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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 Chair of Council is not present;
 - 1.1.2 elect the Chair of Council;
 - 1.1.3 elect the Vice-Chair 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, an Audit and 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 chair 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 Chair and Vice- Chair 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 30 minutes for the Leader, members of the executive and Chairs of committees to receive questions from members, to permit the Leader, members of the executive or Chairs to reply and for the questioner to ask a question of clarification but without any debate on the issues raised, in accordance with the Protocol for Member Questions to the Executive and Committee Chairs at ordinary meetings of the Council contained in Part 5 of the Constitution;
- 2.5 receive any announcements from the Chair 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 Chair 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 Chair 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 Chair 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

5.1 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.

5.2 **Meetings convened at short notice**

Meetings of the Council may only be convened at less than five clear working days' notice whereby reason of special circumstances which shall be specified in the summons, the meeting is required to be called at that time as a matter of urgency.

RULE 6 CHAIR OF MEETING

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

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 Chair 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 Chair. 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 Chair 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 Chair 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 Chair 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 Chair of the meeting at which the motion is moved;
- 11.2 to appoint a Chair or Vice-Chair 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 proposed under Rule 11;
- 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 Chair may require it to be written down and handed to him/her before it is discussed.

12.3 Secunder’s 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 Chair.

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 (see Rule 12.9);
- 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 Chair 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 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair's casting vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

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 Chair 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 Chair 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 Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair 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 chair put them.

RULE 16 RECORD OF ATTENDANCE

All members present during the whole or part of a meeting should 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

(if able) and address the meeting through the Chair. If more than one member stands, the Chair 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 Chair speaking

When the Chair 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 Chair by behaving improperly or offensively or deliberately obstructs business, the Chair 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 Chair 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 Chair 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 Chair will warn the person concerned. If they continue to interrupt, the Chair 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 Chair 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 OR OTHER 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) or other interest (as defined by the Council's Code of Conduct) 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 In relation to disclosable pecuniary interests, 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 chair 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 7.00pm, and public questions are dealt with at the start of meetings. The following meetings incorporate a question and answer session:

I Council

- I Cabinet
 - I Scrutiny Committee
 - I Audit and Standards Committee other than when dealing with individual cases
 - I Licensing and Environmental Health 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 Local Plan Leadership Group 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 Chair 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 or statement 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 Chair 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 Chair to put the question on their behalf. The Chair 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 Chair 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

Unless Rule 5.2 of the Council Procedure Rules applies, 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

Unless Rule 5.2 of the Council Procedure Rules applies, 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 from the time the item was added to the agenda. Where reports are

prepared after the summon 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. In the event of Rule 5.2 being applied, the agenda and reports shall be published as soon as possible.

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 Chair 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 or 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 Chair of a relevant overview and scrutiny committee or if there is none or the Chair of that Committee is unable to act, the Chair of the Council or, if there is none, the Vice Chair 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 chair of the relevant overview and scrutiny committee or, if there is none or he is unable to act, the chair of the Council or, if there is none, the Vice Chair 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 Chairs 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 Chair 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 Chair 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 Chair of a relevant overview and scrutiny

committee the consent of the Chair of the Council, and in the absence of both the Vice-Chair'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. Virement

- 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.

Executive Procedure Rules

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 chair.

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 Chair 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 Chairs 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 chair, 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).
- 5.5 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.
- 5.6 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair, 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 Chair 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 Chair 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 Chair, the Vice-Chair'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 Audit and Standards 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 Audit and Standards 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.
- 2.8 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:
- I initiating a new policy without sufficient funding in place for its implementation;
 - I committing expenditure in future years;
 - I 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:

- I Corporate Plan
- I Corporate Risk Register
- I Medium Term Financial Strategy
- I General Fund annual revenue budget and Council Tax resolution
- I Housing Revenue Account annual revenue budget
- I Capital Programme
- I 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 Audit and Standards 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 Public Sector Audit Appointments (PSAA) 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.

Financial Systems

- 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:

- I Purchasing & procurement
- I Council Tax
- I Supplier payments
- I NNDR
- I Housing & Council Tax Benefits
- I Payroll
- I Treasury Management
- I 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 draw down 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. Only use grants for the purpose intended as stated in the grant agreement.
- c) Grant funding of a one off nature must not be used to support ongoing service expenditure.
- d) Maintain all supporting records in accordance with the grant agreement.
- e) Consult with the CFO prior to submitting a claim for grant monies.
- f) 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.
- 7.4 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:
- I 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.
 - I The net effect of any and all virements on the Council's net budget requirement shall always be neutral.
 - I 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.
 - I Virements between the General Fund and Housing Revenue Account are not permitted.
 - I Virements between revenue and capital budgets are not permitted.
 - I No virement relating to a specific financial year should be made after 31 March in that year.
 - I The minimum level for virements is £1,000.

- I 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 authorisation 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:
- I Unavoidable expenditure which cannot be contained by virement
 - I To enable opportunistic purchase of land or the issue of planning revocations, or purchase notices under relevant Planning Acts.
 - I The use of general or earmarked reserves for specific purposes.
 - I 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:
- I Virement
 - I Additional income

- I Transfer from reserves
- I 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:
- I 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.
 - I ensure the proper security of all buildings and other assets under their control.
 - I take action in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
 - I ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
 - I ensure that no Council asset is subject to personal use by an employee without proper authority.
 - I 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.

- I 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:

- I make arrangements for the care and custody of stocks and stores periodically verify the accuracy of stock & stores records by physical inspection
- I investigate discrepancies and report these to the CFO who shall authorise write offs up to £10,000 in value. Cabinet approval is required to write off discrepancies above £10,000. CO's and DCO's shall not disaggregate items to circumvent the write off limit.
- I dispose of redundant stocks and equipment by a method determined in consultation with the CFO
- I seek Cabinet approval to the write-off of redundant stocks and equipment in excess of £10,000 in value
- I 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 undertaken within the Council may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property. 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.

Confidential data

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 authorised 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 authorised 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:

- I ensure that income is accounted for in full with no expenditure being funded from monies received.
- I 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.
- I ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded
- I issue official receipts or maintain other documentation for income collection.
- I hold securely receipts, tickets and other records of income for the appropriate period
- I ensure income is not used to cash personal cheques or otherwise mixed with personal monies
- I establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly

- I 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 £10,000 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 £10,000.

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:
- I goods or services have been received and are satisfactory
 - I the invoice has not previously been paid
 - I prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices
 - I VAT is correctly accounted for
 - I the invoice is coded to the correct accounting code
 - I 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 Strategic Director of Finance, Commercialisation and Corporate Services (SDFCCS) (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 SDFCCS 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 SDFCCS 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 SDFCCS shall ensure that where applicable, payments are made on the basis of properly authorised timesheets or claims. No member or employee shall certify their own claims for payment.
- 13.7 The SDFCCS shall ensure that frequent reconciliations of payroll expenditure against approved budget and bank accounts are carried out.
- 13.8 The SDFCCS shall ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with Inland Revenue regulations.

- 13.9 The SDFCCS shall arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees.
- 13.10 The SDFCCS 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. Authorising 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 authorised 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 The provisions of this rule are applicable to the dismissal of, and the taking of any disciplinary action against, (a) the Council's head of paid service, (b) its chief finance officer and (c) its monitoring officer (defined for the purposes of these provisions in rule 8.2(b) below). The provisions of this rule should be read in conjunction with the relevant provisions of the Council's Disciplinary Policy, in which the additional procedural steps that will be followed are set out.

8.2 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.

8.3 A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

8.4 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.

8.5 In paragraph 8.4 “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.

8.6 Subject to paragraph 8.7, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 8.4 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.

- 8.7 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 8.6 but may do so.
- 8.8 The authority must appoint any Panel at least 20 working days before the relevant meeting.
- 8.9 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.
- 8.10 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.