediately after the meeting has finished:

- (a) appoint councillors to serve on the working group - the chairman will ask for a show of hands for volunteers, and should appoint an appropriate number of councillors to the working group, taking into account the number of other working groups on which each councillor sits and the distribution of schools across the councillors -,
- (b) appoint a chairman, or two co-chairmen, of the working group - the chairman will ask the working group's members for a show of hands for volunteers, appointing the chairman or co-chairmen based upon suitability for the working group -, and
- (c) with the members of the working group, agree suitable terms of reference and a date by which the working group must report back, and set a date, time, and venue for the first meeting of the working group.

Ceasing to be a councillor

A councillor will cease to be a councillor

- (a) at the end of their term of office, failing re-election,
- (b) upon formally resigning, by means of signed letter given to the chairman (or vice chairman if the resigning councillor is the chairman),

PART 5 - CONSTITUTION OF THE UTTLESFORD YOUTH COUNCIL

- (c) upon moving out of the area or school, college, or sixth form which they represent,
- (d) by failing to attend five meetings in a row, having received a warning letter after missing two in a row, or
- (e) by being expelled for poor attendance and poor performance. If a councillor misses two meetings in a row, their expulsion on the basis of poor attendance will be put forwards for discussion at the third meeting. The rest of the Youth Council is to vote upon the matter, guided by evidence of how likely the councillor is to adequately improve their attendance in future meetings, and how useful the councillor has been to the Youth Council outside of the Full Council meetings (such as in working groups).

Constitutional review

A proposal can be made at any Council meeting to amend any part of the Constitution. The Constitution will be approved by the District Council and any amendment must be agreed by majority vote at a Council meeting.

This page is intentionally left blank

PART 6 – Members' Allowance Scheme

Contents Page

	Page
The Scheme	(6) 2
Schedule 1 – Level of Allowances	(6) 4
Schedule 2 – Travelling and Subsistence Rates	(6) 6
Schedule 3 – Approved Duties	(6) 8

PART 6 - MEMBERS' ALLOWANCE SCHEME

1. Background

Councillors are entitled to receive a range of allowances for their Council duties. The allowances to be paid are reviewed annually after taking account of recommendations made by an Independent Remuneration Panel appointed by the Council.

The Council has approved payment of the allowances set out in Schedule 1 below. For further details please refer to the Council's website under www.uttlesford.gov.uk.

1.1 Basic Allowance

This is the same amount for all members. It takes account of activities such as attending Council and committee meetings of which the councillor is a member, all work undertaken as a ward member including dealing with constituents and attending parish council meetings, representing the Council on outside bodies to which the member has been appointed, relevant political activity and other incidental costs incurred such as printing, postage, stationery and telephone calls.

The basic allowance reflects the average time commitment of councillors as assessed by the Independent Remuneration Panel. The basic allowance paid assumes a time commitment of 10 hours per week for 52 weeks each year, amounting to 520 hours per annum. The 520 hours allowed is broken down into 65, eight hour days per year.

The hourly rate is then offset by a public sector discount of 35%, deducted from the resultant sum.

The basic allowance is not presently tied to any specific index as the Local Government Association no longer publishes a recommended daily rate.

1.2 Special Responsibility Allowance

This may be paid to certain councillors, in addition to the basic allowance, who have special responsibility in relation to the Council.

Only one SRA is payable to a member at any one time, and will be the higher of the two or more allowances to which a member is entitled. The only exception to this rule is for substitute members of the Planning Committee, who in this capacity are not fulfilling a duty which they have agreed to take on as a permanent role, and instead are filling in for other members of their party when necessary.

1.3 Travel, Mileage, Meals and Refreshments

A Councillor may claim the cost of getting to and from any activity defined as an approved duty in Schedule 3, as well as any relevant subsistence for being away from home or work for a certain period of time in connection with that duty. Appropriate receipts must be provided for the purchase of fuel before a

claim can be approved. Refer to Schedule 2 for details of the travel and subsistence scheme in operation.

1.4 Carer's Allowance

Carers' allowance is payable where expenditure is exclusively incurred in arranging for care of children or dependent relatives. Appropriate receipts must be provided before a claim can be approved.

2. Remuneration Panel

Since April 2002 the Council has been required to establish and maintain an Independent Remuneration Panel to make annual recommendations as to the level of the Basic Allowance and the type and level of Special Responsibility Allowances. The role of the Panel includes making recommendations on travelling and subsistence claims including for meals and refreshments.

Before voting on the level of allowance, the Council must consider the recommendations of the Panel.

3. Submission of claims

Members are asked to claim on a monthly basis and to submit claims to the Democratic and Electoral Services Manager for approval using iTrent which is the Council's HR and payroll system. All claims must be submitted in accordance with the deadline set out in paragraph 7 of Schedule 2.

4. Option to forgo

A councillor may elect to forgo any part of his or her entitlement to an allowance under the scheme by giving notice in writing to the Chief Executive.

5. Part year entitlement

If the term of office or duties undertaken by a councillor begins or ends part way through a municipal year, or if amendment of the scheme during a municipal year changes the amount to which a councillor is entitled, then calculation of the allowance payable shall be on a pro-rata basis.

6. Absence of Committee Chairman

In the case of the extended absence of a committee chairman from Council duties (3 months or more) then the relevant vice-chairman shall be remunerated on a pro rata basis as if acting as the chairman until such time as the chairman returns to his/her duties.

7. Interpretation of rules

The Chief Executive in consultation with the appropriate portfolio holder is authorised to deal with any matters arising out of the interpretation of these rules.

SCHEDULE 1 - MEMBERS' ALLOWANCE SCHEME 2019/20

The basic allowance is set at £5,254.54 per annum and is payable to all Members regardless of any Special Responsibility Allowance they may receive. All Special Responsibility Allowances payable are set out in the following table:

Allowance	Amount
Basic Allowance	£5254.54
Chairman of the Council	£4203.63 + civic expenses
Vice Chairman of the Council	£2101.81
Leader of the Council	£12,873.62
Deputy Leader of the Council	£6,830.90
Portfolio Holders	£6305.45
Overview/Scrutiny and Ordinary Committee Chairmen	£3678.18
Chairman of Licensing and Environmental Health Committee	£3940.91
Members of Licensing and Environmental Health Committee	£242.52 (to be paid in a municipal year when at least ten meetings of the Committee take place in a purely regulatory capacity; a payment will be made to members attending at least 50% of those meetings).
Chairman of Planning Committee	£3940.91
Members of Planning Committee	£485.03
Substitute members of the Planning Committee	£121.26 (to be paid in a municipal year when a substitute member of the Planning Committee has attended at least 25% of meetings of that committee).
Chairman of Standards Committee	£2101.82
Main opposition group leader	£3678.18

Other opposition group leader	£2101.82
Independent representatives on the Standards Committee	£525.45
Panel members of Independent Remuneration Panel	£525.45

Explanatory notes about how the Special Responsibility Allowances are calculated:

Chairman of the Council - 80% of the basic allowance

Vice-Chairman of the Council - 40% of the basic allowance

Leader of the Council - 245% of the basic allowance

Deputy Leader of the Council - 130% of the basic allowance

Members of the Executive - 120% of the basic allowance

Chairmen of overview, scrutiny and ordinary committees - 70% of the basic allowance

Chairman of Licensing and Environmental Health Committee - 75% of the basic allowance

Members of the Licensing and Environmental Health Committee - 3, 8-hour days at the daily rate (calculated by dividing the basic allowance by 65, 8 hour days, equivalent to 520 hours per annum)

Chairman of Planning Committee - 75% of basic allowance

Members of the Planning Committee - 6, 8-hour days at the daily rate (calculated by dividing the basic allowance by 65, 8 hour days, equivalent to 520 hours per annum)

Substitute Members of the Planning Committee – 25% of the SRA for members of the Planning Committee

Chairman of the Standards Committee - 40% of the basic allowance

Leader of the largest opposition group - 70% of the basic allowance

Leader of all other opposition groups - 40% of the basic allowance

Independent members of the Standards Committee - benchmarked to 10% of the basic allowance

Members of the Independent Remuneration Panel - benchmarked to 10% of the basic allowance (although this allowance is not reviewed by the Panel and is agreed independently by the Council)

SCHEDULE 2 - TRAVEL, MILEAGE, MEALS AND REFRESHMENTS

The following policy and rates for reimbursement will apply from April 2018 in dealing with all claims submitted by members in accordance with the definition of approved duties in Schedule 3

1. Mileage Rates

The applicable rates will be set at HM Revenues and Customs approved rates. The rates listed in the table below are applicable from 6 April 2011 onwards and will be updated as soon as HMRC rates alter.

Category	Rate per mile
Cars and vans (applicable to all engine sizes)	45p (up to 10,000 miles p/a) Subsequent miles per annum (above 10,000 miles) @ 25p per mile
For each passenger making same business trip in the same vehicle	5p
Motorcycles	24p
Pedal cycles	20p

2. Public Transport

Reimbursement of public transport fares (second class) supported by appropriate receipts.

3. Car Parking

Reasonable car parking charges will be reimbursed upon the provision of relevant receipts.

4. Meals and Refreshments

Reimbursement will be made of actual expenditure supported by receipts covering breakfast, lunch, tea and evening meal, where appropriate, when on Council business in accordance with the definition of approved duty. The expense limits set out below will apply to claims for the reimbursement of meals and refreshments taken by the member claiming the expense. Expenses incurred on guests will not qualify for reimbursement.

The following rates will apply for all meals and refreshments taken in conjunction with approved duties: Allowance	Rate
Breakfast	£7.21
Lunch	£9.95
Tea	£3.94
Evening meal	£12.33

5. Overnight Stays

Where overnight accommodation is required in carrying out approved duty, reimbursement will be made of the actual costs of overnight stay accommodation, where the cost of accommodation is not included in the fee paid to the provider of the approved duty, (as in the case of a conference or seminar attendance), and in

accordance with the maximum amount specified for evening meals in paragraph 4 above, supported by receipts.

A sum of £21 may be claimed for each completed 24 hours where an overnight stay is required to cover out of pocket expenses.

6. Carers' Allowance

Carers' allowance is intended to cover the cost of payments for the care of children or of the care of sick or dependent relatives ordinarily resident at a member's home. The principle of providing the allowance is to allow members who are carers to undertake their duties in a proper manner and to allow others presently deterred from Council membership by virtue of family responsibilities from offering themselves for election.

There is no maximum claim rate for the carer's allowance, although valid receipts must be provided prior to reimbursement.

7 Guidance for claiming travel expenses:

- Expenses claimed must be miles actually travelled or public transport costs actually incurred, as the case may be, for the purpose of performing approved duties as defined in schedule 3.
- Members will be expected to carry out their journeys in the most effective and economic way.
- The base for starting and finishing all journeys will normally be regarded as the member's home address. If expenses are claimed using any other starting or finishing point, a full explanation will be required as to why the claim does not relate to the member's home address. Such claims will not normally be allowed save in exceptional cases.
- Members' claims must be submitted in accordance with the instructions issued to members for dealing with claims, together with VAT and all other relevant receipts.
- All claims submitted may be subject to internal audit inspection.
- **All claims must be submitted within 62 days of the day on which the expense has been incurred. Claims submitted late will not be paid.**

SCHEDULE 3 - APPROVED DUTIES

Mileage, travel and associated expenses are payable for undertaking approved duties as follows and must be specified on the claim form.

1. Attendance at meetings of the Council, Cabinet, Committees, Joint Committees, Sub-Committees, Task Groups and Working Groups of which the councillor concerned is a member, or is a substitute nominated for that meeting, or has been invited to attend by the Leader or by the Chairman.
2. Attendance by the Leader, Deputy Leader, portfolio holders and deputies with the consent of the Leader, at any meetings or other events necessary for the performance of their duties.
3. Attendance at site inspections and similar ad hoc visits and meetings authorised by the Council and any of its committees, or by the Leader or the Cabinet.
4. Attendance by chairmen and vice-chairmen, or by any member of the Cabinet, at briefings, or by other members by specific invitation.
5. Attendance by the Chairman or Vice Chairman of the council at civic events to which they are invited.
6. Attendance at internal member workshops arranged by officers and to which members have been invited.
7. Meetings of an external organisation, or its associated committees where the member is appointed as a representative of the Council. (Where an outside body has its own allowance or expenses scheme, a member may not submit a claim for the same item to both the Council and the outside body).
8. Conferences, training courses, seminars or workshops, where the member has either been appointed to attend, or nominated, or authorised to attend in writing by the Leader, by a committee chairman, or by the appropriate group leader, subject to the nomination being referred to the Leader for approval if the cost of attendance exceeds £100.
9. Formal meetings with other local authorities and attendance as a district councillor at relevant parish council meetings (for example for parishes included within the member's own ward).
10. Meetings with Council Officers on official business, including the consideration of matters raised by a constituent.
11. Attendance at opening ceremonies in respect of Council provided facilities.

This page is intentionally left blank