



The Constitution of South Norfolk Council

This version of the Constitution incorporates changes made by the Council up to 15 June 2020.

Note that as with all paper documents, this document may be made obsolete by resolutions of Council or changes in the Law. Accordingly, the definitive text of the Constitution at any one time is to be found on the Council's website.

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The Constitution of South Norfolk Council

PART 1: SUMMARY AND EXPLANATION

Part 1 – Summary and Explanation

1 The Council's Constitution

- 1.1 The South Norfolk Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others have been chosen deliberately by the Council.
- 1.2 The Constitution consists of 16 articles, which set out the basic rules governing the Council's business. The remainder of the document sets out more detailed procedures and codes of practice.

2 What's in the Constitution?

- 2.1 Article 1 of the Constitution sets out how the Council's processes enable it to offer clear leadership to the community in partnership with citizens, businesses and other organisations in a transparent and accountable way. Articles 2 – 16 explain how the key parts of the Council operate and the rights of citizens in relation to them. These are:
- (a) Members of the Council - Article 2
 - (b) Citizens and the Council - Article 3
 - (c) The Council meeting - Article 4
 - (d) Chairing the Council - Article 5
 - (e) Scrutiny of decisions - Article 6
 - (f) The Cabinet - Article 7
 - (g) Regulatory committees - Article 8
 - (h) The Standards Committee - Article 9
 - (i) Joint arrangements - Article 10
 - (j) Staff- Article 11
 - (k) Decision making - Article 12
 - (l) Finance, contracts and legal matters - Article 13
 - (m) Review and revision of the Constitution - Article 14
 - (n) Suspension, interpretation and publication of the Constitution - Article 15
- 2.2 There are various codes, protocols, structures and procedures that set out in detail the rules for how the Council undertakes its business. These are set out in sections 3 to 8 of this constitution.

3 How the Council operates

- 3.1 The Council has 46 members who are elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their

constituents, including those who did not vote for them. Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee, through the Monitoring Officer, trains and advises them on the Code of Conduct

- 3.2 All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council will hold to account the Cabinet and committees.

4 How decisions are made

- 4.1 The Cabinet is the part of the Council that is responsible for most day-to-day decisions. The Cabinet is made up of between 2 and 10 councillors appointed by the Leader. When major decisions are to be discussed or made, these are published in the Notice of Key Decisions in so far as they can be anticipated. If these major decisions are to be discussed with council staff at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. Where this arises, the Council will publish a Notice of Private Meeting and the public are entitled to make representations as to why the meeting should be held in public. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision that is outside the budget or policy framework, this must be referred to the Council as a whole to decide.
- 4.2 Certain regulatory decisions, on development management and licensing, for example, are taken by special committees set up for the purpose. Part 3 of this document explains which decisions are made by which body.

5 Overview, Scrutiny and Governance

- 5.1 There are other bodies which support the work of the Cabinet and the Council as a whole. The Policy Committees assist Cabinet by supporting work between members and officers to develop service provision. The Scrutiny Committee allows citizens to have a greater say in Council matters by discussing issues and problems, scrutinising policy and holding public inquiries into matters of local concern. Scrutiny may also be consulted by the Cabinet or the Council on forthcoming decisions. These activities lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committee also monitors the decisions of the Cabinet. Any three Members may 'call-in' a decision which has been made by the Cabinet but not yet implemented and, in effect, "suspend" it while it is examined in more depth by the Scrutiny Committee. This enables the Scrutiny Committee to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. Any 3 members may also request that a decision of the Cabinet be considered by the Scrutiny Committee, without being suspended. This is known as a "non-suspensive call in."
- 5.2 The operation of Scrutiny is explained more fully in Part 2, Article 6 and Part 3, Section 1.6.

6 Political Groups and the role of the Opposition

- 6.1 It has become usual for most Councillors to be elected on the basis of a declared party-political affiliation and manifesto and those so elected serve on the Council as members of a designated party-political group. Regulations stipulate that a group only exists where at least two members together form a group, with one of those members nominated as the Group Leader.
- 6.2 Political Groups have no decision-making role, and whilst groups can give a political steer, all decisions must go through the proper decision-making process. It is acceptable, and even expected, that many members may be predisposed to supporting the view of their political group.
- 6.3 If one such group has more members than all the other parties combined, it is termed "the majority group" and is thus able to form an Administration of its own, nominating the Leader of the Council for appointment by the Council.
- 6.4 Except for Cabinet, and unless no-one votes against at the Annual General Meeting, all political groups on the Council will be entitled to places on the constituent bodies of the Council as set out at the end of Part 4.1 of this document, in proportion to the number of seats that party group holds on the Council as a whole. If there is a single party with an absolute majority of Councillors, the Cabinet shall wholly consist of members of that Majority Group. If, however, no party has an overall majority, the composition of the Cabinet shall be as the Leader determines from time to time.
- 6.5 The political parties that are not represented on the Cabinet are described in this Constitution as "Opposition Parties". Their role is to challenge constructively the thinking and policies of the Majority Group, offering alternative approaches and, if necessary, acting as channels for dissent. The Leader of the largest of the Opposition Parties shall be known as the Leader of the Opposition.

7. The Council's Staff

- 7.1 The Council has people working for it to give advice, implement decisions and manage the day-to-day delivery of its services. Certain staff have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between staff and members of the council. (See Part 5.1 of the Constitution)

8 Citizens' Rights

- 8.1 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.
- 8.2 This constitution contains a further section which refers to the rights of citizens to inspect agendas and attend meetings - in Part 4.2 "Access to Information Rules".
- 8.3 Where members of the public use specific council services they may have additional rights. These are not explained more fully in this Constitution, but the local Citizen's Advice Bureau can advise on them.

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PART 2: ARTICLES OF THE CONSTITUTION

Part 2 - Articles of the Constitution

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Part 2 - Articles of the Constitution

Article 1 – The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

1.2.1 This Constitution, and all its appendices, is the Constitution of the South Norfolk Council.

1.3 Purpose of the Constitution

1.3.1 The purpose of the Constitution is to:

- a. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- b. support the active involvement of citizens in the process of local authority decision-making;
- c. help councillors represent their constituents more effectively;
- d. enable decisions to be taken efficiently and effectively;
- e. create a powerful and effective means of holding decision-makers to public account;
- f. ensure that no one will review or scrutinise a decision in which they were directly involved;
- g. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- h. provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution

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

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

Article 2 – Members of The Council

2.1 Composition and Eligibility

- (a) **Composition.** The Council will comprise 46 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of the district or those living or working there will be eligible to hold the office of councillor.

2.2 Election and terms of councillors

- 2.2.1 Election and terms. Unless Parliament makes an order to vary this, the regular election of councillors will be held on the first Thursday in May every four years. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all councillors

2.3.1 Key roles. All councillors will:

- (a) collectively be the ultimate policy-makers and carry out a number of strategic and Corporate Management Leadership Team functions;
- (b) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (c) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (d) balance different interests identified within the ward or represent the ward as a whole;
- (e) be involved in decision-making;
- (f) be available to represent the Council on other bodies; and
- (g) maintain the highest standards of conduct and ethics.

2.3.2 Rights and Duties

- (a) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (b) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- (c) For these purposes, "confidential" and "exempt" information are defined in Part 4.2.10 of this Constitution

2.3.3 More guidance on Members' roles and responsibilities are set out in Part 5.5 of this document.

2.4 Conduct

2.4.1 Councillors will at all times observe the Members' Code of Conduct, the Protocol for Member/Staff relations and the Code of Practice on Planning Matters and Judicial Matters as set out in Part 5 of this Constitution.

2.5 Allowances

2.5.1 Councillors will be entitled to receive allowances in accordance with the Scheme of Allowances set out in Part 6 and updated from time to time in the light of advice from an Independent Panel on Member Remuneration.

Article 3 - Citizens and The Council

3.1 Citizens' rights

3.1.1 Citizens have rights as set out in this Constitution. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

If any citizen wishes to know more about their rights, please contact the Democratic Services Team on 01508 533669.

3.1.2 **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote, and sign and / or submit petitions (including the right to request referenda where permitted to do so, as outlined in regulations set by the Secretary of State).

3.1.3 **Information.** Citizens have the right to:

- (a) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (b) attend meetings of the Cabinet;
- (c) find out from the Notice of Key Decisions what executive decisions will be taken by the Cabinet and Officers and when;
- (d) make representations as to why Cabinet meetings should not be held in private
- (e) see reports and background papers, and any records of decisions made by the Council and the Cabinet; and
- (f) inspect the Council's accounts and make their views known to the external auditor.

3.1.4 **Participation.** Citizens have a number of rights at Council meetings and these are set out in Part 4.5 of this Constitution – “Standing Orders and Rights of the Public at Meetings”.

3.1.5 **Complaints.** Citizens have the right to complain to:

- (a) The Council itself under its complaints scheme;
- (b) The Ombudsman after using the Council's own complaints scheme;
- (c) The Monitoring Officer about a breach of the Councillor's Code of Conduct.
- (d) The External Auditor about the draft accounts (though there is only a four-week period in which this can be done)

3.2 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to councillors or staff and must not wilfully harm things owned by the council, councillors or employees. Other restrictions on the activity of citizens at meetings of the Council or its committees are set out in the Standing Orders and "Rights of the Public at Meetings". (See Part 4.5 of this Constitution)

Article 4 – The Full Council

4.1 Meanings

4.1.1 **Policy Framework.** The Policies of the Council are the set of documents which provide principles and rules which drive the decisions to be made. The framework defines the objectives that the Council seeks to achieve in its decision making. The policy framework would usually include:

- a) The Council's Corporate Plan and Medium Term Financial Plan, which identify the Council's priorities for delivering services, and the financial resources allocated to do so.
- b) The Statement of Licensing Policy, which sets the framework under which decisions on licensing should be made;
- c) The Local Plans, which sets the framework under which decisions on development management applications should be made;
- d) The Pay Policy Statement, which outlines the basis on which staff pay decisions are made;

Policies are not the protocols, procedures or strategies for delivery of services. These documents are determined by Cabinet, on the basis of the overriding policy direction provided by Council. Cabinet makes its decisions on the basis of the approved policy framework; should it wish to make a decision outside the policy framework, it will need to be approved by the Full Council. The Full Council may choose to adopt, endorse or approve any policy, procedure, strategy or plan as a matter of choice.

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

4.2 Functions of the full Council

4.2.1 Only the Council will exercise the following functions:

- (b) adopting and changing the Constitution;
- (c) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (d) subject to the urgency procedure contained in the Decision Making Process set out in Part 3 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

- (e) appointing or removing the Chairman, Vice Chairman and Leader;
- (f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (g) appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (h) adopting an allowances scheme under Article 2.5;
- (i) changing the name of the area,
- (j) confirming the appointment of the Head of Paid Service;
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) all local choice functions set out in this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- (m) all other matters which, by law, must be reserved to Council.

4.3 Council Meetings

4.3.1 There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary (or special) meetings.

and they will be conducted in accordance with the Standing Orders set out in Part 4 of this Constitution.

4.4 Responsibility for functions which are not the function of the Cabinet are set out in Part 3 of this constitution. Terms of reference of the Council are set out in Part 4 of this constitution together with the composition, terms of reference, and procedures of constituent bodies.

Article 5 – Chairing The Council

CHAIRMAN OF THE COUNCIL

5.1 Role and function of the Chairman

5.1.1 The chairman will be elected by the Council annually. The chairman of the council and in his/her absence, the vice-chairman will have a ceremonial role and will chair meetings of the full Council.

5.1.2 The chairman (and in his/her absence the vice chairman) will have the following responsibilities:

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

Article 6 – The Scrutiny Committee

6.1 Role of the Scrutiny Committee

- 6.1.1 The Council appoints the Scrutiny Committee to discharge the functions conferred by section 21 and part 1A of the Local Government Act 2000. Terms of reference for the Scrutiny Committee are included in Part 4.1, Section 3 of the Constitution.

Article 7 – Executive Arrangements

THE ROLE OF THE LEADER AND HIS CABINET

7.1. Role

7.1.1 The Leader of the Council together with his Cabinet will carry out all of the Council's functions which are not the responsibility of the whole Council or of any other part of the Council, whether by law or under this Constitution. These are the functions referred to in Part 1A of the Local Government Act 2000 as "executive functions".

7.2. Form and composition

7.2.1. The Cabinet will comprise the Leader of the Council together with not less than one, nor more than nine other councillors appointed by him. The Leader shall appoint one of those other Cabinet members as Deputy Leader. The Leader, or in his absence the Deputy Leader, shall preside as chairman at meetings of the Cabinet.

7.2.2 The Leader of the Council shall from time to time notify the Council of his appointments to the Cabinet and of the designation and composition of the portfolios which he assigns to specific Cabinet members. The Council shall record all such notifications in its minutes.

7.3. Leader of the Council

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

- (a) the Annual Meeting of the Council following his election;
- (b) he resigns from the office of Leader;
- (c) he is removed from office by resolution of the whole Council; or
- (d) he ceases for any reason to be a councillor.

7.3.2. The Leader of the Council shall from time to time notify the Council of the arrangements he has made as senior executive member under section 9E of the Local Government Act 2000 (discharge of executive functions). The Council shall record all such notifications in its minutes.

7.3.3 In the event that the Leader is removed from office by a resolution of the whole Council, a new Leader of the Council shall be elected by the whole Council at the same or a subsequent meeting.

7.3.4. In the event of the office of Leader becoming vacant by any reason other than removal, the new Leader of the Council shall be elected by the whole Council at the next following ordinary meeting of the Council.

7.3.5. In the event of any vacancy in the office of the Leader, the members of the Cabinet at the time of the vacancy occurring shall continue in office and the Deputy Leader shall act as Leader of the Council until a new Leader is duly elected.

- 7.3.6. The election of the Leader of the Council shall be, at Annual Meetings of the Council, the business next carried out following the election of the Chairman and the Vice-Chairman of the Council. The filling of a vacancy in the office of Leader of the Council at an ordinary meeting of the Council shall be the first business of that meeting.

7.4 Other Cabinet Members

- 7.4.1. Other Cabinet members shall hold office until:

- (a) they resign as a member of the Cabinet;
- (b) they are removed as a member of the Cabinet, either collectively or individually, by the Leader of the Council;
- (c) they cease for any reason to be a councillor.

- 7.4.2 The Leader of the Council shall from time to time notify the Council of any removals from the Cabinet, of any changes in the designation and composition of the portfolios and any reassignment of the same. The Council shall record all such notifications in its minutes.

7.5 Proceedings of the Cabinet

- 7.5.1 Proceedings of the Cabinet shall take place in accordance with the Constitution and Terms of reference of the Cabinet as set out in Part 4.1 section 2 of this Constitution and the decision-making process as set out in Part 3.

- 7.5.2 From time to time the Members of the Cabinet will meet with the Council's Corporate Management Leadership Team at meetings known as "Board Meetings". These meetings will be for the purpose of information sharing and informal guidance from the Cabinet to Corporate Management Leadership Team. These meetings will not take any executive decisions.

7.6 Responsibility for functions

- 7.6.1 Part 3 of this Constitution sets out which individual members of the Cabinet, committees of the Cabinet, staff or joint arrangements are responsible for the exercise of particular Cabinet functions. South Norfolk Council has decided not to allocate decision making powers to individual members of the Cabinet.

- 7.6.2 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, (as amended) includes four schedules which define which decisions may not be made by Cabinet and in what circumstances.

Article 8 – Regulatory Committees

8.1 Regulatory and other committees

8.1.1 The Council will appoint the committees set out below to discharge its regulatory and administrative functions described in the Scheme of Delegation (Part 3, Section 1.1.4). Their terms of reference set out in Part 4 of the Constitution.

Development Management Committee	(See Part 4.1, Section 9)
Sites Sub-Committee	(See Part 4.1, Section 10)
Licensing, Appeals and Complaints Committee	(See Part 4.1, Section 11)
Licensing and Gambling Acts Committee	(See Part 4.1, Section 12)

Article 9 – The Standards Committee

9.1 Standards Committee

9.1.1 The Council has established a Standards Committee. The primary purpose of the Committee is to determine the sanctions placed on members where it has been determined, following investigation, they have breached the Code of Conduct, but it also has a role in helping to promote high standards of conduct on the part of Council members.

9.1.2 The Standards Committee may also be called upon to make recommendations of the sanctions to be placed on Parish Councillors who have similarly been found to have breached the Code of Conduct following investigation.

9.2 Composition and Terms of Reference

9.2.1 The Standards Committee will consist of 5 District Councillors, and will be politically balanced. It shall have the terms of reference as set out in Part 4.1 of the Constitution at Section 13

Article 10 – Joint Arrangements

10.1 Arrangements to promote well-being

- 10.1.1. The Cabinet, in order to promote the economic, social or environmental well-being of its area, may:
- (a) enter into arrangements or agreements with any person or body;
 - (b) co-operate with, facilitate or co-ordinate the activities of, any person or body;
 - (c) exercise on behalf of that person or body any functions of that person or body.

10.2 Joint arrangements

- 10.2.1 The Council may establish joint arrangements with one or more local authorities and/or their executive to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. [Such arrangements may involve the appointment of a joint committee with these other local authorities]
- 10.2.2 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. [Such arrangements may involve the appointment of joint committees with these other local authorities].
- 10.2.3 Except as set out below, the Cabinet may only appoint executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- 10.2.4 The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:
- (a) the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- 10.2.5 Details of any joint arrangements including any delegations to joint committees (if any) will be found in the Council's scheme of delegations in Part 3 of this Constitution at Section 2.1.

10.3 Access to information

- 10.3.1 The Access to Information Procedure in Part 4 of this Constitution applies.
- 10.3.2 If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- 10.3.3 If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 apply.

10.4 Delegation to and from other local authorities

- 10.4.1 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.
- 10.4.2 The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- 10.4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

10.5 Contracting out

- 10.5.1 The Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 11 – Staff

11.1 Management structure

11.1.1 **General.** The full Council may engage such staff as it considers necessary to carry out its functions.

11.1.2 **Corporate Management Leadership Team.** The Council will engage people for the following posts, who will be designated members of the Corporate Management Leadership Team:

(See also Part 3 of this Constitution for more details of the responsibilities of these posts which are only summarised here.)

Post	Functions
<p>Managing Director (and Head of Paid Service)</p>	<p>Developing, in association with the Leader and Cabinet, the vision, strategic direction and leadership for the Council.</p> <p>Providing overall Corporate Management Leadership Team and taking operational responsibility (including overall management responsibility for all the employees of the Council).</p> <p>Provision of professional advice to all parties in the decision-making process.</p> <p>Together with the Monitoring officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Managing specific functions and services as listed in Part 3 of the Constitution.</p>
<p>Director of Place; Director of Resources; and Director of People & Communities</p>	<p>Managing, supporting and directing services as listed in Part 3.3 of the Constitution, effectively deploying resources to meet performance standards.</p> <p>Promoting measurable, continuous service improvement and value for money.</p> <p>Contributing to the overall management of the Authority through Corporate Management Leadership Team, ensuring strategic approach to service provision.</p>
<p>Chief of Staff</p>	<p>Promoting measurable, continuous service improvement and value for money.</p> <p>Contributing to the overall management of the Authority through Corporate Management Leadership Team, ensuring strategic approach to service provision.</p>

11.1.2 The Council will designate the following posts as shown:

Post	Designation
Managing Director	Head of Paid Service
Assistant Director of Governance & Business Support	Monitoring Officer
Assistant Director - Finance	Chief Financial Officer (Section 151 Officer)

11.1.3 In the absence of the Monitoring Officer, the Governance Manager and the Senior Governance Officers shall act as Deputy Monitoring Officer. In the absence of the Chief Financial Officer (Section 151 Officer), the Finance Manager and Senior Finance - Business Partner shall act as Deputy Chief Financial Officer (Deputy Section 151 Officer).

11.1.4 Such posts will have the functions described in Article 11.3 – 11.4 below.

11.2 Functions of the Head of Paid Service

11.2.1 **Discharge of functions by the Council.** The Head of Paid Service will advise on the policy framework and report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Staff required for the discharge of functions and the organisation of officers.

11.2.2 **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a full member of an institution that is part of the Consultative Committee of Accountancy Bodies.

11.3 Functions of the Monitoring Officer

11.3.1 **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by members, staff and the public via the Council's website.

11.3.2 **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and the Chief Financial Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an Cabinet function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

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

11.3.4 **Receiving complaints.** The Monitoring Officer will receive and act on complaints received that members of the District or Parish Councils have failed to comply with the Code of Conduct, in conjunction with the

- 11.3.5 **Proper Officer for access to information.** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- 11.3.6 **Advising whether Cabinet decisions are within the policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- 11.3.7 **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- 11.3.8 **Restrictions on posts.** The Monitoring Officer cannot be the Chief Financial Officer (Section 151 Officer) or the Head of Paid Service.
- 11.4 Functions of the Chief Financial Officer (Section 151 Officer)**
- 11.4.1 **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- 11.4.2 **Administration of Financial Affairs.** The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.
- 11.4.3 **Contributing to Corporate Management Leadership Team.** The Chief Financial Officer will contribute to the Corporate Management Leadership Team of the Council, in particular through the provision of professional financial advice.
- 11.4.4 **Providing Advice.** The Chief Financial Officer, in consultation with the Head of Internal Audit where appropriate, will provide advice on financial propriety and probity and budget issues to all councillors and will support and advise councillors and Staff in their respective roles.
- 11.4.5 **Give Financial Information.** The Chief Financial Officer will provide financial information to the media, members of the public and the community.
- 11.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Financial Officer**
- 11.5.1 The Council will provide the Monitoring Officer and Chief Financial Officer with such officers, accommodation and other resources as are in the opinion of the particular officer sufficient to allow their duties to be performed.

11.6 Conduct

- 11.6.1 Staff will comply with the Staff Code of Conduct and the Protocol for Member/Staff Relations set out in Part 5 of this Constitution. The Managing Director and Directors and any other officer holding a statutory appointment, in relation to the functions of these appointments, although required to act on behalf of the Council have a responsibility to give accurate and honest advice to the Council in order to maintain the probity of the functions of the Council and to enable it to follow the Nolan principles it has adopted. Accordingly they have direct access to the Council, Cabinet, Committees and Working Groups and the right to make reports in their own name. No officer can be forced to act in any way they believe to be unlawful.

11.7 Employment

- 11.7.1 The recruitment, selection and dismissal of Staff will comply with the Staff Employment Rules set out in Part 4 of this Constitution.

Article 12 – Decision Making

12.1 Responsibility for Decision Making

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

12.2 Principles of Decision Making

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

- (a) Proportionality
- (b) Due consultation and the taking of professional advice from officers
- (c) respect for Human Rights
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes

12.3 Types of Decision

12.3.1 Some decisions are reserved to full Council (see 12.4 below).

12.3.2 Regulatory decisions are of two types. Those which are quasi-judicial must be dealt with by a panel or committee of members acting judicially. These are dealt with by the Licensing and Appeals Committee/Licensing Act 2003 Committee. Other regulatory decisions are administrative and are made by the Development Management Committee. Uncontested regulatory decisions can be determined by officers under delegated powers (see Scheme of Delegation in Part 3).

12.3.3 All other decisions can be made by the Cabinet, provided they are within the Council's existing policy framework. Some of these will be "key decisions" (see 12.5 below) which must be made by the Cabinet or Council. Others can be delegated to officers in accordance with the Scheme of Delegation in Part 3. Scrutiny Committee has a scrutiny function which can delay or refer decisions but cannot make substantive decisions in its own right (see 12.7 below).

12.4 Decision making by the Full Council

12.4.1 Decisions relating to the functions listed in Part 2, Article 4 will be made by the full Council and not delegated. Subject to Article 12.9, the Council Meeting will follow the Standing Orders set out in Part 4 of this constitution when considering any matter.

12.5 Key Decisions

12.5.1 A key decision means a decision which will:

- (a) result in income, expenditure or savings with a gross full year effect of £100,000 or 10% of the Council portfolio's net budget, whichever is the greater which has not been included in the relevant theme budget or;
- (b) be significant (e.g. in environmental, physical, social or economic) in terms of its effect on communities living or working in an area comprising two or more electoral divisions in the area of the local authority.

12.6 Decision making by the Cabinet

12.6.1 Subject to Article 12.9, the Cabinet will follow the requirements of the Decision Making Process set out in Part 3 of this Constitution when considering any matter.

12.7 Decision making by Scrutiny Committee

12.7.1 Scrutiny Committee will follow the requirements of the Decision Making Process set out in Part 3 of this Constitution when considering any matter.

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

12.8.1 Subject to Article 12.9, other Council committees and sub-committees will follow those parts of the requirements of the Decision Making Process set out in Part 3 of this Constitution as apply to them.

12.9 Decision making by Council bodies acting as tribunals

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

Article 13 – Finance, Contracts and Legal Matters

13.1 Financial management

- 13.1.1 The management of the Council's financial affairs will be conducted in accordance with the Rules of Financial Governance as set out in Part 4.3 of this Constitution.

13.2 Contracts

- 13.2.1 Every contract made by the Council will comply with the Contract Standing Orders set out in part 4.4 of this Constitution.

13.3 Legal proceedings

- 13.3.1 The Team Leaders at nplaw are authorised to institute, defend or participate in any legal proceedings where instructed by the Council in any case where such action is necessary to give effect to decisions of the Council or in any case where the Team Leaders at nplaw consider that such action is necessary to protect the Council's interests

13.4 Signing contracts and other documents

- 13.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by either the Managing Director, Director of Place, Director of Resources, and Director of People and Communities, Monitoring Officer, Deputy Monitoring Officer, Team Leader at nplaw or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- 13.4.2 Any contract with a value exceeding £100,000 entered into on behalf of the local authority in the course of the discharge of a Cabinet function shall be made in writing. Such contracts must either be signed by at least two Staff of the authority or (preferably) made under the common seal of the council. (There is more information on Contracts in section 4.4 of this Constitution – Contract Standing Orders)

13.5 Common Seal of the Council

- 13.5.1 The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. The affixing of the Common Seal will be attested by the Managing Director, Monitoring Officer, Deputy Monitoring Officer or in their absence, Director of Place, Director of Resources, Director of People and Communities, together with an officer from the relevant service.

Article 14 – Review and Revision of the Constitution

14.1 Duty to monitor and review the Constitution

14.1.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

14.1.2 **Protocol for monitoring and review of Constitution by the Monitoring Officer.** A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task, the Monitoring Officer may:

- (a) observe meetings of different parts of the member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

14.2 Changes to the Constitution

14.2.1 Minor and non-consequential changes to the Constitution may be made by the Monitoring Officer, following agreement from the Leader of the Council, Leader of the main opposition group and the Chairman of the Scrutiny Committee. These will then be notified to all members of the Council, and confirmed to full Council in due course.

14.2.1 Significant changes to the Constitution will only be approved by the Full Council after consideration of the proposal by the Monitoring Officer.

14.2.2 It will be for the Monitoring Officer to determine what constitutes a significant, as opposed to minor or non-consequential change. Any of the Leader of the Council, Leader of the main opposition group and Chairman of Scrutiny Committee may reserve the right to determine that a modification is of such significance it should be determined by Full Council.

Article 15 Suspension, Interpretation and Publication of the Constitution

15.1 Suspension of the Constitution

- 15.1.1 Limit to suspension: The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- 15.1.2 Procedure to suspend: A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- 15.1.3 Rules capable of suspension: The following Rules may be suspended in accordance with Article 16.1:
- (a) In case of urgency, or if a motion has been passed after notice has been duly given, Standing Orders (as set out in Part 4.5 of this document) may be suspended at and in respect of any meeting, provided at least half of the members are present and two thirds of those present vote in favour of suspending them. (Fractions must be rounded up as necessary)

15.2 Interpretation

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

15.3 Publication

- 15.3.1 The Monitoring Officer will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- 15.3.2 The Monitoring Officer will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- 15.3.3 The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area via the Council's website and is updated as necessary.

The Constitution of South Norfolk Council

PART 3: RESPONSIBILITY FOR FUNCTIONS

Part 3.1 - Responsibility for Functions

1. The Decision-Making Process

1.1 Introduction

1.1.1 In the decision-making structure, there are four types of bodies:

- (a) the main decision-making bodies;
- (b) advisory bodies;
- (c) the scrutiny committee;
- (d) regulatory bodies;
- (e) partnerships.

1.1.2 The main decision-making bodies are the Council and the Cabinet.

- (a) The full Council decides the Council's annual budget and policy framework. It appoints the Leader, and decides which councillors will serve on the bodies other than the Cabinet. It makes the final decision in disputed matters (other than licensing, appeals, complaints and planning applications).
- (b) The Cabinet consists of the Leader, together with at least one and up to nine other councillors from the majority political party, who each act as lead councillor for portfolios of council activities. The Cabinet implements the Council's policies and budget, and manages the performance of the Council's services, on a day-to-day basis. It presents a report to each meeting of the full Council. The Cabinet also prepares the draft budget and policy framework for recommendation to the full Council.

1.1.3 The Council and Cabinet are assisted by advisory bodies:

- (a) Cabinet Policy Committees support Cabinet through review of the effectiveness of service delivery, and developing policy, where discharged to do so by Cabinet.
- (b) Cabinet may, from time to time, appoint task and finish groups to undertake detailed policy and procedure development in areas that cut across Cabinet Policy Committees, or do not fall directly within the remit of an existing policy committee.
- (c) The Joint Consultative Committee will serve as a conduit between members and staff on employment related matters, reporting to Cabinet on the outcomes of its deliberations.

1.1.4 The Scrutiny Committee holds the Cabinet to account and advises the Council on the Council's performance and the pursuit of best value. The Scrutiny Committee does not make decisions, but it can make recommendations and ask for Executive decisions to be reconsidered through the "call in" mechanism

(see Section 1.6 in this part and the Terms of Reference and Procedures of Scrutiny Committee set out in Part 4.1). It will also investigate particular areas of the Council's activities, and make recommendations to the Cabinet and Council. It has the right to form Task and Finish Groups in order to examine areas of Council policy or process in more detail.

- 1.1.5 Decisions on individual planning and licensing applications and certain appeals are made by regulatory committees:
- (a) The Development Management Committee decides planning applications and similar applications.
 - (b) The Licensing, Appeals and Complaints Committee decides all applications for licences not the subject of the Licensing Act 2003 or the Gambling Act 2005, and will hear appeals on the merits against internal Council decisions (where there is no other method of appeal on the merits provided bylaw).
 - (c) The Licensing and Gambling Acts Committee will agree general arrangements for the exercise of the Licensing Act 2003 and the Gambling Act 2005. Sub Committees will hear and determine after a full hearing all those applications made under the act, which are not the subject of delegation to officers.
 - (d) The Standards Committee reviews cases where investigations have found that members of South Norfolk Council, or (in certain circumstances) its Parishes have breached the Code of Conduct, and determine sanctions thereon.
- 1.1.6 The District Council works in partnership with other organisations, which deliver public services in South Norfolk, through a local strategic partnership known as the South Norfolk Alliance. The Alliance develops and approves the Sustainable Community Strategy. (See 1.9.2below.)

1.2 Cabinet Decisions

- 1.2.1 Except for planning, licensing appeals and standards issues, the Cabinet is responsible for all routine decisions within the Council's policy framework and approved budget. The Cabinet can authorise minor changes to the budget, up to a limit agreed by the full Council.
- 1.2.2 The Cabinet is primarily responsible for implementing the Sustainable Community Strategy, the corporate Business Plan and the Council's other policies; and managing the Council's own services to achieve best value and to meet performance targets. The Cabinet will also manages the process of consultation on the preparation of the annual budget.
- 1.2.3 The Cabinet publishes a Notice of Key Decisions at least 28 days before each meeting, outlining the Decision and the reason for it. This notice will be published on the Council's website and available at the Council's offices. The notice must include:
- (a) Notification that a key decision is to be made on behalf of the Council;
 - (b) The matter in respect of which the decision is to be made;

- (c) The date on which, or the period within which, the decision is to be made;
 - (d) A list of the documents submitted to Cabinet for consideration in relation to the matter in respect of which the key decision is to be made;
 - (e) The address from which, subject to any restriction on their disclosure, copies of – or extracts from – any document listed is available;
 - (f) Confirmation that other documents relevant to those matters may be submitted to the decision maker;
 - (g) The procedure for requesting details of those documents as they become available
- 1.2.4 If Cabinet becomes aware, less than 28 days before the meeting, of a key decision it is required to make, and there is at least 5 clear days before the meeting, a General Exception notice will be issued to the Chairman of the Council's Scrutiny Committee. This notice will be published in the same manner as a Notice of Key Decisions, and will state why the Council could not issue a notice at an earlier stage.
- 1.2.5 If Cabinet becomes aware, less than 5 clear days before the meeting, of a key decision it is required to make, the decision may only be made with the consent of the Chairman of the Council's Scrutiny Committee. A Case of Special Urgency notice will be published in the same manner as a Notice of Key Decisions, and will state why the decision is urgent and cannot be deferred.
- 1.2.6 Cabinet will also issue a Private Meeting notice 28 days before a meeting where it expects any or all of the key decisions will be made in private, without the press and public present. These notices will be published on the Council's website and available at the Council offices.
- 1.2.7 If a notice of private meeting is given, any member of the public is entitled to make representations as to why the meeting should be open to the public. At least 5 clear days before the Cabinet meeting, a second notice will be issued identifying the intention to hold the meeting in private, detailing any representations received and the Council's response.
- 1.2.8 Where it is impracticable to issue Private Meeting notice 28 days before the meeting, consent must be obtained from the Chairman of Scrutiny Committee. A notice will be issued, which will set out why the meeting is urgent and cannot be reasonably deferred. The notice will be published in the same manner as a Private Meeting notice.
- 1.2.9 The agenda for each meeting of the Cabinet is published and notified to all members of the Council. Where it is more practical and efficient to do so, the agenda and associated papers may be published and notified in an electronic manner, to ensure information is available on a timely basis and in a cost-effective manner for the Council. For each item, the agenda gives:
- (a) background papers used to prepare the report
 - (b) a summary of the main points of the officer report;
 - (c) a summary of the report's conclusions and recommendations;

- (d) the responsible Cabinet member and specific ward(s) affected;
- (e) a contact officer.

- 1.2.10 Where a report on the Cabinet agenda specifies background papers have been used in the preparation, these papers will be published on the Council's website (unless previously published on the website) and available for inspection at the Council's office.
- 1.2.11 A record of the decisions made at each Cabinet meeting is published and notified to all members of the Council within two working days. The record gives details of each decision.
- 1.2.12 A formal record of the meeting, being the written minutes of the committee, will be made available as soon as reasonably practical after the meeting. The minutes will include the information published in the decision notice; details of any alternative options considered and rejected by Cabinet; a record of declarations of interests made by Councillors at the meeting, and whether any Councillors have been granted dispensations in relation to those declared interests.
- 1.2.13 Agendas for Cabinet meetings, and the records of the Cabinet's decisions, are published electronically on the Council's website.

1.3 Reviews of policy and budget

- 1.3.1 Each year, the Council must adopt its annual budget. The Cabinet will prepare the draft budget and will update the medium-term financial and corporate plan each year. The Cabinet will consult all the overview bodies to a fixed annual timetable, before recommending the draft documents to full Council for decision.
- 1.3.2 There are also a number of policies relating to the Council's own services, which are reviewed annually or over a longer period, including, for example, the Capital Programme, the Asset Management Plan and the Scheme of Member Allowances.
- 1.3.3 The detailed work of reviewing each of these policies is undertaken by the relevant Policy Committee including consultation with the community and our partners. On the basis of the advice from the Policy Committee, the Cabinet prepares a revised policy and recommends the policy changes to full Council.
- 1.3.4 The work programme of the Scrutiny Committee is set out in a Scrutiny Plan.
- 1.3.5 The formal stages of preparing, consulting on and reviewing the Local Development Framework, are the responsibility of the Cabinet, advised by the Planning and Regulation Policy Committee.
- 1.3.6 The Council may decide that arrangements to consult specified committees, Panels or Forums may be waived for all or part of the process of reviewing other policy documents.

1.4 Cabinet decisions within policy/budget

- 1.4.1 This category is likely to include most routine decisions of the Cabinet, and is therefore most likely to be the subject of “call-in” (see Section 1.6, below). If such decisions are not called in within the period allowed, they are deemed to have been endorsed, and are to be implemented.

1.5 Cabinet decisions contrary to policy/budget

- 1.5.1 When the Cabinet is considering the options for action on a particular matter, it may decide that it prefers an option which would be significantly at variance with the Council’s policy framework, or would involve a change from the approved budget which exceeds the allowed limit. In such cases, it must recommend its preferred option to the full Council, who will make a final decision.
- 1.5.2 If, in the opinion of the Monitoring Officer, Cabinet is minded to take a decision in a way contrary to the policy framework or contrary to/not wholly in accordance with budgetary provision because of urgency (i.e. there is no Council meeting between the time of the decision and when implementation must commence), it may only be taken by the Cabinet if the Chairman of the Scrutiny Committee agrees that that the issue is urgent.

1.6 Scrutiny “call in”

- 1.6.1 Any three members of the Council can, within eight days of an executive decision being made, “call in” the decision for scrutiny, indicating whether theirs is a “suspensive” or “non-suspensive” call in.
- 1.6.2 Any call-in must set out the decision being called in, and provide the reasons why the item is being called in. Call-ins should focus on issues that members believe have not been taken into account and questions that members would wish answered at the scrutiny committee. If members wish to be provided with additional written evidence, this should be notified to the Senior Governance Officer as soon as practically possible, and preferentially at least 3 clear days before the meeting.
- 1.6.3 There are occasions where Scrutiny may review a policy or decision before it is made by Cabinet or a delegated officer. Such decisions should not be called in, unless members provide a statement in the call-in clearly identifying why the matters related to the call-in could not have been discussed within the previous scrutiny review.
- 1.6.4 The Scrutiny terms of reference provide for how the Scrutiny Committee will meet to determine call-ins, and the action that may be taken.
- 1.6.5 To avoid delay, the Leader or the Relevant Portfolio Holder can agree that Scrutiny Committee may refer an executive decision to Council or to undertake more in-depth scrutiny

- 1.6.6 An executive decision cannot be implemented or take effect until one of the following circumstances has occurred:
- (a) there has been no valid suspensive call-in within the eight-day period allowed;
 - (b) the decision has been subject to a suspensive call-in but has been endorsed by the Scrutiny Committee;
 - (c) following a suspensive call-in and negotiations with the Cabinet, the Chairman of the Scrutiny Committee has confirmed that the decision is endorsed;
 - (d) following a recommendation from Scrutiny Committee on a suspensive call-in, Cabinet have accepted the recommendations of the Scrutiny Committee;
 - (e) where the Leader or Relevant Portfolio Holder agrees (as per 1.6.5 above), a matter has been referred to Council, and Council have decided the matter
- 1.6.7 The aim of these arrangements is to balance the ensuring of effective decision making and avoiding unnecessary delay. The arrangements make provision for compromises to be speedily reached, in cases of disagreement between the Cabinet and the Scrutiny Committee. It should therefore not be necessary for any decision to travel round the “call in loop” more than once.
- 1.6.8 There will be occasions where the Cabinet does not wish to seek a compromise. To save time in such cases, the Cabinet can indicate in the record of the decision that it is “non-negotiable” and should be referred to full Council for decision, if Scrutiny Committee does not endorse it.
- 1.6.9 Cabinet recommendations to full Council on decisions which would be contrary to policy/budget may be considered by the Scrutiny Committee, which can add its comments.
- 1.6.10 The recommendations of the Cabinet to full Council on policy and budget matters can also be called in for scrutiny, but cannot be referred back to Cabinet - the Scrutiny Committee may add its comments, for consideration by full Council.

1.7 Planning and licensing applications, and standards committee decisions

- 1.7.1 Decisions on individual planning applications, licensing and appeals by the Development Management Committee, the Licensing, Appeals and Complaints Committee or the standards committee do not require approval by the full Council and are not subject to scrutiny “call in”.

1.8 Delegation to officers

- 1.8.1 The Council, the Cabinet, and any Committee may delegate part of its functions to officers of the Council, either generally or for a particular

matter. But key decisions can not be taken by officers under delegated powers. The terms of general delegations, including the responsible officer and any limiting conditions, is set out in a Scheme of Delegations approved from time to time by the Council and made available for public inspection. The principles of the Scheme to be operated are set out in Part 3 Sections 1.11 below and Part 3, Sections 3,4, and 5.

- 1.8.2 Where Cabinet has been requested to make an executive decision, but has subsequently specifically directed an officer, or an officer on conjunction with the relevant portfolio holder, to make the decision, or part of the decision, then the Monitoring Officer must ensure that a notice is published on the Council's website and available at the Council office outlining the action the officer has taken to make the decision as soon as reasonably practical after the matter is settled. This notice must include a record of the officer's decision and the reasons for it; details of alternative options considered by the officer, and a record of any declared interests (and dispensations given) by any members consulted when making the decision.
- 1.8.3 Such decisions, as outlined in 1.10.2 above, may be subject to call-in. The Call-in period of 8 days will apply from the date of publication of the notice.

1.9 Scheme of Delegation

- 1.9.1 With the exception of key decisions, the Managing Director and each Director of the Council is authorised, within the Council's policy framework and budget, to exercise all functions within their area of responsibility, as set out in the current List of Responsibilities for Services in Part 3.3 below. A Director and the Managing Director may in turn delegate this authority to specified officers of the Council. In the absence of a Director, the Managing Director may arrange for duties to be carried out by an appropriate officer.
- 1.9.2 Any officer exercising or advising on the exercise of their delegated authority shall first consider, as a matter of judgement, whether to consult:
- (a) The Cabinet;
 - (b) The member(s) of the Cabinet with responsibility for the matter concerned;
 - (c) the ward councillor(s) or other local councillor(s);
 - (d) the Chairman of a committee;
 - (e) other officers of the Council or other agencies or partner organisations.
 - (f) Any shadow Cabinet Member nominated by the largest opposition group or by that political group jointly with some or all other minority groups
- 1.9.3 The Cabinet Members, Chairman of the Cabinet Policy Committees and the Corporate Management Leadership Team (Managing Director, Directors and Chief of Staff) may meet together on a regular basis as a "Board". The Board provides an opportunity for collective consultation as in 1.9.2 above. It is a non-executive body in which frank exchanges and briefings can take place on a confidential basis to assist with the development and implementation of policy. The Board has no decision-making authority as such and cannot assume any of the powers of the Council, the Cabinet, any other constituent body of the Council or the delegated authority of designated officers.

- 1.9.4 The two following sections are a summary of the procedures laid down by statute and should be used as general guidance only with any decisions being made in accordance with Statutory Instrument 2001 3384.

1.10 The Development of the Policy Framework

- 1.10.1 Where the Cabinet submits a draft plan or strategy to Council for consideration and the Council has objections to it, then the following process must be carried out.
- 1.10.2 Before the Council amends the draft plan or strategy, approves for the purpose of submission to the government any plan or strategy (draft or not), or adopts the plan or strategy, it must inform the Leader of any objections it has to the draft plan or strategy and instruct (through) him/her for Cabinet to reconsider in the light of these objections the draft plan or strategy submitted to it.
- 1.10.3 Where the Council gives these instructions, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions within which the Leader may -
- (a) submit a revision of the draft plan or strategy as amended by the Cabinet with the their reasons for any amendments made to the draft plan or strategy, for Council's consideration; or
 - (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and reasons for any such disagreement.
- 1.10.4 When the period specified by the Council, has expired, the Council must, when -
- (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
 - (b) approving, for the purpose of its submission to the Government for its approval, any plan or strategy (whether or not in the form of a draft or revised draft); or
 - (c) adopting (with or without modification) the plan or strategy,
- 1.10.5 Take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and reasons for that disagreement, which the Chairman of the Cabinet submitted to the authority, or informed the authority of, within the period specified.

1.11 Preparation of the budget

- 1.11.1 The following shall not be the subject of these regulations:

- (a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

1.11.2 If, before 8th February in any financial year, the Cabinet submits (NB for these purposes “submits” means the date of publication of the full Council agenda containing the Cabinet's recommendation for full Council) to the Council for its consideration in relation to the following financial year -

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out below.

1.11.3 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to above or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him/her instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

1.11.4 Where the Council gives instructions in accordance with this, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which s/he may -

- (a) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council authority for its consideration; or
- (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

1.11.5 When the period specified by the Council referred to above, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government

Finance Act 1992, take into account -

- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (b) the Cabinet's reasons for those amendments;
- (c) any disagreement that the Cabinet has with any of the authority's objections; and
- (d) the Cabinet's reasons for that disagreement,

which the Chairman of the Cabinet submitted to the Council, or informed the Council of, within the period specified.

Part 3.2. Committee responsibility for functions other than those reserved by statute for the council

- 2.1 All these functions except key decisions are eligible for full delegation to Staff under the scheme of delegations. For the purpose of clarity, they are recorded here as being executive functions unless shown otherwise.

Function	Decision making body	Membership	Delegation of functions
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.
Any function relating to contaminated land	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.
The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.
The service of an abatement notice in respect of a statutory nuisance	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.
The passing of a regulation that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.
The inspection of the authority's area to detect any statutory nuisance	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.
The investigation of any complaint as to the existence of a statutory nuisance	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.
The appointment of any individual: <ul style="list-style-type: none"> to any office other than an office in which he is employed by the authority 	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.

Function	Decision making body	Membership	Delegation of functions
<ul style="list-style-type: none"> • to any body other than the authority of two or more authorities or • to any committee or sub committee of such a body and the revocation of any such appointment 			
Functions relating to Audit matters and approving the Final Accounts	Finance, Resources, Audit and Governance Committee	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3
The determination of planning applications and other matters within the terms of reference of the Planning Committees.	Development Management	11 members of the authority	Refer to Development Management Committee's Scheme of delegation, in part 4
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Development Management	11 Members of the Authority	Refer to Development Management Committee's Scheme of delegation in Part 4
Taxi, gaming, food and miscellaneous licensing Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations. See also Constitution and terms of Reference of the Committee.	Licensing, Appeals and Complaints	15 members of the authority, of which any 3 (normally including the Chairman or Vice Chairman) will be drawn in rotation to determine individual qualification	Refer to Licensing, Appeals and Complaints Committee's Scheme of delegation in Part 5
Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the	Licensing, Appeals and Complaints	15 members of the authority, of which any 3 (normally including the	Refer to Licensing, Appeals and Complaints Committee's

Function	Decision making body	Membership	Delegation of functions
Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the council's capacity as employer		Chairman or Vice Chairman) will be drawn in rotation to determine individual qualification	Scheme of delegation in Part 5
Appeals	Licensing, Appeals and Complaints	15 Members of the Authority who will sit in sub committees of 3 to hear appeals and to determine applications	Refer to Licensing, Appeals and Complaints Scheme of delegation in Part 5
Functions relating to the Licensing Act 2003	Licensing and Gambling Acts Committee	15 Members of the Authority who will sit in sub committees of 3 to determine applications	Refer to Licensing, Appeals and Complaints Scheme of delegation in Part 5
The provision of a Joint Museums Service for Norfolk	Norfolk Joint Museums Committee	9 members of the County Council, 3 Members of Norwich City Council and 1 member each from Breckland, Broadland, North Norfolk, South Norfolk, Great Yarmouth and Kings Lynn and West Norfolk Councils	
The provision of a records service for Norfolk	Norfolk Records Committee	3 members of the County Council, and Norwich City Council and 1 member each from Breckland, Broadland,	

Function	Decision making body	Membership	Delegation of functions
		North Norfolk, South Norfolk, Great Yarmouth and Kings Lynn and West Norfolk Councils	
The provision of a Building Control Service for participating Norfolk District Councils	The CNC Board	1 executive member each from the participating Councils.	
The provision of a legal service for participating Norfolk Councils	nplaw Board	1 executive member from each of the participating Councils	

Part 3.3. CABINET MEMBERS/PORTFOLIO OF RESPONSIBILITY AND THE RESPONSIBILITIES OF SENIOR OFFICERS

Portfolio	Service Activity	Director	Policy Committee
<p>LEADER & External Affairs</p>	<p>Policy and Strategy</p>	<p>Managing Director</p>	<p>Cross Cutting</p>
	<p>Communications and Marketing</p>	<p>Managing Director</p>	<p>Cross Cutting</p>
	<p>Strategic Planning Policy including: - Community Infrastructure Levy - Local Development Framework - Joint Core Strategy - New Homes Bonus - Town Plans and Developer Guidance</p>	<p>Director Place</p>	<p>Regulation and Planning</p>
	<p>External Affairs</p>	<p>Managing Director</p>	<p>Cross Cutting</p>
	<p>Commercial Ventures</p>	<p>Managing Director</p>	<p>Commercial, Trading & Customer Focus</p>
	<p>Emergency Planning and Business Continuity</p>	<p>Director Place</p>	<p>Cross Cutting</p>
	<p>Elections and Electoral Registration</p>	<p>Director Resources</p>	<p>Cross Cutting</p>
<p>Clean & Safe Environment</p>	<p>Street Lighting</p>	<p>Director Place</p>	<p>Economy and Environment</p>
	<p>Public Conveniences – Policy</p>	<p>Director Place</p>	<p>Economy and Environment</p>
	<p>Public Conveniences – Cleansing</p>	<p>Director People & Communities</p>	<p>Economy and Environment</p>
	<p>Strategic Waste including: - Waste Partnerships - Waste and</p>	<p>Director People & Communities</p>	<p>Economy and Environment</p>

Portfolio	Service Activity	Director	Policy Committee
<p>Clean & Safe Environment</p>	<p>Environmental Strategy development - Reuse and Recycling Project Work</p>		
	<p>Waste including; - Domestic Recycling - Domestic Refuse Collection - Mini Recycling Centres - Commercial Waste - Grounds Maintenance</p>	<p>Director People & Communities</p>	<p>Economy and Environment (Commercial Waste – also Commercial, Trading & Customer Focus)</p>
	<p>Community Protection and Environmental Quality including: - Surface Water & Sewerage - Environmental Crime - Environmental Health - Pest Control - Dog Control - Disease Control - Neglected Sites - Pollution - Community Safety</p>	<p>Director Place</p>	<p>Economy and Environment</p>
	<p>Licensing including: - Alcohol Licensing - Animal Licensing - Gambling Licensing - Regulated Entertainment Licensing - Taxi Licensing - Hypnosis Licensing - Skin piercing registration</p>	<p>Director Place</p>	<p>Regulation and Planning</p>
	<p>Food Safety</p>	<p>Director Place</p>	<p>Regulation and Planning</p>
	<p>Burials</p>	<p>Director People and Communities</p>	<p>People and Communities</p>
	<p>Public Health Protection</p>	<p>Director Place</p>	<p>Economy and</p>

Portfolio	Service Activity	Director	Policy Committee
			Environment
Stronger Economy	Community Assets including: - Play Site Inspection and Adoption - Commons - Community Right to Buy - Heritage Site Management - Parish Land Management	Director Place	People and Communities
	Design and Conservation including: - Biodiversity / Ecology - Dangerous, ruinous or dilapidated buildings - Listed buildings - Tree preservation	Director Place	Regulation and Planning
	Development Control including; - Building Control - client functions - Planning Applications - Planning Appeals - Planning Enforcement - Street Naming & Numbering - Community Infrastructure Levy	Director Place	Regulation and Planning
	Land Charges	Director Place	Regulation and Planning
	CNC Building Control	Director Place	Regulation and Planning; and Commercial, Trading & Customer Focus)
	Economic Development including: - Regeneration - Visitor Economy Initiative	Director Place	Economy and Environment

Portfolio	Service Activity	Director	Policy Committee
<p>Stronger Economy</p>	<ul style="list-style-type: none"> - Tourism - Commercial Property - Market Towns 		
<p>Better Lives</p>	<p>Strategic Housing Policy including;</p> <ul style="list-style-type: none"> - Affordable Housing - Housing Enabling <p>Community Capacity and Engagement including:</p> <ul style="list-style-type: none"> - Community Volunteering - Community Engagement - Community Grants and Funding - Community Transport <p>Benefits including:</p> <ul style="list-style-type: none"> - Council Tax Benefit - Housing Benefits <p>Gypsies and Travellers</p> <p>Housing Standards and Advice including;-</p> <ul style="list-style-type: none"> - Homelessness and Homelessness Prevention - Leased Properties and Hostels - Housing Advances - Housing Advice - Housing Register and Home Options - High Hedges - Housing Enforcement - Renovation Grants - Units Houses and HMOs 	<p>Director Place</p> <p>Director People & Communities</p> <p>Director People & Communities</p> <p>Director People & Communities</p> <p>Director People & Communities</p>	<p>People and Communities</p> <p>People and Communities</p> <p>People and Communities</p> <p>People and Communities</p> <p>People and Communities</p>

Portfolio	Service Activity	Director	Policy Committee
Better Lives	Independent Living including; - Care and Repair - Disabled Facilities Grants // Aids and Adaptations - Home Maintenance Advice - Supporting People - Welfare Rights and Advice - Handyperson Scheme	Director People & Communities	People and Communities
	Early Help	Director People & Communities	People and Communities
Customer Focus	Broadband for the Community	Director Place	Economy and Environment
	Car Parks	Director Place	Commercial, Trading & Customer Focus
	Parking Enforcement	Director People & Communities	Commercial, Trading & Customer Focus
	Sport Development including; - Community Sport Network - Leisure Development - Play Development	Director People & Communities	Commercial, Trading & Customer Focus
	Leisure Services	Director People & Communities	Commercial, Trading & Customer Focus
	Information Technology, ICT Strategy, Telephony and GIS	Director Resources	Commercial, Trading & Customer Focus
	Big Sky	Managing Director	Commercial, Trading & Customer Focus
Finance & Resources	Audit	Director Resources	Finance, Resources, Audit and Governance
	Accountancy and Treasury Management	Director Resources	Finance, Resources, Audit and Governance

Portfolio	Service Activity	Director	Policy Committee
<p>Finance & Resources</p>	<p>Finance including; - Income - Payments - Sundry Debtors</p>	<p>Director Resources</p>	<p>Finance, Resources, Audit and Governance</p>
	<p>Procurement and Supply Contracts</p>	<p>Director Resources</p>	<p>Finance, Resources, Audit and Governance</p>
	<p>Health and Safety at SNC</p>	<p>Director Resources</p>	<p>Cross Cutting</p>
	<p>Human Resources</p>	<p>Director Resources</p>	<p>Finance, Resources, Audit and Governance</p>
	<p>Land and Property including; - Asset Management - Building Maintenance - Facilities Management</p>	<p>Director Resources</p>	<p>Finance, Resources, Audit and Governance</p>
	<p>Revenues including; - Council Tax Collection - National Non-Domestic Rates - Rate Relief Schemes - Benefit Fraud</p>	<p>Director Resources</p>	<p>Finance, Resources, Audit and Governance</p>
<p>Governance and Efficiency</p>	<p>Service Improvement and Efficiency - Organisational Development - Business Development - Business Improvement - Performance Improvement - Customer Insight</p>	<p>Managing Director</p>	<p>Cross Cutting</p>
	<p>Shared Services with Broadland</p>	<p>Managing Director</p>	<p>Cross Cutting</p>
	<p>Legal Services</p>	<p>Director Resources</p>	<p>Finance, Resources, Audit and Governance</p>

Portfolio	Service Activity	Director	Policy Committee
Governance and Efficiency	Risk Management	Managing Director	Finance, Resources, Audit and Governance
	Governance including; - Data Protection - Freedom of Information - Equalities	Director Resources	Cross Cutting
	Democratic Services including; - Committee Services - Member Support	Director Resources	Cross Cutting
	Local Government Review	Managing Director	Commercial, Trading & Customer Focus

4 Delegations to Councillors

- 4.1 Each Member may authorise the spend of £1,000 on projects in relation to the Ward for which the member is elected, in line with the South Norfolk Council Member-Led Grant Rules.

5 Specific delegation of exercise of functions to officers: Development Management Committee

5.1 Applications made under the Planning Acts

- 5.1.1 The Director of Place and such officers as that Director may approve, are each authorised to determine planning applications and prior notifications except those where the following apply:
- 5.1.1.1 The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons
 - 5.1.1.2 The applicant is known to be a member, employee, or close relative of a member of South Norfolk Council or Broadland District Council and the application has received one or more objections and/or is contrary to policy. Close relative is defined as spouse, partner, parent, parent-in-law, son or daughter
 - 5.1.1.3 The officer who would normally make the decision knows that a member or employee of South Norfolk Council has a declarable pecuniary interest in the application
 - 5.1.1.4 Either the Director of Place, the Assistant Director – Planning or the Chairman of the Committee consider in their own capacity or following compelling reasons from a member that there are exceptional circumstances which warrant consideration of the proposal by committee.
 - 5.1.1.5 The proposal has potential to generate employment, but the recommendation is for refusal
 - 5.1.1.6 The proposal has potential to result in the loss of employment, but the recommendation is for approval.

5.2 Enforcement of Development Management

- 5.2.1 The Director of Place, and such officers as that Director may approve, are each authorised to undertake the following enforcement action:
- 5.2.1.1 To serve planning contravention notices and, subject to legal advice, to prosecute for non-compliance with such notices.
 - 5.2.1.2 Subject to legal advice, to serve breach of condition notices and, subject to further such advice, to prosecute for non-compliance with such notices.
 - 5.2.1.3 To decide that enforcement action is not appropriate in a particular case and to notify interested parties of this decision,

subject to consultation with the local member(s). If the local member(s) is not available and an urgent decision is required, officers should consult with the Chairman or Vice-Chairman of the Development Management Committee or, in their absence, the relevant Cabinet portfolio holder.

5.2.1.4 Where a case does not involve employment development, subject to consultation with the local member(s):

- (a) to serve enforcement notice (which term shall also include listed building enforcement notices and special enforcement notices);
- (b) to serve stop notices;
- (c) to serve breach of condition notices;
- (d) to apply for injunctions and enforce them;
- (e) to arrange for the entry on land and the taking of steps required by such an enforcement notice and for the recovery of costs incurred in relation thereto;
- (f) to prosecute for any breaches of such enforcement notices, stop notices, or breach of condition notices

If the local member(s) is not available and an urgent decision is required, officers should consult with the Chairman or Vice-Chairman of the Development Management Committee or, in their absence, the relevant Cabinet portfolio holder.

5.2.1.5 Where a case involves employment development or at the request of a member following consultation in line with paragraph 4.2.1.4, it will be referred to the Development Management Committee. If enforcement action has been authorised by a Development Management Committee in a particular case:

- (a) to serve enforcement notice (which term shall also include listed building enforcement notices and special enforcement notices);
- (b) to serve stop notices;
- (c) to serve breach of condition notices;
- (d) to apply for injunctions and enforce them;
- (e) to arrange for the entry on land and the taking of steps required by such an enforcement notice and for the recovery of costs incurred in relation thereto;
- (f) to prosecute for any breaches of such enforcement notices, stop notices, or breach of condition notices;

Unless the taking of any such step has been specifically excluded by the Committee in the particular case.

5.2.1.6 When she/he considers that it is necessary to take urgent enforcement action before the next scheduled meeting of a relevant Development Management Committee, to take any of the steps referred to in 4.2.1.5 above, the Chairman or Vice-Chairman of the Development Management Committee should be consulted or, in their absence, the relevant Cabinet portfolio holder, subject to legal advice at the time and to reporting details of the action so taken to

the next following meeting of the Development Management Committee.

5.3 Other Functions Falling within the Terms of Reference of the Development Management Committee

- 5.3.1 To exercise all other functions falling within the terms of reference of the Development Management Committee whether by the service of notices, making or confirmation of orders, directions or dispensations, issue of determinations or certificates, lodgement of comments or objections, commencement of proceedings, lodgement of appeals, withdrawal or discontinuance of any matter or action, responding to any matters served upon the Council or otherwise.

5.4 Temporary Stop Notices

- 5.4.1 The Director of Place, the Assistant Director - Planning, the Area Team Managers, the Compliance Manager are authorised to issue and serve a temporary stop notice.

5.5 General Principles against which all Planning Delegations are to be exercised

- 5.5.1. Despite the availability and extent of any delegated power in any particular case, any officer exercising or advising upon the exercise of such power shall first consider whether, in his or her judgement, the matter ought nevertheless to be referred to the Development Management Committee or whether the Chairman or Vice-Chairman of the Committee ought to be consulted. The officer shall have a duty to act in accordance with his or her own judgement in that respect.

6 Specific Delegation of Exercise of Functions to Officers: Licensing and Gambling Acts, Licensing Appeals and Complaints

6.1 Licensing Act 2003

The Director of Place, and such officers as that Director may approve, are each authorised to make decisions in accordance with the following:

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	DIRECTOR OF PLACE
Application for personal licence		If Police objection made	If no objection made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor (previously: Application to vary designated personal licence holder)		If a Police objection made (previously: If a Police representation)	All other cases
Request to be removed as designated premises supervisor (previously: Request to be removed as personal licence holder)			All cases
Application for transfer of premises licence		If a Police objection made (previously: If a Police representation)	All other cases
Application for interim authorities		If a Police objection made (previously: If a Police representation)	All other cases
Application to review premises licence/club premises certificate		All cases	

(previously: Application to review premises licence/club premises registration)			
Decision on whether a representation is irrelevant, frivolous, vexatious, etc			All cases initially, with discretion to refer to sub-committee
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If a Police objection made	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

- (a) The Director of Place, and such other officers as they may approve, has delegated authority to carry out all functions associated with the Licensing Act 2003, which are not covered within the scheme of delegation referred to above.
- (b) The Director of Place, and such other officers as they may approve, has delegated authority to agree that a hearing in appropriate circumstances under the regulations is unnecessary, even when representations have been received and to instigate proceedings for contravention of the provisions of the Act.
- (c) The Director of Place, and such other officers as they may approve, is authorised to approve applications for the grant or renewal of a permit for gaming machines in premises with a premises licence and that the Licensing and Gambling Act Committee is authorised to hold a hearing and determine applications for the grant or renewal of a permit for gaming machines in cases where an objection to the application has been received or the Director of Place, and such other officers as they may approve, is minded to refuse the application. Furthermore, the Director of Place, and such other officers as they may approve, is authorised, after consultation with the Chairman of the Licensing Committee (or in his/her absence the Vice Chairman) to instigate proceedings for contravention of the relevant parts of the Gambling Act or the terms of a permit issued by or under the authority of the Committee.

6.2 Gambling Act 2005

The Director of Place, and such other officers as they may approve, are each authorised to make decisions in accordance with the following:

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	DIRECTOR OF PLACE
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X

Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

6.3 Hackney Carriage and Private Hire

The Director of Place, and such officers as they may approve, are each authorised to carry out all functions associated with the Local Government Miscellaneous Provisions Act 1976 and the Town Police Clause Act 1847 except in relation to the setting of fees and charges. Should any authorised officer wish, they may elect not to determine any matter put to them in which case the matter is considered to be delegated to the Licensing, Appeals and Complaints Committee.

6.4 Scrap Metal Dealers

The Director of Place, and such other officers as they may approve, are each authorised to carry out all functions specified within the Scrap Metal Dealers Act 2013, except to consider appeals against the refusal, revocation or variation of a Scrap Metal Dealer Licence.

6.5 Health and Safety at Work Act 1974

The Director of Place is authorised to appoint Inspectors under section 19 of the Health and Safety at Work Act 1974.

6.6 Hypnotism

The Director of Place, and such officers as they may approve, are each authorised to carry out all functions associated with the Hypnotism Act 1952. Should any authorised officer wish, they may elect not to determine any matter put to them in which case the matter is considered to be delegated to the Licensing, Appeals and Complaints Committee.

7. Specific Delegation of Exercise of Functions to Officers: Building Control

7.1 Building Act 1984

7.2 The Director of Place, and such other officers as they may approve, are each authorised to undertake the following:

7.2.1 Determine building applications under the building act and regulations;

- 7.2.2 Issue building regulation determinations
- 7.2.3 Determine applications for relaxation and dispensation of building regulations
- 7.2.4 To authorise, issue and serve notices and permits under the following sections of the Building Act:
- S.23 – provision of facilities for refuse
 - S.25 – supply of water
 - S.35-36 removal or alteration of unauthorised work
 - S.59 – drainage of buildings
 - S.64-s.66 – provision of closets in buildings
 - S.70 – provision of food storage accommodation
 - S.71-72 – entrances, exits and means of escape
 - S.73 – raising of chimneys
 - S.76 – abatement notices
 - S.77-79 – dangerous buildings
 - s.81-82 – demolition of buildings and site clearance
 - s.95 – rights of entry
- 7.2.5 To undertake enforcement work and initiate legal proceedings for failure to comply with building regulations, or notices served in 6.2.4 above, where permitted to do so
- 7.2.6 To give effect to any court order issued to vary or reverse the decision of the Council, including the granting of any necessary consents

7.3 Building (Local Authority Charges) Regulations 2010

- 7.3.1 The approval of the Council's charging schedule is reserved for Cabinet, who are required to give due consideration to the views of the CNC Building Control Board.
- 7.3.2 The Director of Place, and such other officers as they may approve, are each authorised to assess and charge fees in accordance with the approved charging schedule.

8 Specific Delegation of Exercise of Functions to Officers: Homelessness

- 8.1 The Director of People and Communities, and any such officers as they may approve, has delegated authority to carry out all functions associated with carrying out reviews of decisions regarding an individual's homeless status as required by the Housing Act 1996 as long as it is in force and thereafter, the Homelessness Reduction Act, and the supporting Code of Guidance. The Chairman of the Licensing Committees will be consulted when making decisions in relation to the review. In the event that the Chairman is not available, the Vice-Chairman will consider the review and if neither the Chairman or Vice-Chairman are available, officers will appoint a member on a rotation basis from the pool of members of the Licensing and Appeals Committee.

**The Constitution of
South Norfolk Council**

PART 4: RULES OF PROCEDURE

PART 4 Rules of Procedure

- 1 Council
- 2 Cabinet
- 3 Scrutiny Committee
- 4 Finance, Resources, Audit and Governance Policy Committee
- 5 Housing, Wellbeing, Leisure and Early Intervention Policy Committee
- 6 Growth, Infrastructure and Environment Policy Committee
- 7 Planning and Regulation Policy Committee
- 8 Community Action Fund (CAF) Panel
- 9 Development Management Committee
- 10 Sites Sub Committee
- 11 Licensing, Appeals and Complaints Committee
- 12 Licensing and Gambling Act Committee
- 13 Standards Committee
- 14 Joint Statutory Officer Hearing Committee
- 15 Joint Statutory Officer Appeals Committee
- 16 Emergency Committee
- 17 Joint Consultative Committee
- 18 Aldermanic Review Panel
- 19 Electoral Arrangements Review Committee
- 20 Joint Appointments Panel
- 21 Joint Scrutiny Committee
- 22 Awards Panel
- 23 Joint Informal Cabinet
- 24 Joint Lead Member Group
- 25 Commercial, Trading & Customer Focus Committee

1 COUNCIL

1.1 Terms of Reference

1.1.1 Functions reserved for Council shall be to decide the Council's constitution, budget and policy framework, to act as the chamber for debate and a decision making body of last resort (with the exception of Development Control and Licensing applications and enforcement issues), and in particular to decide:

- (a) the Council's structures and terms of reference;
- (b) the scheme of delegations;
- (c) Standing Orders and Financial Regulations;
- (d) the Council's policy framework (for details see Part 2 Article 4).

1.1.2 Appointing:

- (a) the Chairman and Vice Chairman of the Council;
- (b) the Leader of the Council who will be appointed for a period starting with the Annual General Meeting until the next Annual General Meeting, although Council may resolve at any time to remove the Leader and appoint another;
- (c) members of the Council to the Scrutiny Committee, Standards Committee, Licensing and Appeals Committee, Licensing Act 2003 Committee, Development Management Committee, Joint Scrutiny Committee and other appropriate bodies;
- (d) member representation on Outside organisations;
- (e) Managing Director and Directors (or to make arrangements for their appointment);
- (f) Chairmen and Vice Chairmen of (amongst others) the Scrutiny Committee, Development Management Committee and Licensing and Appeals Committee;

1.1.3 To:

- (a) agree the Council's corporate Business Plan;
- (b) consider and make final decisions on references from other bodies;
- (c) approve the Council's Budget and set the Council Tax;
- (d) approve the Pay Policy Statement
- (e) agree Council borrowing limits;
- (f) approve the Treasury Management Strategy;
- (g) agree a scheme of members' allowances;
- (h) consider notices of motion from members;
- (i) consider petitions and questions submitted by residents of the district;
- (j) consider statutory reports from the Monitoring Officer and S 151 Officer;
- (k) receive presentations and conduct debates on issues as appropriate;
- (l) agree the Local Development Framework;
- (m) agree the Statement of Licensing Policy and Gambling Policy
- (n) agree any other plans and strategies which the Council decides should be adopted as a matter of local choice.
- (o) approve Community Governance orders.

- 1.1.4 Together with such other functions as the law may, from time to time, require to be reserved to the Council.

1.2 Membership

- 1.2.1 All members of the Council may take part in meetings of Council.

1.3 Quorum

- 1.3.1 No decisions may be taken unless at least one quarter of the members of the Council are present – i.e. 12 (see Standing Orders for further information).

1.4 Procedures, protocols and public speaking

- 1.4.1 There will be an annual meeting and 4 ordinary meetings. The annual meeting will determine the appointments listed at 1.1.2 above, though the Group Leaders may change these appointments by writing to the Monitoring Officer, who will report any such changes to the next meeting of Council.

- 1.4.2 Meetings will be held in April/May, July, September/October, December, and February and at such other times as may be decided by the Council.

Extraordinary meetings can be called by:

- (a) The Chairman of the Council
- (b) The Leader of the Council
- (c) Any 5 members

by giving notice to the Monitoring Officer not less than six clear working days before the intended date of the meeting.

- 1.4.3 Members of the Public will be able to submit and introduce petitions and ask questions in line with Standing Orders, but not speak on other items.

- 1.4.4 All other procedures and protocols are set out in Standing Orders and, except as provided there, the Chairman of the Council shall be responsible for maintaining order and the effective conduct of business at meetings of the Council.

1.5 Voting

- 1.5.1 Normally voting at meetings is by show of hands but, when five or more Members request it, a recorded vote must be taken.

- 1.5.2 The Chairman's declaration of the number of votes cast for, or against, a motion is final.

- 1.5.3 Where immediately after a vote is taken any member so requests, the minutes must record whether that member votes for, against, or abstained from voting on the motion.

- 1.5.4 In the event of an equality of votes, the Chairman shall have a second or casting vote.
- 1.5.5 Any vote on the annual Budget or Council Tax setting, and any amendments thereon, must be subject to a recorded vote

2 THE CABINET

2.1 Terms of Reference

The Cabinet shall:

2.1.1 Policy

- (a) In consultation with other bodies, (as appropriate) develop and propose the overall policy framework for approval by the Council;
- (b) Make recommendations for strategy documents to be approved by Council, where such approval is required;
- (c) Draw up the Council's Corporate Business Plan.

2.1.2 Financial

- (a) recommend a budget and the level of Council Tax to the Council;
- (b) be responsible for risk management, audit and internal control.

2.1.3 General

- (a) decide matters referred to it from other bodies, including the cabinet policy committees (or advise the Council on issues involving significant changes to budgets and policies);
- (b) Receive reports on the performance and efficiency of the Council, recognising areas for improvement and directing cabinet policy committees to review these accordingly;
- (c) Develop a work programme of policy development areas in order to influence and direct the work of the cabinet policy committees
- (d) develop opportunities for partnership / shared / innovative working;
- (e) determine issues within an agreed scheme of delegations referred to it for decision by the Managing Director and Directors;
- (f) report to each scheduled meeting of the Council.

2.1.4 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, (as amended) includes four schedules which define which decisions may not be made by Cabinet and in what circumstances.

2.1.5 In order to discharge the functions highlighted above, cabinet may appoint task and finish groups, to be constituted of members of the cabinet or cabinet policy committees.

2.2 Membership

2.2.1 The Council will appoint a Leader, who will appoint no less than 1 and not more than 9 other members. These members (known as Cabinet members) will have special responsibilities allocated by the Leader, which shall be published.

2.2.2 The Leader must designate one of the Cabinet Members as Deputy Leader.

2.2.3 The Leader may, from time to time, make changes to the membership of Cabinet or fill any vacancies that may arise by writing to the Monitoring Officer who will report any such changes to the next meeting of Council.

2.2.4 No substitute members will be permitted.

2.2.5 The Leader shall act as Chairman of the Cabinet and the Deputy Leader as Vice Chairman.

2.3 Quorum

2.3.1 The minimum number of members of Cabinet required to transact any of its business shall be two thirds, rounded up to the nearest whole number.

2.4 Procedures, protocol and public speaking

2.4.1 The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Cabinet.

2.4.2 The Cabinet will usually meet 10 times per year. Special meetings of the Cabinet may be called by the Leader of the Council, or any 2 Cabinet members.

2.4.3 Except on grounds of urgency, or where specifically decided by the Councils, proposals for new policies or significant changes to an existing policy, should first be considered by the relevant Cabinet Policy Committee. Where requested by Cabinet, the Scrutiny Committee may review work of the Policy Committee prior to Cabinet approval.

2.4.4 Notification of decisions of the Cabinet (and decisions by the Managing Director, Director or other officers made in cases where there has been consultation with the whole cabinet) will be sent to all members of the Council within 2 working days.

2.4.5 Any member of the Council can attend the Cabinet and may speak on any issue once.

2.4.6 Members of the press and public may attend the Cabinet. General arrangements for public speaking as set out in Part 4.5 G "Public Speaking at Committees" apply.

2.5 Voting

2.5.1 Voting at meetings is by show of hands.

2.5.2 Voting members may request that their votes are recorded.

2.5.3 In the event of an equality of votes, the Chairman shall have a second or casting vote.

3 SCRUTINY COMMITTEE

3.1 Terms of Reference

3.1.1 The main roles of the Scrutiny Committee are:

- To review or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Leader of the Council or Cabinet (collectively “the executive”), and to make reports or recommendations on this basis
- To make reports or recommendations to the authority or the executive on matters which affect the authority’s area or the inhabitants of its area.
- To make reports or recommendations to a relevant partner authority in so far as the responsibilities of the partner authority affect the District, or residents of the District
- To perform the function of the Crime and Disorder Scrutiny Committee for the District under section 19 of the Police and Justice Act 2006

3.1.2 The Committee will specifically:

- a. Assess proposed topics and scrutiny investigations for inclusion in an agreed work programme of the Scrutiny Committee, and to regularly review the work programme, taking into account the current priorities of the Council and the need for a proportionate approach
- b. In proposing and reviewing its work programme the Committee will determine the most appropriate means for undertaking this work, including the extent of involvement of the public and defining desired outcomes
- c. Review the Council’s annual budget, and in light of recommendations of the executive, report to Council;
- d. Pre-scrutinise proposals for new policies, or significant changes to policies, where requested to do so by Cabinet;
- e. To monitor the funding allocations and outcomes achieved from the Community Action Fund;
- f. Consider any matter referred through the Community Reference Procedure to any relevant committee, following such consultation the Chairman feels appropriate. Where such matters are considered by Scrutiny, these will be incorporated into the work programme as above.
- g. Adopt the “TOPICS” principle in identifying if issues under consideration should be included within the future work programme, i.e:
 - (a) Is this the right **time** to review the issue and is there sufficient officer time and resource to conduct the review? What is the timescale?
 - (b) What is the reason for review; do officers have a clear **objective**?
 - (c) Can **performance** in this area be improved by scrutiny?

(d) Is there sufficient **interest** (particularly from the public)? The concerns of local people should influence the issues chosen for scrutiny.

(e) Will the review assist the Council achieve its **corporate priorities**

3.1.3 In discharging its role in (1) above, the Committee will consider decisions of the executive which have been “called in” for consideration under the council’s decision making process. In respect of such items, the Committee may:

- (a) Endorse the executive’s decision (which will then be implemented):
- (b) Refer the matter back for reconsideration by the executive; in doing so, it may suggest a different option is considered, or the executive carry out additional consultation or obtain more information;
- (c) Authorise its Chairman, or one of its members, to negotiate with the responsible Cabinet member(s)
- (d) Make an alternative recommendation to Full Council, where the Cabinet decision was to refer the matter to Full Council for consideration

3.1.4 Once the Scrutiny Committee has considered an item called in, it will inform the members who called in the item, and the relevant executive body of the outcome.

3.1.5 It will ordinarily be the case that all such items will be considered by the Scrutiny Committee itself. However, the Scrutiny Committee may appoint one or more task and finish groups in order to discharge its functions as above. Any such task and finish group may not consider items which have not been conferred by the Scrutiny Committee.

3.2 Membership

3.2.1 The Council shall appoint 9 members of the council to the Scrutiny Committee. No member of the Executive may be a member of, or attend as a substitute of the Scrutiny Committee, and no more than two members of Scrutiny may sit on any one cabinet policy committee.

3.2.2 Named substitutes may attend and vote at the Committee in accordance with the Council’s Standing Order C7, and are considered to be members of the Committee during their attendance

3.2.3 The Chairman and Vice-Chairman of the Committee shall be elected by the Council for each civic year.

3.3 Quorum

3.3.1 The minimum number of voting members to transact the business of the Committee shall be 3.

3.4 Procedures, protocol and public speaking

3.4.1 The Chairman of the Committee shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.

- 3.4.2 Members of the public may attend the Committee, and speak in accordance with the provisions below, unless the press and public are excluded for consideration of confidential items.
- 3.4.3 When carrying out reviews or call-ins, the Committee may call witnesses, which can include members of the public, members of the authority and the executive. The order of business will be in accordance with the agenda. The procedure will normally be:
- (a) The Chairman will explain the procedure and will ask any member of the council or any person who also wishes to give evidence to identify themselves
 - (b) If the matter is a call-in of a Cabinet decision, the Call-in will be presented by the members calling in the item. If the matter is a review, the review will be presented by the Senior Governance Officer
 - (c) Evidence from witnesses, including the Cabinet member and officer(s) concerned;
 - (d) Evidence from any other persons who have identified themselves at the start of proceedings;
 - (e) Each witness will have up to 5 minutes to speak, after which the Committee may ask questions. The Chairman has discretion to allow any individual witness to speak for more than 5 minutes.
 - (f) At the discretion of the Chairman, any other person may put questions to the witnesses, except that no member of the public may put questions to another member of the public;
 - (g) Witnesses will then be given opportunity to add any other points not already covered.
- 3.4.4 When considering called-in items, the main evidence will be the relevant executive papers.
- 3.4.5 Any member of the Council will be entitled to attend the Committee and to speak and ask questions.
- 3.4.6 At any stage in proceedings, the Committee may resolve to exclude the press and public if there is likely to be the disclosure of exempt information as defined in Schedule 12A of the Local Government Act 1972.
- 3.4.7 It is the duty of any member or officer of the Council to attend the Scrutiny Committee if required to do so, and to give evidence and answer questions to the best of their knowledge and ability. No witness shall be required to give evidence which, in the opinion of the witness, would disclose confidential information, unless the press and public have been excluded.

3.5 Voting

- 3.5.1 Voting shall be by a simple majority by show of hands
- 3.5.2 Voting members may request that their votes are recorded
- 3.5.3 In the event of equality of votes, the Chairman shall have a second or casting vote.

4 FINANCE, RESOURCES, AUDIT AND GOVERNANCE COMMITTEE

4.1 Terms of Reference

- 4.1.1. To deliver appropriate work as discharged by Cabinet, in relation to the relevant areas of the following portfolios as outlined in Part 3.3. of the Constitution (Cabinet Members/Portfolio of Responsibility and the Responsibilities of Senior Officers):
 - a. Finance and Resources
 - b. Governance and Efficiency
- 4.1.2. To review areas of the Council's budget and performance highlighted by Cabinet in respect of the Finance and Resources portfolio of responsibility, utilising this review to inform future work for the Committee.
- 4.1.3. To specifically review, making recommendations to Cabinet where appropriate:
 - a. The draft statement of accounts, considering whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements that need to be brought to the attention of cabinet prior to external audit;
 - b. The final statement of accounts;
 - c. The external auditor's report on the statement of accounts;
 - d. The effectiveness of the Council's internal audit service;
 - e. The external auditor's annual plans.
- 4.1.4. To approve:
 - a. The statement of accounts;
 - b. The annual governance statement;
 - c. The Internal Auditor's annual plans;
 - d. The Head of Internal Audit's annual report and opinion.
- 4.1.5. To oversee the work of, and receive reports from, the Joint Consultative Committee
- 4.1.6. Undertake any other work as directed by Cabinet

4.2 Membership

- 4.2.1. The Committee will consist of 9 Members of the Council to be appointed by the Leader of the Council and be politically balanced. The relevant portfolio holder will attend committee meetings ex-officio.
- 4.2.2. Named substitutes may attend and vote at the Panel, in accordance with the Council's standing order C7.
- 4.2.3. The Chairman and Vice-Chairman of the Panel will be appointed by the Leader of the Council.

4.3 Quorum

- 4.3.1 A minimum of three members of the Council (either members of the Panel or named substitutes) must be present to transact any business of the committee.

4.4 Procedures, protocol and public speaking

- 4.4.1 The Chairman of the Panel shall be responsible for maintaining order and the effective conduct of business at meetings of the committee.
- 4.4.2 Public speaking will be allowed in accordance with Section G of Part 4.5 of the Constitution – Standing Orders and Rights of the Public at Council Meetings.
- 4.4.3 At the discretion of the Chairman, any person attending the committee may speak or may put questions to any other participant.
- 4.4.4 Any member of the Council may attend and speak at meetings of the committee.

4.5 Voting

- 4.5.1 Voting shall be by a simple majority by show of hands
- 4.5.2 Voting members may request that their votes are recorded
- 4.5.3 In the event of an equality of votes the Chairman shall have a second or casting vote.

5. PEOPLE & COMMUNITIES CABINET POLICY COMMITTEE

5.1 Terms of Reference

- 5.1.1 To deliver appropriate work as discharged by Cabinet, in relation to the relevant areas of the following portfolios as outlined in Part 3.3. of the Constitution (Cabinet Members/Portfolio of Responsibility and the Responsibilities of Senior Officers):
- a) Clean and Safe Environment
 - b) Better Lives
- 5.1.2 To formulate policy highlighted by Cabinet in respect of the Portfolios referred to in 5.1.1 above.
- 5.1.3 To advise on applications for affordable housing grants.
- 5.1.3 Undertake any other work as directed by Cabinet.

5.2 Membership

- 5.2.1 The Committee will consist of 9 Members of the Council to be appointed by the Leader of the Council, and be politically balanced. The relevant portfolio holders will attend committee meetings ex-officio.
- 5.2.2 No more than 3 members of the panel can also sit on the Scrutiny Committee (to include any named substitutes).
- 5.2.3 Named substitutes may attend and vote at the Panel, in accordance with the Council's standing order C7.
- 5.2.4 The Chairman and Vice-Chairman of the Panel shall be appointed by the Leader of the Council.

5.3 Quorum

- 5.3.1 A minimum of three members of the Council (either members of the Panel or named substitutes) must be present to transact any business of the committee.

5.4 Procedures, protocol and public speaking

- 5.4.1 The Chairman of the Committee shall be responsible for maintaining order and the effective conduct of business at meetings of the committee.
- 5.4.2 Public speaking will be allowed in accordance with Section G of Part 4.5 of the Constitution – Standing Orders and Rights of the Public at Council Meetings.
- 5.4.3 At the discretion of the Chairman, any person attending the committee may speak or may put questions to any other participant.
- 5.4.4 Any member of the Council may attend and speak at meetings of the committee.

5.5 Voting

5.5.1 Voting shall be by a simple majority by show of hands

5.5.2 Voting members may request that their votes are recorded

5.5.3 In the event of an equality of votes the Chairman shall have a second or casting vote.

6 ECONOMY AND ENVIRONMENT CABINET POLICY COMMITTEE

6.1 Terms of Reference

6.1.1 To deliver appropriate work as discharged by Cabinet, in relation to the relevant areas of the following portfolios as outlined in Part 3.3. of the Constitution (Cabinet Members/Portfolio of Responsibility and the Responsibilities of Senior Officers):

- a) Clean and Safe Environment
- b) Stronger Economy

6.1.2 To formulate policy highlighted by Cabinet in respect of the Portfolios referred to in 6.1.1 above.

6.1.3 Undertake any other work as directed by Cabinet

6.2 Membership

6.2.1 The Committee will consist of 9 Members of the Council to be appointed by the Leader of the Council and be politically balanced. The relevant portfolio holders will attend committee meetings ex-officio.

6.2.2 No more than three members of the committee can also sit on the Scrutiny Committee (to include any named substitutes).

6.2.3 Named substitutes may attend and vote at the committee, in accordance with the Council's standing order C7.

6.2.4 The Chairman and Vice-Chairman of the Committee shall be appointed by the Leader of the Council.

6.3 Quorum

6.3.1 A minimum of three members of the Council (either members of the committee or named substitutes) must be present to transact any business of the committee.

6.4 Procedures, protocol and public speaking

6.4.1 The Chairman of the Committee shall be responsible for maintaining order and the effective conduct of business at meetings of the committee.

6.4.2 Public speaking will be allowed in accordance with Section G of Part 4.5 of the Constitution – Standing Orders and Rights of the Public at Council Meetings.

6.4.3 At the discretion of the Chairman, any person attending the Committee may speak or may put questions to any other participant.

6.5 Voting

6.5.1 Voting shall be by a simple majority by show of hands

6.5.2 Voting members may request that their votes are recorded

6.5.3 In the event of an equality of votes the Chairman shall have a second or casting vote.

7. REGULATION AND PLANNING CABINET POLICY COMMITTEE

7.1 Terms of Reference

7.1.1 To deliver appropriate work as discharged by Cabinet, in relation to the relevant areas of the following portfolios as outlined in Part 3.3. of the Constitution (Cabinet Members/Portfolio of Responsibility and the Responsibilities of Senior Officers):

- a) Clean and Safe Environment
- b) Stronger Economy

7.1.2 To advise on the development of local plans.

7.1.3 To formulate policy highlighted by Cabinet in respect of the Portfolios referred to in 7.1.1 above.

7.1.4 Undertake any other work as directed by Cabinet

7.2 Membership

7.2.1 The Chairman and Vice-Chairman of the committee shall be appointed by the Leader of the Council and be politically balanced.

7.2.2 The Committee will consist of 9 Members of the Council, as appointed by the Leader of the Council.

7.2.3 No more than three members of the panel can also sit on the Scrutiny Committee (to include any named substitutes).

7.2.4 Named substitutes may attend and vote at the Panel, in accordance with the Council's standing order C7.

7.3 Quorum

7.3.1 A minimum of three members of the Council (either members of the Committee or named substitutes) must be present to transact any business of the Committee.

7.4 Procedures, protocol and public speaking

7.4.1 The Chairman of the Committee shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.

7.4.2 Public speaking will be allowed in accordance with Section G of Part 4.5 of the Constitution – Standing Orders and Rights of the Public at Council Meetings.

7.4.3 At the discretion of the Chairman, any person attending the Committee may speak or may put questions to any other participant.

7.4.4 Any member of the Council may attend and speak at meetings of the Committee.

7.5 Voting

7.5.1 Voting shall be by a simple majority by show of hands

7.5.2 Voting members may request that their votes are recorded

7.5.3 In the event of an equality of votes the Chairman shall have a second or casting vote.

8. COMMUNITY ACTION FUND (CAF) PANEL

Terms of Reference

8.1.1 To consider and make recommendations to the Director responsible for Communities (or substitute Director if necessary), in relation to the awarding of grants from the Community Action Fund.

8.2 Membership

8.2.1 The Panel will consist of 5 members of the Council, of which 3 must be:

- Portfolio Holder for Better Lives
- Chairman of the People & Communities Cabinet Policy Committee
- Shadow Portfolio Holder for Better Lives

The other 2 members will be nominated by the Leader of the Council

8.2.2 The Chairman of the Panel will be the Portfolio Holder for Better Lives.

8.3 Substitutes

8.3.1 Named substitutes may attend and vote at the Panel, these will be:

- Portfolio Holder for Better Lives may be substituted by another Cabinet member.
- Chairman of the People & Communities Cabinet Policy Committee may be substituted by the deputy chairman, or if not available, another member from the Committee.
- Shadow Portfolio Holder for Better Lives may be substituted by another member of their party.

8.3.2 The following officers will also be in attendance at Panel meetings, but will not be voting members:

- Director responsible for Communities (or substitute Director if necessary)
- Either the Communities Senior Manager or Assistant Director for Individuals and Families.

8.4 Quorum

8.4.1 A minimum of 2 members (either members of the Panel or named substitutes) must be present to transact any business of the Panel.

8.5 Procedures, protocol and public speaking

8.5.1 The Chairman of the Panel shall be responsible for maintaining order and the effective conduct of business at meetings of the Panel.

8.5.2 Members who have put in applications may attend and speak at the Panel at the discretion of the Chairman.

8.5.3 Members of the public may not attend the Panel.

8.6 Voting

8.6.1 Voting shall be by a simple majority by show of hands. Voting members may request that their votes are recorded.

9 Development Management Committee

9.1 TERMS OF REFERENCE

- 9.1.1 The development management committee will meet every four weeks in order to exercise, within the policies adopted by the Council, its functions under all Town and Country Planning and Building Control legislation, in particular:
- (a) To determine Planning and Building Control applications other than those delegated to Officers
 - (b) To decide on the enforcement of planning and building control, preservation, protection and enhancement of amenity (including forestry) listed and historic buildings and highways and traffic issues.
 - (c) To make observations in cases where the Council is a consultee on applications made to other bodies;
- 9.1.2 Before reaching a determination of any matter before it, the Development Management Committee may arrange for a site visit by itself.
- 9.1.3 The Development Management Committee may refer any matter to a Sites Sub-Committee (comprising not more than 6 of its Members, appointed in rotation) for subsequent visit and reporting to its next meeting (together with any observations for the benefit of the Sites Sub-committee which it may make)

9.2 Membership

- 9.2.1 The 5 Members of the Development Management Committee must be drawn from amongst those members as from time to time are accredited to serve.
- 9.2.2 The Development Management Committee Chairman and Vice-Chairmen shall be appointed by Council.
- 9.2.3 Membership of the Cabinet does not preclude membership of the Development Management Committee.
- 9.2.4 Named substitutes, chosen when possible from amongst the pool of substitutes, may attend and vote at the Committee in accordance with the Council's Standing Orders. In any event substitutes shall only be drawn from the membership of Council currently accredited for planning purposes.

9.3 Quorum

- 9.3.1 The minimum number of members to transact any business of the Committee shall be 3.

9.4 PROCEDURES, PROTOCOL AND PUBLIC SPEAKING

- 9.4.1 The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.

- 9.4.2 Public speaking will be allowed in accordance with section G1 of part 4.5 of the constitution - "Standing Orders & Rights of the Public at Council Meetings". Public speaking may also be achieved through the submission of a written statement.
- 9.4.3 The "local member" may attend and speak at meetings of the Committee, or submit a written statement, at the discretion of the Chairman, including:
- (a) the local member for people affected by a proposal living in an adjacent ward to the ward in which the development is situated;
 - (b) where the local member is unable to attend, or has declared an interest and asked a colleague to carry out the role of the local member for that item, that colleague;
 - (c) where the applicant lives in a different ward to the ward in which the application site is situated and would naturally turn to the local member for the ward in which he lived, that Member.
- 9.4.4 Other members of the Council falling outside these categories attending meetings may only exercise speaking rights as members of the public.

9.5 Voting

- 9.5.1 Voting will be by a simple majority on a show of hands.
- 9.5.2 Any voting members may request that their votes are recorded.
- 9.5.3 In the event of an equality of votes, the Chairman shall have a second or casting vote.

10. SITES SUB-COMMITTEE

10.1 TERMS OF REFERENCE

The Site-Sub Committee shall:

- 10.1.1 Report to the Development Management Committee on inspections carried out of any site referred to it for inspection and consideration by the Committee;
- 10.1.2 Advise the Development Management Committee on matters referred to the Sub-Committee for inspection and consideration;

10.2 Membership

- 10.2.1 Six Members of the Sub-Committee including either the Chairman or Vice-Chairman will be drawn by the Proper Officer from amongst membership of the Planning Committee in rotation.
- 10.2.2 The Chairman or Vice Chairman of the relevant Development Management Committee will chair the meetings.
- 10.2.3 Named substitutes, chosen when possible from amongst the members of the Development Management Committee, may attend the Sub-Committee in accordance with the Council's Standing Orders. In any event substitutes shall only be drawn from the membership of Council currently accredited for Development Management purposes.

10.3 Quorum

- 10.3.1 The minimum number of members to transact any business of the Sub-Committee shall be 2.

10.4 Procedures, protocol and public speaking

- 10.4.1 The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Sub-Committee.
- 10.4.2 Public speaking is not permitted at meetings of the Sites Sub-Committee. However, if invited to do so by the chairman, the public may be asked whether there are any additional features they would wish the Committee to see. The public will have normal speaking rights on the planning applications at the Development Management Committee, which will meet at South Norfolk District Council Offices in Long Stratton, to determine the application.
- 10.4.3 There should be no discussion or debate about the merits of the application and no sub-committee recommendation to a Development Management Committee.

11 LICENSING, APPEALS AND COMPLAINTS COMMITTEE

11.1 Terms of Reference

11.1.1 Applications

- (a) To decide all matters relating to registration (other than electoral matters) and licensing not covered by the Licensing Act 2003 or the Gambling Act 2005 and to hear and determine after a full hearing, all applications for such licenses, or registration, not the subject of delegation to officers.
- (b) To determine action to be taken in respect of any breach of such licensing and registration, conditions or legislation and authorise the institution, prosecution, defence or appearance in any related legal proceedings.
- (c) To advise the Cabinet on general arrangements for the exercise of the non Licensing Act 2003 licensing and registration functions, including the level of fees and charges to be made.
- (d) Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the council’s capacity as employer.
- (e) To undertake policy making as a part of judicial decision making in the first instance.

11.1.2 Appeals

- (a) To consider and determine appeals relating to decisions and applications to the Council, that are not dealt with through existing statutory routes or external appeals, or those which are determined through alternative Council procedures.
- (b) To make recommendations on policy/guidance.

11.1.3 Complaints

- (a) Consider and determine complaints referring to it under the Council’s Complaints Procedure other than about the conduct of elected members which shall be dealt with by the Standards Committee, or about the terms, conditions or conduct of employees, which are dealt with under the relevant HR policy or procedure.
- (b) To consider the designation of serial complainants referred to it under the Council’s complaints procedure.
- (c) To make recommendations as appropriate.

11.2. Membership

The Committee shall have a Membership of 15.

- 11.2.1 From within the full membership of the Committee, any 5 members (which should normally include either the Chairman and/or Vice Chairman) shall be drawn in rotation by Democratic Services Team Leader to consider the business of housing homelessness appeals and complaints. For all other licensing matters any 3 members shall be drawn in rotation, usually to include either the Chairman or Vice-Chairman. Named substitutes may be drawn only from the full membership of the Committee and may attend and vote at meetings of the Committee.
- 11.2.2 Named substitutes may be drawn only from the full membership of the Committee and may attend and vote at meetings of the Committee provided they are relevantly accredited for the business to be considered.
- 11.2.3 The Chairman and Vice Chairman shall be appointed by the Council.
- 11.2.4 Any member of the Council may attend meetings of the Committee.
- 11.3 Quorum**
- 11.3.1 The minimum number of members to transact any business of the Committee shall be 3.
- 11.4 Procedures, protocol and public speaking**
- 11.4.1 The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings.
- 11.4.2 Proceedings upon applications brought before the Committee shall be by way of a full hearing. The Committee shall settle its own procedure in accordance with the general law and shall publish guidelines for the benefit of applicants, objectors and others who may appear before it.
- 11.4.3 After the conclusion of the hearing on an application or appeal, the deliberation shall be in private and the decisions announced in public.
- 11.5 Voting**
- 11.5.1 Voting shall be by a simple majority on a show of hands.
- 11.5.2 Any voting members may request that their votes be recorded.
- 11.5.3 In the event of an equality of votes, the Chairman shall have a second or casting vote.

12 LICENSING AND GAMBLING ACTS COMMITTEE

12.1 Terms of reference

12.1.1. Committee

- (a) The Committee shall exercise the general arrangements for the exercise of the Licensing Act 2003 and the Gambling Act 2005.
- (b) The Committee shall advise the Council on the development of a statement of licensing policy.

12.1.2 Sub Committee

- (a) The Sub Committees shall decide all matters relating to Licensing covered by the Licensing Act 2003 and the Gambling Act 2005 and hear and determine after a full hearing all applications for such licenses, which are not the subject of delegation to officers.

12.2 Membership

12.2.1 Committee

- (a) The Committee shall have a Membership of 15 comprising the Members of the main Licensing and Appeals Committee.

12.2.2 Sub Committee

- (a) From within the full membership of the Committee, sub committees of any 3 members (which should normally include one the Chairman or Vice Chairman of the Committee) shall be selected in rotation by the Democratic Services Team Leader to consider business. Named substitutes for sub-committees may be drawn only from the membership of the Licensing Act 2003 Committee who fulfil the training accreditation and they may attend and vote at meetings of the sub-committees.
- (b) The Council shall appoint the Chairman and Vice-Chairman of the Committee. In the absence of the Chairman or Vice-Chairman at a meeting of the Sub Committee, a Chairman shall be elected from the members present.
- (c) Any member of the Council may attend meetings of the Committee and sub committees.

12.3 Quorum

12.3.1 Committee

The minimum number of members to transact any business of the Committee shall be 4.

12.3.2 Sub Committee

The minimum number of members to transact any business of a sub committee will be 3

12.4 Procedures, protocol and public speaking

12.4.1 The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings.

12.4.2 Committee

Meetings of the Licensing and Gambling Acts Committee are subject to the general rules which apply to committees established under the Local Government Act 1972.

12.4.3 Sub Committee

Proceedings upon applications brought before the sub Committee shall be by way of a full hearing. The Committee shall settle its own procedure in accordance with the law (including the law relating to Human Rights) and shall publish guidelines for the benefit of applicants, objectors and others who may appear before it. After the conclusion of the hearing on an application or appeal, the deliberation shall be in private and the decisions announced in public.

12.5 Voting

12.5.1 Voting shall be by a simple majority on a show of hands.

12.5.2 Any voting members may request that their votes be recorded.

12.5.3 In the event of an equality of votes, the Chairman shall have a second or casting vote.

13 STANDARDS COMMITTEE

13.1 Terms of Reference

- 13.1.1 To promote and maintain high standards of conduct by Councillors and co-opted members through:
- Assisting the Monitoring Officer in publicising and educating on application of the Code of Conduct;
 - Advising and supporting the Monitoring Officer in relation to investigations and allegations as requested
- 13.1.2 To deal with any ancillary matters relating to Standards and Conduct including replying to consultations, training etc
- 13.1.3 To assist when called upon to do so in deciding whether a Standards complaint should be referred for investigation
- 13.1.4 To hear and determine standards complaints made against the authority's members and co-opted members.
- 13.1.5 To impose such sanctions as they think fit in relation to matters found to be breaches of the Code.
- 13.1.6 To hear and determine applications for dispensations under section 33 of the Localism Act
- 13.1.7 Consider and determine applications made to the Committee for exemption from political restriction, in respect of any post within the Council by the holder of that post.
- 13.1.8 The exercise of 12.1.1 to 12.1.7 above, in relation to the parish councils wholly, or mainly in the area and the members of those parish councils as well as in relation to South Norfolk Council:
- Where the parish is unable or unwilling to undertake the investigation and determination of standards allegations itself;
 - Where the parish does not have a proper officer appointed to determine applications for dispensations;
 - To the extent that the Standards Committee will only recommend sanctions where parish councillors have been found to have breached the code, which the Parish Council will then endorse or agree alternative action.

13.2 Membership

- 13.2.1 The Committee shall be composed of 5 members and is to be politically balanced.
- 13.2.2 The Chairman, and Vice-Chairman of the Committee shall be appointed by Council.

13.3. Quorum

13.3.1 At least three voting members must be present

13.4 Procedures, protocols and public speaking

13.4.1 Except as provided below, the Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.

13.4.2 Meetings of the Committee shall be convened by the Monitoring Officer, following agreement of the Chairman.

13.4.3 Members of the press and public may attend the committee, but there shall be no public speaking. Sections 100 E/G/J/K of the Local Government Act 1972 do not apply.

13.4.4 The functions of the Standards Committee may not be delegated or discharged to any other body within the Council.

13.5 Voting

13.5.1 The Committee shall, whenever possible come to a consensus view. Where this is not possible voting shall be on a simple majority by a show of hands.

13.5.2 In the event of an equality of votes, the Chairman shall have a second or casting vote

14 JOINT STATUTORY OFFICER HEARING COMMITTEE

14.1 Terms of Reference

- 14.1.1 To advise and make recommendations to Council on matters relating to the dismissal of relevant statutory officers of the authority, namely the Head of Paid Service; the Monitoring Officer and the Section 151 Officer;
- 14.1.2 Before reaching a determination on any matter before it, to ensure appropriate investigatory work has been undertaken on which a recommendation should be made.

14.2 Membership

- 14.2.1 The Committee shall consist of six persons, to be comprised of:
- One Cabinet Member of Broadland District Council
 - One Cabinet Member of South Norfolk Council
 - One Member of Broadland District Council's Standard Committee
 - One Member of South Norfolk Council's Standards Committee, and
 - Two Independent Persons.
- 14.2.2 The Independent Persons shall ordinarily be both Council's appointed Independent Person, unless they confirm they are unable to act in relation to the matter, in which case an Independent Person from another Authority shall be appointed.
- 14.2.3 The Chairman and Vice-Chairman of the meeting shall be an Independent Person.

14.3 Quorum

- 14.3.1 The minimum number of Members to transact any business of the Committee shall be four, which must include two Independent Persons and a representative from each Council.

14.4 Procedures, protocol and public speaking

- 14.4.1 The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee
- 14.4.2 Proceedings upon matters brought before the Committee shall be by way of a hearing. The Committee shall settle its own procedure in accordance with the general law and relevant HR procedures.
- 14.4.3 Members of the press and public may not attend the Committee, under the provisions of the Local Authorities (Access to Information) (Variation) Order 2006.

14.5 Voting

- 14.5.1 The Committee shall, whenever possible come to a consensus view. Where this is not possible voting shall be on a simple majority by a show of hands.
- 14.5.2 In the event of an equality of votes, the Chairman shall have a second or casting vote.

15. JOINT STATUTORY OFFICER APPEALS COMMITTEE

Terms of Reference

- 15.1.1 To hear appeals against decisions of the Council to dismiss a statutory officer.
- 15.1.2 Before reaching a decision, the Committee must take into account all representations made to the Statutory Officer Hearing Committee and the Council meeting at which the decision to dismiss was made.

15.2 Membership

- 15.2.1 The Committee shall consist of six Members; three Members of Broadland District Council's Standards Committee and three Members of South Norfolk Council's Standards Committee who were not present at the Statutory Officer Hearing Committee at which the original recommendation was made to Council
- 15.2.2 The meeting shall ordinarily be chaired by a Chairman of the Standards Committee of either Broadland District Council or South Norfolk Council.

15.3 Quorum

- 15.3.1 The minimum number of members to transact any business of the Committee shall be four voting members, with at least one representative from each Council

15.4 Procedures, protocol and public speaking

- 15.4.1 The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee
- 15.4.2 Proceedings upon matters brought before the Committee shall be by way of a hearing. The Committee shall settle its own procedure in accordance with the general law and relevant HR procedures.
- 15.4.3 Members of the press and public may not attend the Committee, under the provisions of the Local Authorities (Access to Information) (Variation) Order 2006.

15.5 Voting

- 15.5.1 The Committee shall, whenever possible come to a consensus view. Where this is not possible voting shall be on a simple majority by a show of hands.
- 15.5.2 In the event of an equality of votes, the Chairman shall have a second or casting vote.

16 EMERGENCY COMMITTEE

16.1 Terms of Reference

- 16.1.1 The Committee will be convened, as required, as part of the District Council's major emergency and Emergency Planning process.
- 16.1.2 The decision to convene the Committee will be made by the Managing Director. Equally the decision to stand down the Committee will be made by the Managing Director.
- 16.1.3 Once the Committee is convened it will draw to itself the power of the designated Committees and these Committees will be suspended. The Committee can take on the role of the delegations afforded to; Full Council, Cabinet and any other Committee as appropriate. These powers can be in full or in part and as determined by the Managing Director.
- 16.1.4 The Committee will meet as required and consider the immediate strategic issues for the District Council arising from the particular incident, having received reports from the Managing Director and/or the Chairman of the District Council Tactical Response Team.
- 16.1.5 The Committee may authorise action affecting any of the District Council's functions, if the urgency of the situation demands this, subject to such action being reported, together with the Committee's reasons for acting, to the next meeting of the Council. The Committee must ensure that steps are being taken to provide, to members of the public and the press, regular information bulletins on the incident and the action being taken.
- 16.1.6 Members of the Committee are to be suitably briefed and prepared to make appropriate statements to the media.
- 16.1.7 The Committee should consider the longer-term implications arising from the incident and the impact these may have on the District Council.

16.2 Membership

- 16.2.1 The Committee shall consist of six named Members of the District Council, to include:
- Chairman of the Cabinet
 - Vice-Chairman of the Cabinet
 - Leader of the main Opposition Group, or their appointed representative
 - Another appropriate Member of Cabinet
 - Two other named Members to achieve a political balance
- 16.2.2 If there is a change of political balance on the Council, this composition will be recalculated by the Proper Officer and amended accordingly.
- 16.2.3 Succession arrangements are key and for clarity it is confirmed that formal delegations between Councillors will ensure continuity of the Committee.

16.3 Quorum

- 16.3.1 The minimum number of members to transact any business shall be 3.

16.4 Procedures, protocols and public speaking

- 16.4.1 Except as provided below, the Chairman shall be responsible for maintaining order and the effective conduct of business at meetings.
- 16.4.2 Meetings may be conducted in person or remotely
- 16.4.3 Any member of the Council can attend and may speak on any issue once, in line with the legislation in force at the time. [For the purposes of this clause, members unable to be present in person may submit questions or comments to the Chairman]
- 16.4.4 Members of the press and public may attend. General arrangements for public speaking as set out in G1 of the “Rights of the Public at Meetings” apply, in line with the legislation in force at the time.

16.5 Voting

- 16.5.1 Voting at meetings is by show of hands, in line with the legislation in force at the time.
- 16.5.2 Voting members may request that their votes are recorded.
- 16.5.3 In the event of an equality of votes, the Chairman shall have a second or casting vote.

16.6 Training

- 16.6.1 All training requirements for the Committee will be ensured to enable them to undertake the delegations afforded to them when undertaking the role of another Committee.

16 JOINT CONSULTATIVE COMMITTEE

17.1 Terms of Reference

- 17.1.1 To consider and advise the Cabinet, (through the Finance, Resources, Audit and Governance Committee where appropriate), on the local application of terms, conditions of service and employment related matters; in particular the application of legislation and equality issues.
- 17.1.2 To consider any relevant matters referred to it by the Council, Cabinet or a Committee/Working Group of the Council or recognised Trade Union with membership in the employment of the Council.
- 17.1.3 Where, in the effective conduct of business, it is more efficient to do so, the Committee may report direct to do so, the Joint Consultative Committee may report directly to Cabinet.

17.2 Membership

- 17.2.1 The Leader of the Council will appoint 6 members of the Council, appointed from the political parties in proportion to the number of council members in each political group. The Trade Unions shall appoint an equal number of representatives in proportion to their membership at the Council.
- 17.2.2 Union representation shall be made up of 5 Unison members and 1GMB member. If the GMB member is absent at a meeting, a Unison member may take that seat and vote, for the duration of the meeting.
- 17.2.3 Substitutes will be allowed.
- 17.2.4 The Chairman will be from the Council side and the Trade Union side in alternate years, the Vice-Chairman being drawn from the other side.

17.3 Quorum

- 17.3.1 A minimum of 3 members of the Council and 3 Trades Union Representatives must be present to transact any business.

17.4 Procedures, protocol and public speaking

- 17.4.1 The Chairman of the Committee shall be responsible for maintaining order and the effective conduct of business at meetings of the committee.
- 17.4.2 Members of the public may only attend and speak at meetings of the committee at the discretion of the Chairman.

17.5 Voting

- 17.5.1 Voting shall be by a simple majority by a show of hands.
- 17.5.2 In the event of an equality of votes the Chairman shall have second or casting vote.

18 THE ALDERMANIC REVIEW PANEL

18.1 Terms of Reference

- 18.1.1 To report to the meeting following the Annual General Meeting of the Council following a District election, with not more than six names recommended for conferment of the title of Honorary Alderman on those former members of the Council who rendered eminent service to the Council during their service as members.
- 18.1.2 To develop and publish guidelines for the application of the statutory criteria upon which they will make their recommendations.
- 18.1.3 To establish a nomination procedure.

18.2 Membership

- 18.2.1 Membership of the panel will comprise:
- the Chairman of the Council for the current civic year,
 - all former Chairmen of the Council who are still serving members of the Council,
 - the Leader of the Council and
 - the Leader of the Opposition.
- 18.2.2 Only the two Group Leaders will be permitted substitutes.
- 18.2.3 The Chairman will be the present Chairman of the Council.

18.3 Quorum

- 18.3.1 The quorum will be four.

18.4 Procedures, protocol and public speaking

- 18.4.1 The Chairman of the Panel shall be responsible for maintain order and the effective conduct of business at meetings of the Panel.
- 18.4.2 Any member of the Panel who makes a nomination shall be excluded from considering that nomination
- 18.4.3 Members of the public may only attend or speak at meetings of the panel at the discretion of the Chairman

18.5 Voting

- 18.5.1 Voting shall be by simple majority by a show of hands
- 18.5.2 In the event of an equality of votes the Chairman shall have a second or casting vote.

19 ELECTORAL ARRANGEMENTS REVIEW COMMITTEE

19.1 Terms of Reference

19.1.1 To oversee Community Governance Reviews, and in particular:

- To approve Terms of Reference for Community Governance Reviews
- Approve draft proposals for public consultation
- Make recommendations to Full Council on Community Governance Orders, taking into account any feedback received

19.1.2 To oversee the progression of Boundary Commission Reviews across the District, to include Parliamentary, District and Parish boundaries.

19.1.3 To oversee the appointment of Polling Stations in relation to Parliamentary, District and Parish elections.

19.2 Membership

19.2.1 The Committee shall have a membership of eight members.

19.2.2 The Chairman and Vice-Chairman of the Committee shall be elected by the Council for each civic year.

19.3 Quorum

19.3.1 The minimum number of members to transact any business shall be 3.

19.4 Procedures, protocols and public speaking

19.4.1 Except as provided below, the Chairman shall be responsible for maintaining order and the effective conduct of business at meetings.

19.4.2 Any member of the Council can attend and may speak on any issue.

19.4.3 Members of the press and public may attend. General arrangements for public speaking as set out in G1 of the "Rights of the Public at Meetings" apply.

19.5 Voting

19.5.1 Voting at meetings is by show of hands.

19.5.2 Voting members may request that their votes are recorded.

19.5.3 In the event of an equality of votes, the Chairman shall have a second or casting vote.

20. JOINT APPOINTMENT PANEL

20.1 Terms of Reference

- 20.1.1 A panel, to be known as the Joint Appointment Panel, is formally established and takes ownership of the recruitment process for the of the recruitment process for the Managing Director, Chief Officers and Deputy Chief Officers.
- 20.1.2 Attendance at meetings held by the Panel are an approved duty for the purposes of the respective Councils' Members' Allowances Scheme.
- 20.1.3 Broadland District Council shall appoint four Members to the Panel, with political representation applied (with substitutes)
- 20.1.4 South Norfolk Council shall appoint four Members to the Panel, with political representation (with substitutes)
- 20.1.5 The meeting will appoint its own Chairman, who will not have a casting vote and who shall not be either Councils' Leader.
- 20.1.6 Any recommendation by the Panel for the appointment of the Managing Director, Chief Officers or Deputy Chief Officers requires a clear majority from each Council.
- 20.1.7 In the event of a tie of votes for Chief Officer and Deputy Chief Officer appointments the Managing Director shall have a formal vote.
- 20.1.8 In the event that any decisions are required outside the normal remit of the Joint Appointment Panel, then any such matters be delegated to the Managing Director in consultation with the Group Leaders.

21. JOINT SCRUTINY COMMITTEE TERMS OF REFERENCE

21.1. Meetings

21.1.1 The Joint Scrutiny Committee will meet on an *ad hoc* basis, linked to the key stages of collaborative working between Broadland District Council and South Norfolk Council, as reports are progressed through for Member decision at each authority.

21.2. Membership

21.2.1 Broadland District Council and South Norfolk District Council shall appoint six members, with a political split of 5:1, of each council as voting members of the Committee, appointed from the political parties in proportion to the number of Council members from each political group.

21.2.2 Named substitutes may attend and vote at meetings of the Committee.

21.2.3 Two joint Chairmen of the Group shall be appointed, to be the Chairman of each Authority's Scrutiny Committee. The role of Chairman shall alternate between Broadland District Council and South Norfolk Council on a meeting by meeting basis, dependent on which Council is hosting the meeting.

21.2.4 In the absence of the host authority Chairman the meeting will be chaired by the non-host Chairman. In the absence of both Chairman the Group will appoint a Chairman for the meeting.

21.3. Quorum

21.3.1 A minimum of three members of each council (either members or named substitutes) must be present to transact any business of the Committee.

21.4. Voting

21.4.1 The Chairman for the meeting has the discretion to conduct a vote either by show of hands or, if there is no dissent, by affirmation of the meeting.

21.4.2 If there are equal numbers of votes for and against, the Chairman of the meeting will have a second or casting vote.

21.5. Venue and Time

21.5.1 Meetings will be held in appropriate locations for the business, as determined by the Committee, at venues that are accessible to the public.

21.5.2 Meetings will commence at a date and time to be agreed by both of the Chairmen.

21.6. Protocol and Openness

21.6.1 The Chairman of the meeting will be responsible for maintaining order and the effective conduct of business at meetings of the Committee. Members will be required to abide by their respective Council's Code of Conduct.

21.6.2 Any members of either Council may attend and speak at meetings of the Group, but not vote.

21.6.3 At the discretion of the Chairman of the meeting, any member attending the meeting may speak for five minutes in total.

21.6.4 At the commencement of each item of the Committee's business as set out on the agenda for the meeting, the Chairman for the meeting will introduce any witnesses and will ask for any other person who wishes to speak to identify themselves.

21.7. Terms of Reference

21.7.1 To receive reports on the shared services project as the need arises, making recommendations to respective Cabinets and / or Council.

21.8 Secretariat

21.8.1 Meetings will be convened and clerked by the host authority where the meeting is held.

21.9 Public Speaking

21.9.1 Public speaking will be at the discretion of the Chairman.

22. AWARDS PANEL TERMS OF REFERENCE

22.1 Meetings

22.1.1 To consider and make recommendations to the Assistant Director(s) responsible for Council Awards, awards which the Council may agree in the future, and those which are organised by the Council jointly with another organisation or council, in relation to:

- the criteria of the awards;
- eligibility of the awards;
- how the awards are judged;
- appointments of the judging panels, to include at least 1 member of the Panel and where appropriate experts / community representation to ensure the credibility of the process and decisions. In the case of joint awards, consideration to be given to representatives of the other organisation(s);
- arrangements for any awards ceremony; and
- ensuring a consistent approach across all awards.

22.1.2 The Panel will consider the following awards, but is not limited to these and will consider others as the need arises:

- Community Pub of the Year;
- Community Awards;
- Business Awards; and
- Design Awards

22.2 Membership

22.2.1 The Chairman and Vice-Chairman of the Panel shall be appointed by the Leader of the Council.

22.2.2 The Panel will consist of 5 Members of the Council, to be politically balanced, as appointed by Group Leaders.

22.2.3 Named substitutes may attend and vote at the Panel, in accordance with the Council's standing order C7.

22.3 Quorum

22.3.1 A minimum of three members of the Council (either members of the Committee or named substitutes) must be present to transact any business of the Panel.

22.4 Procedures, protocol and public speaking

22.4.1 The Chairman of the Panel shall be responsible for maintaining order and the effective conduct of business at meetings of the Panel.

22.4.2 Any member of the Council may attend and speak at meetings of the Panel.

22.4.3 Members of the public may not attend the Panel.

22.5 Voting

22.5.1 Voting shall be by a simple majority by show of hands.

22.5.2 Voting members may request that their votes are recorded.

22.5.3 In the event of an equality of votes the Chairman shall have a second or casting vote.

23. JOINT INFORMAL CABINET TERMS OF REFERENCE

23.1 Meetings

The Joint Informal Cabinet will meet regularly and according to business need, linked to the strategy and policy development and as part of the collaborative working between Broadland District Council and South Norfolk Council.

23.2 Membership

Broadland District Council and South Norfolk Council shall appoint all Cabinet members to the meeting.

Two joint Chairmen of the Group shall be the Leaders of each Council. The role of Chairman will alternate between Broadland District Council and South Norfolk Council on a meeting by meeting basis, dependent on which Council is hosting the meeting

In the absence of the host authority Chairman the meeting will be chaired by the non-host Chairman. In the absence of both Chairman the Group will be chaired by the Deputy Leader of the host authority.

No substitute members will be permitted.

23.3 Quorum

The minimum number of members from each council required to transact any business of the Group shall be two thirds, rounded up to the nearest whole number.

23.4 Voting

The Chairman for the meeting has the discretion to conduct a vote either by show of hands or, if there is no dissent, by affirmation of the meeting.

If there are equal numbers of votes for and against, the Chairman of the meeting will have a second or casting vote.

23.5 Venue and Time

Meetings will be held at both Broadland District Council and South Norfolk Council offices, as appropriate to conduct business and at venues which are accessible to the public.

Meetings will commence at a date and time to be agreed by both of the Chairmen.

23.6 Protocol and Openness

The Chairman of the meeting will be responsible for maintaining order and the effective conduct of business at meetings.

Members of either Council are welcome to attend the meetings, subject to the agreement of the Chairman and may speak but not vote.

Members of the public will not be permitted to attend meetings of the Group.

Members will ensure that they abide by their respective Council's code of conduct at all meetings.

23.7 Terms of Reference

Provide political leadership to ensure integration and transformation of services across the two Council's.

Aligning activities at member level where this is appropriate and necessary to facilitate collaborative working.

Provide a steer on the policy framework of the councils, review strategy documents and review the Council's business plan.

24. JOINT LEAD MEMBERS GROUP TERMS OF REFERENCE

24.1 Purpose of the Joint Lead Members Group

To oversee progress with the Broadland and South Norfolk collaborative working partnership following agreement of the Feasibility Report recommendations by both Councils on 12 July 2018.

To provide a steer and act as a consultative group to the programme in the implementation of recommendations from the report.

To provide political leadership to ensure integration and transformation of management, staffing and services across the two councils.

To align activities at a member level where this is appropriate and necessary to facilitate collaborative working.

To identify lessons and opportunities from Members from other council areas that have delivered shared services to help inform the successful delivery of the programme.

To oversee the risks of shared services across the two councils and recommend mitigating actions to Broadland and South Norfolk Cabinet.

24.2 Membership

Broadland District Council and South Norfolk Council shall appoint four members of each council as members of the Group, three Members from the leading group and one Member from the opposition group.

Two joint Chairmen of the Group will be appointed; one each by the Leaders of Broadland District and South Norfolk Councils. The role of Chairman will alternate between Broadland District Council and South Norfolk Council on a meeting by meeting basis, dependent on which Council is hosting the meeting

24.3 Terms of Reference

The Joint Lead Members Group will act collaboratively, reaching conclusions by consensus.

The Joint Lead Members Group will make its comments to the programme team.

The Joint Lead Members Group will receive reports in line with the timeline for the programme and collaborative work develops.

Any conclusions and comments reached by the Joint Lead Member Group will not be binding on the two councils, each of which will retain its autonomy and consistency will be sought where possible.

24.4 Meetings

The Joint Lead Members Group will meet on a monthly basis (unless agreed otherwise by the Chairs of the Group), as implementation of collaborative working progresses.

24.5 Quorum

A minimum of two members of each council must be present to transact any business of the Group, with at least one of the joint Chairs also in attendance.

Both the leading group and opposition group are able to have named substitute Members (i.e. 1 Conservative and 1 Liberal Democrat from Broadland District Council and 1 Conservative and 1 Liberal Democrat from South Norfolk Council).

24.6 Venue and Time

Meetings will be held at both Broadland District Council and South Norfolk Council offices.

Meetings will commence at a date and time to be agreed by both of the Chairmen.

24.7 Protocol and Openness

The Chairman of the meeting will be responsible for maintaining order and the effective conduct of business at meetings of the Group.

Members of either Council are welcome to attend meetings of the Group, subject to the agreement of the Chairman.

Members of the public will not be permitted to attend meetings of the Group.

Members of the Group will ensure that they abide by their respective Council's code of conduct at all meetings.

25. COMMERCIAL, TRADING & CUSTOMER FOCUS COMMITTEE

25.1 Terms of Reference

25.1.1 To deliver appropriate work as discharged by Cabinet, in relation to areas of the Customer Focus; and Governance and Efficiency Portfolios – as outlined in Part 3.3. of the Constitution (Cabinet Members/Portfolio of Responsibility and the Responsibilities of Senior Officers) and below

- Commercial Ventures
- Commercial Waste
- CNC Building Control
- Car Parks
- Parking Enforcement
- Sport Development
- Leisure Services
- Information Technology, ICT Strategy, Telephony and GIS
- Big Sky
- Local Government Review

25.1.2 To formulate policy highlighted by Cabinet in respect of specific areas of the Portfolios referred to in 25.1.1 above.

25.1.3 Undertake any other work as directed by Cabinet.

25.2 Membership

25.2.1 The Committee will consist of 9 Members of the Council to be appointed by the Group Leaders and be politically balanced. The relevant portfolio holders will attend committee meetings ex-officio.

25.2.2 No more than 3 members of the panel can also sit on the Scrutiny Committee (to include any named substitutes).

25.2.3 Named substitutes may attend and vote at the Committee, in accordance with the Council's standing order C7.

25.2.4 The Chairman and Vice-Chairman of the Committee shall be appointed by the Leader of the Council.

25.3 Quorum

25.3.1 A minimum of three members of the Council (either members of the Panel or named substitutes) must be present to transact any business of the committee.

25.4 Procedures, protocol and public speaking

25.4.1 The Chairman of the Committee shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.

25.4.2 Public speaking will be allowed in accordance with relevant Standing Orders on public speaking.

25.4.3 At the discretion of the Chairman, any person attending the Committee may speak or may put questions to any other participant.

25.4.4 Any member of the Council may attend and speak at meetings of the Committee.

25.5 Voting

25.5.1 Voting shall be by a simple majority by show of hands

25.5.2 Voting members may request that their votes are recorded

25.5.3 In the event of an equality of votes the Chairman shall have a second or casting vote.

Part 4 – Rules of Procedure

Part 4.2. Access to Information Rules

1 Scope

- 1.1 These rules apply to all meetings of the Council, scrutiny, the Standards Committee and regulatory committees and public meetings of the Cabinet (together called meetings).
- 1.2 References to powers exercisable by the Proper Officer within this Constitution may be exercised by the Managing Director, Monitoring Officer or Deputy Monitoring Officer, or, in relation to financial matters, the s.151 Officer or Deputy s.151 Officer

2 Additional Rights to Information

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

3. Rights to Attend Meetings

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

4 Notices of Meeting

- 4.1 Except where meetings are convened as a matter of urgency, the council will give at least five clear days' notice of any relevant meeting by posting details of the meeting at South Norfolk House, Long Stratton. If a meeting is convened at shorter notice, the notice will be published as soon as the meeting date and time are agreed.

5 Access to Agenda and Reports Before the Meeting

- 5.1 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 days before the meeting and on the Council's website or, if the meeting is convened at shorter notice, from the time the meeting is convened. If an item is added to the agenda later, the revised agenda will be available for inspection from the time the item was added to the agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors).

6 Supply of Copies

- 6.1 The Council will supply copies of:
 - (a) any agenda and reports which are open to public inspection;
 - (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

- (c) if the proper officer thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7 Access to Minutes etc after the Meeting

- 7.1 For six years after a meeting the Council will make available on its website, in downloadable form, copies of the following:
- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Cabinet excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
 - (b) 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;
 - (c) the agenda for the meeting; and
 - (d) reports relating to items when the meeting was open to the public.

8 Background Papers

8.1 List of background papers

- 8.1.1 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:

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

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Cabinet reports, the advice of a political advisor.

8.2 Public inspection of background papers

- 8.2.1 The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers and provide these on the Council's website, unless the documents are already available on the website.

9 Summary of Public's Rights

- 9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at South Norfolk House.
- 9.2 As the Constitution must be available to the public, these Rules constitute the written summary.

10. Exclusion of Access by the Public to Meetings

- 10.1 Where a meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 of that Act.
- 10.2 **Confidential information – requirement to exclude public** - The public **must** be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that **confidential information** would be disclosed.
- 10.3 **Exempt information – discretion to exclude public** - The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.
- 10.4 **Meaning of confidential information** - Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.
- 10.5 **Meaning of exempt information** - Exempt information means information falling within the following 7 categories (subject to any condition):
- (a) Information relating to any individual.
 - (b) Information, which is likely to reveal the identity of an individual.
 - (c) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
 - (d) 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.
 - (e) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 - (f) Information which reveals that the authority proposes -
 - i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - ii) to make an order or direction under any enactment.
 - (g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

10.6 Qualifications

- (a) Information falling within paragraph 10.5(c) above is not exempt information by virtue of that paragraph if it is required to be registered under the Companies Act 1985; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986; or the Charities Act 1993.
- (b) 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.
- (c) Information which (a) falls within any of paragraphs 10.5 above; and (b) is not prevented from being exempt by virtue of 10.6 (a) and (b) 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.

10.7 **The Public Interest test** - Information should only be exempt if it is in the public interest to make it so. The Information Commissioner has issued guidance on this issue. It gives the following examples of factors which would encourage disclosure:

- (a) Furthering the understanding and participation in the public debate of the day;
- (b) Promoting accountability and transparency by public authorities for their decisions;
- (c) Promoting accountability and transparency in the spending of public money
- (d) Allowing individuals and companies to understand decisions made by public authorities affecting their lives and in some cases assisting individuals in challenging such decisions;
- (e) Bringing to light information regarding public health and safety

The main factors against disclosure are those set out in the exemptions themselves such as law enforcement. Human Rights will also need to be taken into account.

11 **Exclusion of Access by the Public to Reports**

11.1 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 10 above, the meeting may not be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

11.2 Should the meeting subsequently be open to the public, copies of the agenda item and associated papers will be made available to the public.

12 **Application of Rules to the Cabinet**

- 12.1 Rules 13 –24 below apply to the Cabinet and its committees. If the Cabinet or its committees meet to take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (General Exception) or Rule 16 (Special Urgency) apply. A key decision is defined in Article 13.5 in Part 2 of this Constitution.

13 Procedure before taking Key Decisions

- 13.1 Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless the Council has published advance notices in accordance with Part 3 of the Constitution – 1.2 – Cabinet Decisions.

14. Report to Council

- 14.1 **When the scrutiny committee can require a report** - If the scrutiny committee thinks that a key decision has been taken which was not treated as a key decision, but the scrutiny committee are of the opinion that it should have been, the overview and scrutiny may require Cabinet, or the decision-maker to submit a report to Council within a reasonable period as specified by the Scrutiny Committee. The report must include:
- (a) The decision and the reasons for the decision;
 - (b) The body or individual who made the decision;
 - (c) If Cabinet do not believe the decision was a key decision, the reason why not
- 14.2 **Quarterly reports on special urgency decisions** - In any event the leader will submit quarterly reports to the Council on the Cabinet decisions taken as a matter of special urgency in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

15 Record of Decisions

- 15.1 After any meeting of the Cabinet 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. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

16 Cabinet Meetings Relating to Matters which are not Key Decisions

- 16.1 The Cabinet will decide whether meetings relating to matters which are not key decisions will be held in public or private.

17 Decisions by Individual Members Of The Cabinet

- 17.1 Decisions will not be taken by individual members of the Cabinet, although may be delegated to an officer to make in conjunction with the Leader of the Council and / or the Portfolio Holder - see the scheme of delegations in the Decision Making Process in Part 3.

18 Scrutiny Committee Access to Documents

18.1 Rights to copies - Subject to Rule 22.2 below, the scrutiny committee will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to

18.1.1 any business transacted at a decision making meeting of Cabinet or its committees

18.1.2 any executive decision made by an officer, delegated to do so by Cabinet

18.2 Limit on rights - the scrutiny committee will not be entitled to:

18.2.1 any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

18.2.2 the advice of a political adviser

18.3 Where the executive, or officer, decides that a member of the scrutiny committee is not entitled to a copy of a document or part of any such document, it must provide the scrutiny committee with a written statement setting out why.

19 Additional Rights of Access for Members

19.1 These rights of a member are additional to any other right he/she may have as a member of the public.

19.2 Any document which is in the possession or under the control of Cabinet and contains material relating to any business to be transacted at the public part of a meeting must be available for inspection by any member of the Council at least 5 clear days before the meeting, unless the meeting is convened at shorter notice (or the item added to the agenda at shorter notice). Should this be the case, the item must be available for inspection as soon as it is prepared.

19.3 Any document which is in the possession or under the control of Cabinet and contains material relating to any business to be transacted at the private part of a meeting, or relates to a decision made by an officer on behalf of Cabinet, must be available for inspection by any member within 24 hours of the conclusion of the meeting or the decision being made, unless that document is restricted in accordance with 23.4 or 23.5 below, or would disclose advice provided by a political assistant.

19.4 If the Proper Officer believes that any information which would be given to a member in line with paragraph 23.2 or 23.3 above falls within the definition of exempt included in Part 1 of Schedule 12A to the 1972 Act, then the Proper Officer may determine that the document should not be provided.

19.5 However, a document must be available for inspection by members if it is falling exempt by virtue of Paragraph 3 or 6 of Schedule 12A of the 1972 Act, except to the extent that the information relates to any terms proposed or to be proposed by, or to the authority when negotiating for a contract

Part 4 Rules of Procedure

Part 4.3 Rules for Financial Governance

(the rules by which the Council seeks to maintain proper financial and internal control of its activities)

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1. Introduction

- 1.1. This document provides a framework for the conduct of the contractual and financial business of the Council.
- 1.2. Its rules will be reviewed at least every 3 years by the Section 151 Officer in consultation with relevant officers.
- 1.3. Its provisions must be followed by:
 - (a) all members and officers of the Council;
 - (b) any third parties (e.g. contractors, consultants) used by Council for the delivery of services to the extent that they are relevant. The relevant Director must ensure that any such third party is aware of the obligations placed upon them, and subsequently abides by these obligations.
- 1.4. Whenever decisions are being made or specific requirements of these rules are being interpreted, the main principles under which they have been compiled should be considered. They are:
 - (a) the need to demonstrate clear public accountability and compliance with the seven principles of public life as defined by the Nolan Committee and any Council approved code of conduct for employees and code of conduct for members. This should ensure that the highest standards of personal and corporate integrity are maintained at all times;
 - (b) the requirement to achieve the Most Economically Advantageous position in the procurement of goods and services;
 - (c) the need to provide and maintain adequate internal and financial control over the Council's affairs.
- 1.5. Reference to the Corporate Management Leadership Team will mean the Managing Director, Directors and Chief of Staff.
Reference to Directors will mean the Managing Director, Director of Place, Director of Resources and Director of People and Communities.
References to the Head of Internal Audit refer to the Internal Audit Manager.
- 1.6. Where these rules refer to the Director, that term shall include the Managing Director.
- 1.7. These rules should be followed consistently. Exemption from them should only be sought in exceptional circumstances, with appropriate authorisation sought.
- 1.8. Any exemption must be approved by the Cabinet after the relevant Director has consulted with the Head of Internal Audit, the Section 151 Officer (or their Deputy) and the Monitoring Officer.
- 1.9. In the event of an issue requiring immediate action which would be in contravention of these rules, the Director should take whatever action is necessary, after consulting the Head of Internal Audit, Section 151 Officer (or their Deputy) and the Monitoring Officer where possible, and report his/her action retrospectively to the next meeting of the Cabinet.
- 1.10. If in doubt about the requirements or interpretations of these rules, officers should seek advice from the Section 151 Officer (or their Deputy) and the Monitoring Officer as necessary.

- 1.11. References in these rules to the Managing Director or Director, either as a general term or by specific title, shall be deemed to include other individuals who have been given written authority by the Managing Director or Director to act on their behalf on specific matters.
- 1.12. If any officer has reason to believe there has been non-compliance with these rules, he/she must immediately notify the Section 151 Officer and the Monitoring Officer as appropriate, who will consult with the Head of Internal Audit and then take action as necessary. If the officer believes non-compliance rests with the Section 151 Officer and/or Monitoring Officer, he/she must immediately notify a Director, the Head of Internal Audit or Managing Director.
- 1.13. The Section 151 Officer (or their Deputy), after consultation with the Director concerned, shall report to Cabinet, as may be thought necessary by him/her on any instance of non-compliance with the Rules for Financial Governance. Any subsequent action will be subject to the Council's Disciplinary Procedures
- 1.14. These rules are subject to:
- (a) any directives and procedures which have been adopted in the UK by reason of its membership of the European Community;
 - (b) any Government regulations.
- In the event of conflict, such directives, procedures and regulations shall take precedence.
- 1.15. Where electronic mechanisms are currently used or could be used in the future, to replicate processes described in these rules (e.g. electronic tendering, use of credit cards, texting, SMS messaging), they shall be allowable subject to prior agreement from the Head of Internal Audit, the Section 151 Officer (or their Deputy) and the Monitoring Officer.
- 1.16 The financial values referred to in these rules are deemed to be exclusive of VAT.

2 Banking Arrangements

- 2.1. The Section 151 Officer shall:
- (a) make all arrangements with the Council's bankers;
 - (b) operate such bank accounts as he/she considers necessary;
 - (c) order all cheques and make proper arrangements for their safe custody.
- 2.2. The Section 151 Officer may incur an overdraft at the Council's bank not exceeding such figure as specified in the Council's banking terms and conditions and in accordance with the authority given to him/her by the Cabinet.
- 2.3. Cheques shall be signed by the Director of Resources, or the Section 151 Officer or any of two other members of Finance staff authorised by the Section 151 Officer. Current requirements are attached (**Appendix 1 - Cheque signing arrangements and authorisation for electronic payments**).
- 2.4. Payments made by electronic means shall be authorised in accordance with provisions made by the Section 151 Officer. Current requirements are attached

(Appendix 1 -Cheque signing arrangements and authorisation for electronic payments).

3. Budget Preparation

- 3.1. The Section 151 Officer, in accordance with processes approved by the Cabinet, shall:
- (a) determine the form of capital and revenue budgets after consultation with the Managing Director and Directors;
 - (b) prepare estimates of income and expenditure on revenue and capital and present them to the Cabinet for subsequent approval by the Council.
- 3.2. The Section 151 Officer shall maintain as a minimum a three-year revenue (medium term financial plan) and capital forecast (affordable capital strategy) (to include all significant commitments in future years). It is the responsibility of the Corporate Management Leadership Team to ensure that budget estimates reflect agreed Business plans.
- 3.3. Directors will be required to confirm on an annual basis that he/she is able to provide services within the budget allocation provided.
- 3.4. The Section 151 Officer shall report to Cabinet on the level of financial resources proposed to be utilised in each financial year, advising on the robustness of reserves and the budget.
- 3.5. The Section 151 Officer shall consult with the Scrutiny Committee and any Council Panels as agreed by Cabinet.
- 3.6. The Section 151 Officer will advise Cabinet and/or full Council on prudent levels of reserves. The adequacy of the reserves will be reported to members as part of the budget preparation process. This will include advice on the levels of balances or reserves, in accordance with the Council's overall financial position, the risks associated with holding reserves at certain levels, and their use. The Section 151 Officer will recommend appropriate action to remedy any concerns.

4 Budget Monitoring

- 4.1. Directors:
- (a) are responsible for controlling income and expenditure within the revenue and capital budgets approved by the Council;
 - (b) shall consult the Section 151 Officer (or their Deputy) if any action they are contemplating is liable to substantially affect the Council's finances or for which no revenue or capital budget exists;
 - (c) shall meet on a regular basis with a member of the Management Accounting team and sign off a summary (monthly) budget a
 - (d) ssurance statement for their directorate. Where the Directors have devolved budgetary responsibility to members of their team, then those Budget Managers shall also meet on a regular basis with a member of the Management Accounting team and sign off the budget assurance statements relevant to the areas they manage;

- (e) shall provide sufficient information to enable the Section 151 Officer to produce monthly budget monitoring information;
- (f) shall provide sufficient information to enable the Section 151 Officer to produce regular monitoring reports on revenue, capital and key corporate projects' budgets for the Cabinet in conjunction with quarterly performance reporting arrangements to identify any actions Cabinet require to adjust resource allocations. Such reports will contain explanations for projected or actual variations which cannot be funded;
- (g) Expenditure & Income for projects will be managed as part of the normal budgetary process and will therefore be reported on as part of the regular monitoring of revenue and capital to Cabinet as described in section (e) above;
- (h) shall consult the Section 151 Officer (or their Deputy) as to whether approval should be sought for a supplementary estimate if he/she anticipates there will be a deviation from budget which cannot be accommodated within the approved virement arrangements; and
- (i) shall inform the Section 151 Officer if it appears that there will be a shortfall of income compared to that budgeted.

5. Statutory Officers

- 5.1. The Monitoring Officer together with the Section 151 Officer is responsible for advising Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the existing Council policy and/or budget. Actions that may be 'contrary to the policy and/or budget' include:
- (a) initiating a new policy
 - (b) committing expenditure in future years to above the budget level
 - (c) causing the total expenditure financed from Council Tax, grants and corporately held reserves to increase.
- 5.2. The Section 151 Officer be responsible under the general direction of the Cabinet for the proper administration of the Council's financial affairs. This statutory responsibility cannot be overridden. The Deputy Section 151 Officers are authorised to act as the Section 151 Officer in the absence of the Section 151 Officer. If for any reason neither the Section 151 Officer nor their Deputies are available, the Section 151 Officer will authorise an officer to act on their behalf.
- 5.3. The Section 151 Officer is responsible for:
- (a) setting and monitoring compliance with financial management standards
 - (b) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
 - (c) providing financial information
 - (d) preparing the revenue budget and capital programme
 - (e) treasury management

- 5.4. Section 114 of the Local Government Finance Act 1988 requires the Section 151 Officer to report to the full Council, Cabinet and external auditor if the authority or one of its officers:
- (a) has made, or is about to make, a decision which involves incurring unlawful expenditure
 - (b) has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Authority
 - (c) is about to make an unlawful entry in the Authority's accounts.

Section 114 of the 1988 Act also requires the Authority to provide the Section 151 Officer with sufficient staff, accommodation and other resources including legal advice where this is necessary to carry out the duties under Section 114.

- 5.5. The Section 151 Officer, in consultation with the Corporate Management Leadership Team, shall prepare from time to time Rules for Financial Governance for approval by the Council. These Rules for Financial Governance shall deal with the preparation of the data necessary for the Council to consider the annual budget, the administration of the Council's finances and such other matters as may be considered expedient. It is the responsibility of Directors to ensure that their staff are aware of the Rules for Financial Governance and comply with them.
- 5.6. The financial affairs of the Council shall be conducted in accordance with these Rules for Financial Governance in accordance with:
- (a) the CIPFA Code for Treasury Management and the Treasury Policy Statement adopted by the Council;
 - (b) the relevant CIPFA Codes of Practice;
 - (c) the Accounts and Audit Regulations 2015 or as updated by DCLG;
 - (d) any other operational guidelines approved by the Cabinet;
 - (e) The Council's Constitution; and
 - (f) The Council's Code of Corporate Governance and the Annual Governance Statement.
- 5.7. The Corporate Management Leadership Team has a responsibility to establish proper systems of internal control, financial or otherwise, in order to provide assurance to the Section 151 Officer (or their Deputy) that the financial affairs of the Council are being administered properly, in accordance with the Accounts and Audit Regulations. The Managing Director is responsible for ensuring that Members of Cabinet are advised of the financial implications of all proposals, having been agreed with the Section 151 Officer.
- 5.8. Directors are required to manage the resources allocated to them in accordance with the Rules of Financial Governance. These Rules define the nature of the Directors' roles and responsibilities, and should be read in conjunction with other agreed procedures e.g. Delegation Arrangements.
- 5.9. The Section 151 Officer will issue financial instructions for use by all staff, dealing with matters delegated to him/her. Directors will ensure that staff comply with them and with the Rules for Financial Governance.

6. Disposal of Scrap and Assets (excluding land and buildings and stores)

6.1. Scrap and assets which are surplus to requirements shall be disposed of in the following manner:

- (a) estimated value of the total disposal less than £20,000
 - ⇒ by whatever means the relevant Director shall decide consistent with the main principles of these rules;
- (b) estimated value of the total disposal greater than £20,000
 - ⇒ by tender sought by public advertisement, by public auction or such other means as the Section 151 Officer (or their Deputy) shall approve after consultation with the Head of Internal Audit.

6.2 Tenders for disposal of scrap or assets shall be returned in a sealed envelope so marked to the Monitoring Officer for safe keeping or by any other means as approved by the Section 151 Officer. At the appointed time they shall be opened by the Monitoring Officer in the presence of the relevant Director. The most economically advantageous bid shall be accepted, unless approved otherwise by Cabinet.

7 Financial Systems and Accounting Procedures

7.1. Unless agreed otherwise by the Section 151 Officer, the duties of officers shall be allocated to provide adequate segregation of duties and internal control, according to the following principles:

- (a) officers calculating, providing information for, checking or recording amounts due to the Council shall only be responsible for collecting such amounts where there are appropriate management oversight controls (e.g. independent review) in place to ensure sufficient segregation of duties. ;
- (b) officers calculating, providing information for, checking or recording amounts due from the Council shall not also be responsible for disbursing such amounts;
- (c) officers examining and checking accounts of cash transactions shall not also be engaged in any of those transactions.

7.2. The Section 151 Officer shall:

- (a) determine the financial and accounting systems of the Council;
- (b) determine the form of accounts and supporting records for the Council in accordance with proper accounting procedures, codes of practice and professional guidance;
- (c) be responsible for the production of annual accounts and financial management information, with support from Directors in meeting agreed timetables and making qualitative records available.

7.3. Any changes made to the existing financial systems or establishment of new systems must be approved by the Section 151 Officer.

7.4 Directors operating any financial or related systems will provide a regular and timely reconciliation of financial transactions on a regular basis as specified by the Section 151 Officer.

8 Fraud and Money Laundering

- 8.1. All employees and members are expected to act in accordance with the Council's strategy to help fight fraud and corruption.
- 8.2. They must report any concern or suspicion that something fraudulent or corrupt has happened (or is about to happen) to the Council's Head of Internal Audit. Suspicions or concerns should be expressed in the manner outlined in the Council's Whistleblowing Policy, and any investigations into the matter will be undertaken in line with the procedures outlined in the Counter Fraud and Corruption Strategy – Fraud Response Plan.
- 8.3 All employees and members are expected to report suspicions that where a transaction the Council has entered, or is due to be entered into, may be subject to money laundering. Such transactions should be reported to the Council's Senior Fraud Investigations Officer (as the Money Laundering Officer).

9 Income

- 9.1. Directors shall:
 - (a) agree with the Cabinet which fees and charges the Cabinet will approve and which the relevant Director will approve;
 - (b) review all fees and charges on an annual basis in accordance with the Council's charging policy in consultation with the Section 151 Officer (or their Deputy) and the relevant Cabinet member;
 - (c) provide the Section 151 Officer (or their Deputy) with details of work done, goods supplied, services rendered or other amounts due to the Council to enable correct recording and prompt rendering of accounts to take place;
 - (d) consult with the Section 151 Officer (or their Deputy) prior to applying for any grants or other sources of income to ensure that the Council can support any future obligations arising.
 - (e) send to the Section 151 Officer (or their Deputy) (and where required, the Head of Internal Audit) for examination and certification any grant claims before they are submitted unless he/she agrees otherwise;
- 9.2. The Section 151 Officer will ensure the regular monitoring reports to Corporate Management Leadership Team and Cabinet include the levels of outstanding debt and recovery action taken in relation to trade debtors.
- 9.3. Staff using the Council's main financial management system will only be able to do so if authorised by the Section 151 Officer, having regard to the level of training received in VAT and other accounting matters.
- 9.4. Unless otherwise agreed in writing, any documentation or equipment used to confirm receipt of money shall be approved by, ordered and supplied by the Section 151 Officer, who shall be satisfied regarding the arrangements for its control and safe custody.
- 9.5. Every sum received in cash on behalf of the Council shall be:
 - (a) paid in its entirety and without delay direct to the Council's bank account.
 - (b) where requested, acknowledged immediately by the issue of an official receipt, licence, ticket or equivalent documentation;

- 9.6. If monies are paid direct to the Council's bank account, the person should be encouraged to enter on the paying in slip a reference to identify the origin of the payment (e.g. receipt number or name of payee). For cheques the same identifying reference shall be entered on the reverse of the cheque.
- 9.7. Other than cash payments, receipts will not be issued for all other forms of payment received by the Council unless specifically requested by the customer.
- 9.8. Changes to income transactions (e.g. use of credit cards) must be agreed in advance with the Director of Resources and/or the Deputy Section 151 Officer.
- 9.9. Personal cheques shall not be cashed out of official Council funds.
- 9.10. Every transfer of official funds from one person to another must be confirmed by the signature of the receiving person.
- 9.11. Write off of debts shall be approved by:
- the Section 151 Officer if the individual debt does not exceed £100,000;
 - the Cabinet in all other cases.
 - the Section 151 Officer (or their Deputy) shall set write off limits for Directors below the £100,000 limit in accordance with procedures approved by him/her. Directors may in turn authorise limits for officers, up to the limit set for the respective Director, in consultation with the Section 151 officer (or their Deputy).
- 9.12. Where works in default have been carried out and the cost cannot be recovered immediately, a charge will be put on the property concerned and annual compound interest will be charged up to 2.5% above base rate until repayment in full has been made. The interest charge can be waived in exceptional cases on the agreement of the Corporate Management Leadership Team and the Section 151 Officer (or their Deputy).
- 9.13. Towards the end of each financial year the Section 151 Officer shall require Directors to inform him/her by a stated date of all significant items of outstanding income relating to that financial year.

10. Insurance Arrangements

10.1. The Section 151 officer shall

- (a) periodically review (at least annually) all insurances in consultation with Directors;
- (b) effect all insurance cover;
- (c) negotiate all insurance claims on behalf of the Council;
- (d) give advice regarding the level of insurance cover required by individuals or organisations working or wishing to work for the Council; and
- (e) monitor compliance with such advice.

10.2. Directors shall:

- (a) promptly notify the Section 151 Officer of all new risks, properties, plant, equipment and vehicles which require to be insured and any other alterations affecting existing insurances;
- (b) promptly notify the Section 151 Officer of any loss, damage or event likely to

lead to an insurance claim and, where appropriate, inform the police;

- (c) pass to the Section 151 Officer, without delay, any third party claims against the Council;
 - (d) consult the Monitoring Officer and the Section 151 Officer (or their Deputy) respecting the terms of any indemnity which the Council is requested to give.
- 10.3. Where insurance cover does not exist, the Section 151 Officer shall forward any claims to the Monitoring Officer for consideration.
- 10.4 Officers and members of the Council have a responsibility to manage risks effectively in accordance with the Council's Risk Management Strategy. Officers will communicate actions surrounding risk management to Cabinet on a regular basis. The Section 151 Officer will determine in consultation with Corporate Management Leadership Team those risks which the Council will insure itself against.

11 Internal Audit

- 11.1. The Council shall maintain an adequate and effective internal audit function in accordance with the Accounts and Audit Regulations 2015 and shall comply in all significant aspects with the Public Sector Internal Audit Standards (PSIAS) 2013. Day to day control of internal audit is the responsibility of the Head of Internal Audit. In discharging his/her responsibility the Head of Internal Audit shall regularly consult with the Section 151 Officer to assist them in fulfilling their duties.
- 11.2. The Head of Internal Audit shall carry out an annual risk-based assessment and produce appropriate strategic and annual plans. These will be reviewed by Corporate Management Leadership Team and then approved by the Finance, Resources, Audit and Governance Committee.
- 11.3. The Head of Internal Audit shall produce an annual report and opinion, which includes a summary of internal audit activity and a level of assurance on the adequacy and effectiveness of the council's framework of governance, risk management and control to the Finance, Resources, Audit and Governance Committee. This will feed into the Annual Governance Statement.
- 11.4. The Finance, Resources, Audit and Governance Committee shall review the effectiveness of the system of internal audit on an annual basis in order to support the Annual Governance Statement.
- 11.5. Responsibility for developing and managing the Council's overall assurance framework rests with the Section 151 Officer, who shall consolidate the work on risk, audit, internal control and governance through the Annual Governance Statement.
- 11.6. Internal Audit's primary roles are:
- (a) to objectively examine, evaluate and report on the adequacy of the control environment within the Council;
 - (b) to assist managers in preventing and detecting fraud and abuse.
- 11.7. The Head of Internal Audit and any persons authorised by him/her shall have authority to:
- (a) enter any Council premises or land;
 - (b) examine all records, documents and correspondence (in manual or electronic

- form) relating to any activities of the Council;
- (c) require and receive explanations from any employee or other persons engaged by the Council concerning any matter under examination;
 - (d) require any employee or other persons engaged by the Council to produce on demand any cash, stores or other Council property under their control.
- 11.8. The Head of Internal Audit shall:
- (a) have the right to report unedited in his/her own name to any person employed by or body constituted by the Council;
 - (b) have direct reporting access to Corporate Management Leadership Team, Managing Director, Cabinet and full Council.
 - (c) The Head of Internal Audit shall be notified immediately by Corporate Management Leadership Team or Director concerned of any circumstances which might suggest the possibility of irregularities affecting cash, stores, income, expenditure or other property of the Council. This regulation shall in no way relieve any member of Corporate Management Leadership Team or Director from dealing with any legal and/or disciplinary action.
- 11.10 It is the responsibility of Directors to ensure that recommendations in audit reports are considered and responded to promptly, and to ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient manner.

12 Inventories

- 12.1. Directors shall:
- (a) maintain inventories in accordance with the requirements of the Section 151 Officer (**Appendix 2-Inventory requirements**);
 - (b) ensure that all items on the inventory are checked at least annually;
 - (c) report any discrepancies without delay to the Section 151 Officer.
- 12.2. Unless specific written approval has been given otherwise by the relevant Director, Council property shall:
- (a) not be used for non Council purposes;
 - (b) only be removed from Council premises in accordance with the ordinary course of the Council's business. A formal record of removal and return shall be kept;
 - (c) be marked with the Council's ownership.

13. Land and Properties

- 13.1. The Section 151 Officer shall maintain a record of all land and properties owned by the Council recording:
- (a) the location;
 - (b) extent and plan reference;
 - (c) purchase details;
 - (d) purpose for which held;
 - (e) nature of interest;
 - (f) rents payable or receivable ;

- 13.2. All title deeds to property owned by the Council shall be held securely in the custody of the Monitoring Officer
- 13.3. Acquisition and disposal of any land or property shall, following consultation and agreement with the Section 151 officer, and in all cases supported by a financial appraisal providing the budgetary implications and for acquisitions having examined the VAT implications around the option to tax, be approved as follows:
- (a) Transactions including Assets and Disposals up to a value of £20,000 per annum per asset will be approved by the Development Project Manager (Big Sky Property Management Ltd), the Deputy Section 151 officer and/or the Director of Resources.
 - (b) By the Corporate Management Leadership Team if the estimated proceeds or costs are below £250,000;
 - (c) By Cabinet if the estimated proceeds or costs are greater than £250,000.
 - (d) In exceptional circumstances, an opportunity may arise which maybe time limited and the decision would have ordinarily been approved at Cabinet; however no Cabinet meeting is to be held within the timeframe. In such circumstances, the decision can be delegated to the Managing Director in consultation with the Leader of the Council and the relevant portfolio holder. A retrospective report must be taken to the next Cabinet or Council meeting whichever is sooner.
 - (e) In cases c) and d) above a report must be submitted to the Council's Corporate Management Leadership Team for approval.
- 13.4. All leases, whether as landlord or tenant, shall be dealt with as follows:
- (a) In all cases approval shall only be given if supported by a financial appraisal from the Section 151 Officer giving the budgetary implications
 - (b) leases of up to and including 5 years and/or up to a value of £20,000 per annum to be negotiated and concluded by the Development Project Manager (Big Sky Property Management Ltd),
 - (c) leases which are over 5 years and up to and including 20 years and/or between £20,000 and £50,000 per annum to be approved by the Strategic Leadership Team.
 - (d) leases which are longer than 20 years and/or greater than £50,000 per annum to be approved by the Cabinet;
- 13.5 Approval of rent reviews shall be subject to the same limits as in paragraph 13.4 above.

14 Orders for Goods and Services

- 14.1. All official orders shall be:
- (a) in an electronic format approved by the Section 151 Officer;
 - (b) signed only by those persons authorised by the Managing Director or the Section 151 Officer in accordance with the financial limits set by the Managing Director and the Section 151 Officer subject to a maximum limit of £100,000;

- (c) countersigned by the Managing Director and either the Director of Resources or the Deputy Section 151 Officer if in excess of £100,000.
- 14.2. A list of such persons authorised, showing the limitation of their individual authority in terms of value and areas of responsibility, shall be kept by the Director and the Section 151 Officer and updated promptly by him/her when changes occur.
- 14.3. Official orders shall be issued for all goods and services with the exception of:
- (a) utility services;
 - (b) payments from petty cash accounts;
 - (c) periodic payments such as rents;
 - (d) services/goods paid for using the Council credit card;
 - (e) such other exceptions as the Section 151 Officer shall agree in writing.
- 14.4. Official orders:
- (a) Shall be issued through the Council's financial management system, so that the use of suppliers and budgets are effectively controlled;
 - (b) Should the Council's financial management system be unavailable then with the specific authority of the Section 151 Officer, orders can be placed, but must in all cases be confirmed through the financial management system as soon as it is available.
 - (c) only be issued if budget provision exists for the cost involved. If insufficient budget exists, refer to virement and supplementary estimate rules at para 25;
 - (d) Where these relate to contracts, all contracts and any variations to those contracts have been undertaken in line with the Council's Contract Standing Orders
 - (e) identify completely and accurately the goods or services required;
 - (f) use existing corporate contract arrangements where suitable, unless there is an auditable reason not to, which has been agreed with the Section 151 officer; further details are contained within the Contract Standing Orders;
 - (g) refer to any relevant contract, quotation or agreement;
 - (h) show an estimated or actual cost.
- 14.5. Prior to raising orders on the Council's financial management system:
- (a) Check to ensure the Supplier already exists on the financial management system;
 - (b) If the purchase order is to be raised for a new supplier then the potential new supplier should be requested to complete the "New Supplier" form available on the Council's intranet;
 - (c) An assessment of the potential new supplier should be carried out which is proportionate to the risks involved; this should include the financial standing, suitability & reliability; in line with the contract standing orders, a pre-qualification questionnaire may be required where large-scale spending is anticipated with the supplier. The new supplier must have been chosen as a result of the following Contract Standing Orders.
 - (d) A re-evaluation of existing Suppliers, in relation to the financial standing, suitability & reliability, should also be carried out on a periodic basis where either contracts are for large sums of money and/or the supplier provides

goods or services which, if they ceased to be available, would place the Council's services at risk.

- 14.6. Each order shall conform to any directions of the Council in respect of environmental standards, central purchasing and the standardisation of supplies and materials.
- 14.7. All invoices from Suppliers, with the exception of those listed in 14.3 above, shall be required to contain a relevant purchase order number in order to be paid. Invoices which do not contain the purchase order number will not be considered as an authorised supply and will therefore be returned unpaid to the Supplier. Where individual services persistently receive invoices from suppliers where a purchase order has not been raised, the relevant Director will be informed.
- 14.8. Ordering goods through the Council's credit card must comply with internal procedures held by the Section 151 Officer. These mirror the procedures applied to the conventional ordering of goods as described above. The credit card must only be used where it is in the business interests (not administrative convenience of officers) of the Council to do so, and in all cases must not be used to circumvent the controls inherent within the purchase ordering system. Credit cards may be issued to the Managing Director and Directors, who will ensure sufficient controls and segregation of duties being in place. Use of the card is appropriate for:
- (a) One-off payments, where it is unlikely that the same supplier will be used again;
 - (b) Course, travel or hotel bookings where payment in advance is needed to secure places, tickets etc;
 - (c) Where the supplier concerned trades wholly or primarily over the Internet and card payment is the only practical option.
 - (d) Where the need for goods or services is urgent and card use would secure prompt delivery. But not for:
 - (e) travel expenses etc under £50 per occasion – these should be paid personally and re-imburement claimed through salaries in the normal way.
 - (f) Where current corporate contracts or other arrangements exist.
 - (g) Where the supplier is set up as a supplier on Integra.
 - (h) For minor items for which payment could conveniently be made personally and reimbursement claimed through Petty Cash

15. Payment of Accounts

- 15.1. The responsibility for making payments (other than from petty cash accounts) rests with the Section 151 officer using whatever means he/she considers appropriate.
- 15.2. Unless the Section 151 Officer believes that further enquiries are necessary, payment shall be made promptly on receipt by him/her of properly certified invoices, other acceptable payment documents or properly authorised electronic data (**Appendix 3 – Payment Voucher Certification**).
- 15.3. Payment to suppliers will be made via BACS unless they have been paid by petty cash, the company credit card or Direct Debit.
- 15.4. Officers of the service which has issued the official order or which will incur the expenditure are responsible for certifying the amount to be paid in accordance with the Goods Receipting process or the payment voucher certification processes attached.

15.5. A list of persons who can certify invoices and other payment documents shall be supplied to the Section 151 officer by Directors and the Managing Director. The list shall contain:

- (a) the specimen signature of such persons; and
- (b) the limitation of their individual authority in terms of value

The relevant Director shall notify the Section 151 Officer when changes occur. All lists shall be reviewed and updated annually.

15.6. Directors can authorise individual invoice payments up to a value of £50,000. Payment vouchers in excess of this will require secondary certification by the Managing Director or the Section 151 Officer (or their Deputy).

15.7. Towards the end of each financial year the Section 151 Officer shall require Directors to inform him/her by a stated date of all significant items of outstanding expenditure relating to that financial year

15.8. No amendments shall be made to VAT invoices. If such invoices are incorrect, they shall be returned to the relevant creditor for correction in accordance with the VAT regulations.

15.9. Amendments to any other payment documents must be made in ink, signed by the person making the alteration and endorsed with the reason.

15.10. Ex gratia payments to persons other than employees shall be approved by:

- a. the relevant Director if less than £5,000 in total, provided the Director of Resources, the Section 151 Officer (or their Deputy) and the Monitoring Officer are in agreement;
- b. the Managing Director in all other cases.

16. Payments to Employees

16.1. Appointment of all employees shall be in accordance with the regulations of the Council and the approved establishment, grades and rates of pay. All recruitment to vacant posts, or changes to the existing establishment, must be agreed by Corporate Management Leadership Team. A recruitment assessment form must be completed by the service, which is then approved by the Section 151 Officer (or their Deputy) and Director, prior to presentation to Corporate Management Leadership Team; the form should then be certified by the Managing Director.

16.2. Each Director shall consult the Managing Director on terms and conditions affecting employees.

16.3. The responsibility for making payments by way of salaries, wages and other emoluments to all employees and former employees rests with the Managing Director

16.4. The Managing Director shall be notified by the Directors without delay of all matters affecting such payments. Notification shall include:

- (a) appointments, resignations, dismissals, suspensions, transfers and secondments;
- (b) sickness and any other absence other than annual or flex leave;
- (c) changes in remuneration other than normal increments, pay awards and other matters of general application;

(d) information necessary to maintain records of service for superannuation, income tax, national insurance and any other required purpose.

16.5. All time records and other pay documents shall be in a form prescribed by the Section 151 Officer and be certified by Directors. They shall be submitted within three months of occurrence to the Managing Director to enable payment to be made on the due date.

16.6. A list of persons who can certify time records and pay documents shall be supplied to the Managing Director by Directors. The list shall contain:

- (a) the specimen signature of such persons; and
- (b) the limitation of their individual authority in terms of value.

The relevant Director shall promptly notify the Managing Director when changes occur. All lists shall be reviewed and updated annually.

16.7. Payment of honoraria to employees and ex gratia payments, following consultation with the Managing Director shall be approved by:

- (a) the relevant Director if less than £5,000 in total;
- (b) the Managing Director if greater than £5,000 in total.

16.8. Persons certifying claims for travel and subsistence shall be satisfied that:

- (a) allowances and other expenses are necessarily incurred;
- (b) they are in accordance with the Council's approved scheme;
- (c) they are properly payable by the Council;
- (d) they are supported, where appropriate, by VAT receipts;
- (e) the claim is arithmetically correct.
- (f) The claim relates to a recent period (not greater than three months ago)

17. Payments to Members

17.1. The Monitoring Officer shall certify entitlement to allowances and other expenses claimed by members. In so doing he/she should be satisfied that:

- (a) allowances and other expenses are necessarily incurred;
- (b) they are in accordance with the Council's approved scheme;
- (c) they are properly payable by the Council;
- (d) they are supported, where appropriate, by VAT receipts;
- (e) the claim is arithmetically correct;
- (f) The claim relates to a recent period (not greater than three months ago).

17.2 All payments shall be made by the Payroll Manager upon receipt of the duly completed forms.

18 Petty Cash Accounts

- 18.1. The Section 151 Officer shall provide such petty cash accounts as he/she considers necessary for paying minor items of expenditure. They shall be operated in accordance with his/her directions. The maximum individual amount which shall be payable from such accounts will be £50 unless otherwise agreed by the Section 151 Officer.
- 18.2. Income received on behalf of the Council shall not be paid into any petty cash account but accounted for separately as provided elsewhere in these rules.
- 18.3. Officers responsible for petty cash accounts shall provide a certificate to the Section 151 Officer regarding the state of the account whenever he/she requires.
- 18.4. On ceasing to be entitled to hold a petty cash account, an officer shall account to the Section 151 Officer for the amount for which he/she was responsible.
- 18.5 The need for the continued existence of petty cash accounts shall be reviewed annually by the Section 151 Officer.

19 Security

- 19.1. Each Director shall:
- (a) maintain adequate security for all buildings, stores, furniture, equipment, cash and anything else of value for which he/she is responsible;
 - (b) consult the Section 151 Officer (or their Deputy) if he/she thinks security is defective or circumstances arise where special security arrangements may be needed;
 - (c) agree with the Section 151 Officer (or their Deputy) maximum limits for amounts of cash to be held in person or on Council premises, which shall not be exceeded without the permission of the Section 151 Officer (or their Deputy);
 - (d) ensure compliance with any statutory requirements in respect of data protection.
- 19.2. Keys to safes and other secure containers will be issued and monitored by the Section 151 Officer to named individuals who shall sign to confirm receipt. Such keys shall be kept on the person and any loss must be reported to their Director immediately. Security and privacy of information held in the central computer installation and on networked or stand alone PC's shall be maintained in accordance with instructions issued by the Section 151 Officer.

20 Stores

- 20.1. All records relating to stores shall be kept in a form approved by the Section 151 Officer.
- 20.2. Directors shall:
- (a) arrange for stock checks to be carried out at least annually by persons independent of those responsible for day to day operations of the stores;
 - (b) ensure that stock holdings are not in excess of reasonable requirements;
 - (c) review slow moving and obsolete items at least annually;
 - (d) approve any stock write off.
- 20.3 Where stores are no longer required arrangements for disposal shall be agreed by the relevant Director and the Section 151 Officer (or their Deputy).

21 Treasury Management

- 20.1. The Section 151 Officer will maintain an effective treasury management function, complying with the strategy and policy approved by Cabinet:
- (a) The Council will put in place formal and comprehensive objectives, policies and practices, strategies and reporting arrangements for the effective management and control of the treasury management activities.
 - (b) The Council's policies and practices make clear that the effective management of risk, having regard to return, is a prime objective of the treasury management activities.
 - (c) The pursuit of best value in treasury management, and the use of suitable performance measures, is valid and important tools for responsible organisations to employ in support of their business objectives; and that within the context of effective risk management, their treasury management policies and practices should reflect this.
 - (d) The Council adopts the Treasury Management Policy and Practices.
 - (e) To facilitate effective Treasury Management, this Council will create and maintain a treasury management policy statement, stating the policies and objectives of its treasury management activities, and suitable treasury management practices (TMPs) detailing how the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
 - (f) Full Council will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, and an annual report after its close.
 - (g) The Council delegates responsibility for the monitoring of its treasury management policies and practices to Cabinet and for the execution and administration of treasury management decisions to the Section 151 Officer who will act in accordance with the Council's policy statement and TMPs and if a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management. The Section 151 Officer will maintain this function in accordance with CIPFA Codes of Practice.
- 20.2. The Section 151 Officer will advise the Cabinet on a range of Prudential Indicators in accordance with the Prudential Framework. This information must incorporate:
- (a) Capital Strategy - including 3-year forecast
 - (b) Revenue budget forecasts
 - (c) Asset Management Plans
- 20.3. Full Council will determine future prudential indicators having regard to affordability, capital strategy and the advice of the Section 151 Officer.
- 20.4. All investments of money under Council control shall be made by the Section 151 Officer, in the name of the Council or in the name of nominees approved by the Council. Bearer securities shall be exempt from this regulation but any purchase of such securities shall be reported to the Council.
- 20.5. All borrowings, including operating leases or other financial instruments, shall be effected by the Section 151 Officer in the name of the Council.
- 20.6. The Section 151 Officer shall be the Council's registrar of bonds and mortgages and shall maintain records of all borrowings of money by the Council.

- 20.7. The Section 151 Officer shall inform and advise the Cabinet upon the need and methods for the financing of all capital expenditure. He/She shall be responsible for the raising of all loans and repayments of loans in accordance with policy and arrangements approved by the Council through Cabinet.
- 20.8. All trust funds shall wherever possible be in the name of the Council.
- 20.9. Officers acting as trustees by virtue of their official position shall deposit any securities relating to the trust with the Monitoring Officer unless the trust deed provides otherwise.
- 20.10 Any officer who, in the course of their official duties, has in their care assets or income which are not owned by the Council has a duty of care to the owner to ensure that such assets or income are treated with the same propriety as if they belonged to the Council.

22 Voluntary Funds

- 22.1. All voluntary funds operated by employees in connection with the work of the Council must be notified to the Section 151 Officer and be operated in accordance with his/her written instructions.
- 22.2. Such funds may be subject to review by internal audit as if they were official funds of the Council.

22. External Arrangements

- 22.1. The Cabinet is responsible for approving delegations, including frameworks for partnerships. The Head of Paid Service (Managing Director) or officer nominated by him/her represents the Authority on partnership and external bodies. The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to governance and financial administration in partnerships that apply throughout the Authority.
- 22.2. The Section 151 Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- 22.3. Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.
- 22.4 Bodies who receive grant funding from the Council should ensure they have appropriate records in place to support how that funding will, or has been spent. All applications for funding will be treated in a fair and consistent manner and processes will be in place to scrutinise applications to ensure that they have been appropriately and accurately completed, are in line with corporate objectives and are likely to deliver the benefits identified. There will be robust processes in place to ensure that grant funding awarded has been used in the manner agreed as outlined in the conditions attached to the grant.

23. Variation Or Revocation

- 23.1 Any motion to add to, vary or revoke these Rules for Financial Governance shall be adjourned to the next ordinary meeting of the Council (unless Cabinet recommends an addition or variation to the Council).

24. Virements, Supplementary Estimates and Slippage

- 24.1. Budget items that are considered to be controllable (as defined by the Section 151 Officer) may be vired between cost centres, at CIPFA subjective classification levels.
- 24.2. The relevant Budget Manager or Accountancy Manager, or Section 151 Officer (or Deputies) can authorise virements between codes for amounts up to £5,000. If virements are between Directorates the Directors are required to authorise the virement.
- 24.3. The relevant Director, (Directors if virements are across Directorates) or in their absence the Section 151 Officer (or Deputies) can authorise virements between codes up to an annual limit of £100,000 per individual code.
- 24.4. Any virement which would mean an individual code has had more than £100,000 vired from/to it in the financial year will need to be approved by Corporate Management Leadership Team.
- 24.5. Individual **revenue or capital** virements exceeding £100,000 will also require the approval of Cabinet.
- 24.6. Individual virements on revenue or capital schemes exceeding £250,000 will require the approval of Cabinet and Council.
- 24.7. It is for the Director to ensure that virements comply with the Council's stated service policies, and specifically expenditure from virement will not be permitted where Cabinet and/or Council have previously decided that such expenditure should not be incurred. Virements must also not incur recurring expenditure.
- 24.8. Virement will not be allowed in respect of previous budget slippage, nor from supplementary estimates.
- 24.9. Where no budgetary provision exists and the scope for virement appears limited, then supplementary estimates will be sought from Corporate Management Leadership Team or Cabinet, subject to a maximum limit of £50,000 and £100,000 per annum respectively. Any supplementary estimates, which would exceed this overall limit, can only be approved by Council.
- 24.10. Should there be an underspend at the end of a financial year in both the overall Council budget and the relevant service budget, Directors may request slippage. This relates to commitments entered into as at 31 March for which there is no adequate provision in the subsequent year's revenue or capital budget.
- 24.11. Slippage requests will be approved by Corporate Management Leadership Team and Cabinet.
Slippage sought for the same item for a subsequent year will only be permissible with the approval of Corporate Management Leadership Team, Cabinet and full Council.

25. Major Incidents and Emergencies

- 25.1. The following framework is established to deal with a major incident or emergency, as defined in the council's Major Incidents and Emergency Plan.
- 25.2. The Managing Director (or a Director nominated to act as Acting Managing Director in her/his absence) is authorised to incur expenditure of up to £100,000 without prior member involvement, but a report must be submitted to the Leader of the Council as soon as possible.
- 25.3. Directors are to obtain the Managing Director's prior approval for any item of expenditure in excess of £10,000 but they may incur expenditure below this level with follow up notification to the Managing Director at the earliest opportunity.
- 25.4. The Managing Director will advise the Section 151 Officer when authorisation to incur expenditure has been given.
- 25.5. An Emergency Committee, comprising five elected members as indicated in Part 13.2 of this Constitution be authorised to sanction expenditure in excess of £100,000 subject to a maximum limit of £500,000. However, where expenditure is expected to exceed £500,000, a special meeting of Council must be called to consider the matter.
- 25.6. A report on the cost to the Council of any major peacetime emergency, with an indication of how much could be recoverable through insurance, Government grant and other sources, is to be made to the next available meeting of Cabinet which will give consideration to the approval of a supplementary estimate; the net cost being found from balances.

Appendix 1**CHEQUE SIGNING ARRANGEMENTS AND AUTHORISATION FOR ELECTRONIC PAYMENTS****1. Cheque signing**

- 1.1. Cheques shall bear the facsimile signature of the Section 151 Officer or the Director of Resources and be countersigned if required by either of the two above if they are not the facsimile signatory or any of two other members of Finance staff authorised by the Section 151 Officer.
- 1.2. Signatories must not sign cheques which are supported by payment vouchers which they themselves have certified for payment.
- 1.3. Cheques raised manually shall be signed by:
 - one authorised signatory if the value of the cheque is less than £50,000;
 - two authorised signatories if the value of the cheque is greater than £50,000.
- 1.4. Cheques produced by the normal computer runs shall be manually signed by:
 - one authorised signatory if the value of the cheque is between £20,000 and £50,000;
 - two authorised signatories if the value of the cheque is greater than £50,000.

2. Authorisation for electronic payments

- 2.1 Designated individuals are authorised to set up payees on the system and set up sums to be paid. The computer system does not permit the same individual to do both. Release of funds is only possible when the transactions have been authorised by one of the cheque signatories listed above using password control. After authorisation, funds are released using an electronic device held by a nominated individual.
- 2.2 The computer system will not permit release of funds by a cheque signatory who has set up that same payee.

Appendix 2**INVENTORY REQUIREMENTS****1. Items to be included/not included In Inventories**

The inventory is used to record low, and middle value assets of the Council which have a “fixed” element to them, i.e. they will last, and be used for, more than 1 year. Items of ongoing, disposable stock, which is replaced on a frequent basis and not used for more than a year should be contained within the service stock records, and is not considered inventory for this purpose.

1.1 Personal computers/related hardware/software

All personal computers and related hardware and software acquired via the IT section will be entered in an inventory maintained by that section. Other Directors need make no provision for inclusion of such items in their inventories.

1.2 Office furniture

No office furniture is to be included in inventories.

1.3 Other equipment

Equipment which falls outside the definitions given above must be included in inventories if the replacement value is estimated to be more than £1,000. Equipment whose replacement value is estimated to be less than £1,000 but which is considered to be “portable and attractive” may be included at the discretion of the Director. This also includes equipment which is located outside of South Norfolk House.

2. Format of the Inventory

2.1 The inventory should be kept in a format which records:

- (a) the description of the item together with the serial number or similar identifier where available;
- (b) the location of the item;
- (c) the date of acquisition (where known);
- (d) the estimated replacement value;
- (e) the date the existence of the item was last confirmed;
- (f) the date and method of disposal (where items have been disposed of).

PAYMENT VOUCHER CERTIFICATION

1.1 Before certifying a payment voucher the certifying officer must be satisfied that:

- (a) the payment is one which the Council is empowered to make;
- (b) the account is the liability of the Council;
- (c) the goods have been received, examined and approved as to quality and quantity, or the service rendered or work done has been performed satisfactorily;
- (d) the prices are in accordance with quotations, contract or current market rates or otherwise reasonable;
- (e) the account is arithmetically correct;
- (f) the account has not previously been certified for payment;
- (g) there is provision in the budget for the expenditure;
- (h) the coding is correct;
- (i) the account is charged to the correct financial year;
- (j) particulars of the payments have been endorsed on the copy of the order;
- (k) if necessary, entries have been made in stores records or inventories.

1.2 The payment voucher should normally contain 3 signatures (not initials):

- (a) one to confirm the goods/services have been received (unless no tangible goods or services are involved);
- (b) one to confirm the account has been checked;
- (c) one to certify payment.

As a minimum, 2 of these signatures must be those of different officers.

1.3 If the payment is not for tangible goods or services no signature to confirm receipt is required.

Part 4 Rules of Procedure

Part 4.4 Contract Procedure Rules

Statement of Intent

Subject to the overriding principles in section 2 below, there will be a focus on, wherever appropriate, enabling social value, encouraging participation by local businesses to support the local economy and assist to protect the environment using environmental criteria in all contracts when appropriate when bidding for Council procurement opportunities.

1. COMPLIANCE

- 1.1 These Contract Procedure Rules (CPR) are the Council's contract standing orders under section 135 of the Local Government Act 1972. They must be followed every time the Council enters into a contract for works, supplies or services.
- 1.2 All public procurement and other applicable laws (including any European Union law directly or indirectly in force in England at the relevant time) must be followed. Such laws override any conflicting provision of the CPR.
- 1.3 These, the CPR must be read in conjunction with the Council's Constitution, including its Financial Procedure Rules, Procurement Quick Step Guide, (QSG) decision making processes and delegated authorities.
- 1.4 These CPR are the minimum standards which must be adhered to. Particular procurements may require a more thorough procedure than one defined by value alone, depending on the identifiable risks to the Council, or it may be beneficial to the Council to secure greater competition. If in any doubt as to the position on any procurement, consult the Procurement Team.
- 1.5 The CPR aim to promote the highest standards of probity, integrity and impartiality using the key procurement principles of transparency, equal treatment, non-discriminatory and proportionate manner. They thereby offer the best justification against allegations of purchases having been made fraudulently or incorrectly.
- 1.6 If it comes to notice of an Officer that there has been non-compliance with these CPR in respect for any contract which s/he is responsible as the Officer of the procuring section, s/he shall without delay notify the Director of Resources who shall take such action as deemed necessary.

2. PROCUREMENT PRINCIPLES:

- 2.1 The aim of every procurement process should be to achieve Value for Money, compliance with all legal requirements and support the Council's policies and objectives as part of the general requirement to secure Best Value.
- 2.2 Contractual arrangements should be made, wherever possible, on the Council's standard general terms or standard form contracts. When appropriate it is acceptable to use industry standard model contracts, with supplemental terms for contracts. Contracting on the supplier's terms should be avoided and only done when agreed with (and with the changes to those terms required by) Director of Resources and the Procurement Team.
- 2.3 These CPR apply to the appointment of Consultants, sub-contractors and any other legal entity (when acting on behalf of the Council) and must be followed in accordance with.
- 2.4 Approval for any advance payments to the supplier before receiving the relevant works, supplies or services, must be sought from the Director of Resources before proceeding to ensure protection of the Council's interests.

- 2.5 Tenders and Quotations received by fax or email must be rejected if above £20,001 as detailed in 2.6.
- 2.6 Tenders over the value of £20,001 must be returned electronically via the Council's e-tendering system and opened by the procurement team and/or nominated officer.
- 2.7 All contracts except where lowest price was predetermined to be the appropriate contract award criterion shall be awarded based on the offer that represents the Most Economically Advantageous offer to the Council.

3. EXCLUDED CONTRACTS

Contracts are not subject to these CPR if they are of the following and will be managed by the relevant specialist team at the Council in accordance with the Council's Constitution:

- 3.1 Contracts of employment which make an individual a direct employee of the Council;
- 3.2 Agreements regarding the acquisition, disposal or transfer of land only (i.e. without any connected development);
- 3.3 Contracts where the price of the goods or materials is wholly controlled by government order or otherwise and no reasonably satisfactory alternative is available;
- 3.4 For other reasons where there would be no genuine competition, or where the requirements of the competition have already been met e.g. frameworks;
- 3.5 The disposal of obsolete assets (see Financial Procedure Rules).

4. COMPLEX PROCUREMENTS

Where the procurement involves any of the following criteria the Procurement Team and the Director must be consulted:

- 4.1 Where the Total Value exceeds the relevant Public Procurement Thresholds (see QSG);
- 4.2 Where the opportunity is likely, in view of its characteristics, to be of cross-border interest and therefore attract potential suppliers from outside the UK;
- 4.3 Where any staff of the Council or an existing supplier spend the majority of their time providing the services which are to be procured (investigation would be needed to identify any potential TUPE implications in advance and obtain/provide employee liability information);
- 4.4 The procurement involves leasing agreements;
- 4.5 Where it is proposed to use a supplier's own terms or any other form of contract which is not one of those normally used by the Council for other matters;
- 4.6 Procurement of application software with a Total Value above £75,000;
- 4.7 Agreements involving the development of land for public benefit;
- 4.8 Where it is proposed to extend or vary an existing contract;
- 4.9 Any collaborative procurements where the Council is working with other authorities to procure;
- 4.10 Where it is proposed to enter into a new contract with an existing supplier without competition (such as a new contract for a line of business software system);
- 4.11 Where the procurement is complex in any other way or involves unusual risks.

5. PRE-PROCUREMENT PROCEDURE

Before commencing a procurement process, it is essential that the Officer leading the procurement is fully aware of the QSG. Consideration shall be given to the Council's Procurement Strategy.

6. PRELIMINARY MARKET CONSULTATION

Before commencing a procurement process the Officer may conduct market consultations with a view to preparing the procurement and informing potential suppliers of the Council procurement plans and requirements. This should be proportionate to the value of the contract.

- 6.1 Before commencing preliminary market consultation advice must be sought from the Procurement Team ensuring that the market consultation, would not have the effect of distorting competition and would not result in a violation of the principles of non-discrimination and transparency.

7. CONTRACTS PROCEDURES

The following table outlines the minimum selection procedure to be used where the procurement is within these CPR and is not complex (see Rule 4 above) and a suitable existing corporate contract or appropriate framework is not being used.

Minimum Contracts Procedures for Works, Supplies or Services:

Estimated Total Value	Selection procedure	Selection recommendations
Less than £20,000	Single quotation in writing (recorded) including demonstration of value for money	Assistant Director or delegated to Officer
£20,001 to £75,000	At least three quotations in writing	Officer or Procurement Team
Above £75,001 but below the Public Contract Regulations 2015 Financial Threshold see QSG	Invitation to Tender issued to a minimum of three suppliers or an open tender.	Officer or Procurement Team
At or above the Public Contract Regulations 2015 Financial Threshold	Advice must be sought from the Procurement Team and/or Director	Consult with the Procurement Team and the Director

Estimating the Contract Value

The Council should make the best use of its procurement power by aggregating purchases wherever possible. It is not acceptable to split Works, Services or Supplies in attempt to avoid these CPR or the Public Contract Regulations.

Estimating the contract value must consider the value of the total contract duration. To determine the contract process, consult with the Procurement Team.

8. SINGLE QUOTATION PROCEDURE (Value less than £20,000):

Single quotes can be obtained in a variety of ways which may include phone, internet, letter, face to face, however the information needs to be recorded. Where quotations are obtained via phone or face to face interaction, these should be confirmed in writing (e.g. send e-mail or through third party providing written quote).

All quotes are subject to the following processes;

- 8.1 Although a formal procurement process does not need to be followed, value for money needs to be demonstrated.
- 8.2 Officers should select a supplier by any reasonable means.
- 8.3 Request a final written quote from the supplier.
- 8.4 Reasons for the selection are to be recorded centrally.
- 8.5 Raise an appropriate Purchase Order to the supplier using the Council's financial software, prior to placing the order ensuring this refers to or incorporates the relevant contract document(s).

9. MULTIPLE QUOTATION PROCEDURE (Value £20,001 to £75,000):

Having followed QSG:

- 9.1 Identify the appropriate contract to be used or contact the Procurement Team.
- 9.2 Develop and include in the relevant sections of the Council's invitation to bid documents, so that prospective suppliers (including at least one local supplier where practicable without improperly excluding other suppliers) can provide their quotations based on:
The evaluation criteria and
Specification of services/supplies/works required by the Council); and
Performance indicators (if appropriate).
The Procurement Team can assist with developing the relevant criteria/specification/performance indicators.

Open quotation opportunities should use the Council's e-sourcing system if appropriate and publishing the opportunity nationally using Contracts Finder with or without any other advertisement. Best practice would be to publish the opportunity for contracts over £20,000.

- 9.3 The period allowed for responses should be adequate, considering the complexity of the Council's requirements, to provide a reasonable opportunity for suppliers to prepare and submit a quotation. This will normally be at least 10 working days.
- 9.4 Invitation to bid documents should be sent or made available to the suppliers via the Council's e-sourcing system either to the selected suppliers or in an open opportunity. Access to the Council's e-sourcing system will be arranged by the Procurement Team on request.
- 9.5 Any bids received after the appointed date/time will not be considered and advice must be obtained from the Procurement Team as to next steps.
- 9.6 Bids will remain electronically sealed until the appointed time and date and will be opened by the Procurement Team and nominated officer.
- 9.7 Bids must be evaluated against the specified evaluation criteria, liaising with the Procurement Team and the Finance Team to check the information provided by the suppliers and when appropriate investigate the financial status of the supplier(s).
- 9.8 If less than two bids are received, consult with the Procurement Team and follow their recommendations as to whether to arrange a new invitation to bid or obtain other evidence demonstrating that (because of the nature of the opportunity, an absence of suitable competitor suppliers or otherwise) the bid(s) received represent Value for

- 9.9 Record centrally the details of the procurement, including reasons for the selection of the winning bid and/or bids received.

10. TENDER PROCEDURE (Value more than £75,001 but below the Public Contract Regulations 2015 Financial Threshold):

Having followed the QSG

Identify the appropriate contract to be entered by using the QSG.

- 10.1 Officers should engage the assistance of the Procurement Team as soon as it is anticipated that a tender may be required.
- 10.2 The Procurement Team will assist Officers with the following steps, including design of scope, evaluation criteria, performance indicators (if appropriate) and mitigation of risks/costs.
- 10.3 Officers should then either:
- Select three or more specific potential suppliers to invite to tender (including at least one local supplier, where practicable without; or
 - improperly excluding other suppliers; or
 - Open tender opportunities should use the Council's e-sourcing system if appropriate and publishing the opportunity nationally using Contracts Finder with or without any other advertisement. Best practice would be to publish the opportunity for contracts over £20,000.
- 10.4 Justification for inviting only selected potential suppliers must be approved by the Procurement Team and recorded with procurement documentation.
- 10.5 The period allowed for responses should be adequate, considering the complexity of the Council's requirements; to provide a reasonable opportunity for suppliers to prepare and submit a tender. This will normally be at least 20 working days.
- 10.6 Invitation to tender documents should be sent or made available to the suppliers via the Council's e-sourcing system either to the selected suppliers or in an open opportunity. Access to the Council's e-sourcing system will be arranged by the Procurement Team on request.
- 10.7 Any bids received after the appointed date and time will not be considered and advice must be obtained from the Procurement team as to next steps.
- 10.8 Bids will remain electronically sealed until the appointed time and date and will be opened by the Procurement Team and nominated officer.
- 10.9 The Procurement Team will manage evaluation of tenders against the specified evaluation criteria and liaise with the Finance Team to check the information provided by the suppliers and if appropriate investigate the financial status of the supplier(s).
- 10.10 The Procurement Team will assist in seeking approval, awarding the contract and completion of the procurement process.
- 10.11 Record centrally the details of the procurement, including reasons for the selection of the winning bid and/or bids received.

11. TENDER PROCEDURE FOR ABOVE PUBLIC CONTRACT REGULATIONS 2015.

Advice must be sought from the Council's Procurement Team where the estimated value is likely to exceed the PCR 2015 Financial Thresholds.

The Procurement Team will manage the procurement process to ensure compliance of the PCR 2015.

The evaluation criteria and weightings must be prepared to enable the most economically advantageous tender or bid (MEAT), to be identified, ensuring that all such criteria are appropriate for and proportionate to the relevant contract.

A report for Corporate Management Team Leadership Team must be prepared for all procurements over the PCR to include and not limited to:

- Nominated contract manager,
- Risk assessments and risk register,
- Contingency measures (including early termination and exit strategy)
- Annual review of insurance policy
- Contractual performance
- Innovations
- Social Value delivery
- Complaints and compliments
- Data Protection issues (if appropriate).

12. TENDER EVALUATION

Tenders must be evaluated in accordance with the evaluation criteria as set out in the invitation to tender documents.

The arithmetic in tenders must be checked by the appropriate officer as defined in the procurement documentation. If arithmetical errors are found they should be notified to the supplier, who should be requested to confirm or withdraw their tender.

13. DECLARATION OF INTEREST

If it comes to the knowledge of a Member or Officer (or other appropriate person) of the Council that a contract in which they have a pecuniary interest has been, or is to be, entered by the Council then they must immediately give written notice to the Monitoring Officer. This needs to be recorded on the annual return.

The Monitoring Officer shall maintain records of all declaration of interests notified by Members and Officers (or other appropriate person).

14. POST TENDER NEGOTIATION

Post tender negotiation is to be the exception and such negotiations shall be conducted strictly in accordance with the following:

- They shall take place at predetermined times and places;
- The Procurement team, Monitoring Officer and the Section 151 Officer or their Deputies, must be notified of the time and venue of all negotiations;
- More than one officer of the Council shall always be present, including either the Monitoring Officer or the Section 151 Officer or their Deputies, or their senior representative.
- The signed record of all meetings shall be kept on file.
- In the event of a contract being awarded, the relevant signed records of meetings shall be bound into the contract.

15. CONTRACT AWARD

15.1 The approval level for accepting tenders and quotations is as follows:

Value	Approval
Up to £20,000	Assistant Director
£20,001 to £50,000	Director
£50,001 to £100,000	CMLT
Above £100,001	Cabinet

- 15.2 Officers in conjunction with the Procurement Team must notify all suppliers simultaneously and as soon as possible of the intention to award the contract to the successful supplier and stipulating the standstill period (if any) applied in the notification. If an unsuccessful supplier challenges the decision, the Officer shall not award the contract and shall immediately seek the advice of the Procurement Team and Director of Resources.
- 15.3 Where a contract has been tendered below the PCR 2015 and above £20,000 the Council shall publish a contract award notice on Contract Finder.
- 15.4 Where a contract has been tendered pursuant to the PCR 2015 the Council shall publish a contract award notice as detailed by the PCR 2015.

16. CONTRACT TERMS AND CONDITIONS

Contracts shall be entered on the Council's terms and conditions, which shall be included with each purchase order and invitation to quote or tender. Exceptions to this rule must be approved in advance by the Director of Resources including terms and conditions used under Framework Agreements.

- 16.1 Every formal contract in writing within the meaning of CPR shall specify or contain (as a minimum) wherever possible:
- the services, supplies or works to be provided;
 - the price to be paid, with a statement of discounts or other deductions;
 - the time or times within which the contract is to be performed;
 - that all relevant health and safety legislation and codes of practice must be complied with and that any specific health and safety requirements set out in the invitation to tender prior to contract award have been satisfied;
 - in appropriate cases (to be determined by the Director of Resources) provide for the payment of liquidated damages by the supplier where they fail to complete the contract within the time specified in the contract or any amendment thereto made in accordance with the terms of the contract;
 - a clause empowering the Council to cancel the contract and recover from the supplier the amount of any loss resulting from such cancellation, if the Supplier or any person acting on their behalf shall, in relation to the obtaining or execution of the contract or any other contract with the Council, have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have given any fee or reward the receipt of which is an offence under Section 117(2) and (3) of the Local Government Act 1972, Bribery Act 2010, Data Protection Act 2018 and Modern Slavery Act 2015;-
 - a clause requiring the supplier to provide information to the Council for the Council to fulfil its obligations under the Freedom of Information Act 2000 and Environmental Information Regulations 2004;
 - appropriate Employers Liability Insurance minimum of £10,000,000 or lower figure based on Officer's risk assessment in consultation with Finance (but not less than

£5,000,000);

(i) appropriate Public Liability Insurance minimum of £10,000,000 or lower figure based on Officer's risk assessment in consultation with Finance (but not less than £5,000,000);

and

(j) appropriate Professional Indemnity Insurance minimum of £1,000,000 or lower or higher depending on the risks and based on Officer's risk assessment in consultation with Finance.

17. EXECUTION OF CONTRACTS

Any contracts valued at above £100,000 shall be formal, made in writing and executed as a deed by the affixing of the Council's common seal or signed by the Director of Resources or other person duly authorised in this regard (as considered appropriate). All other contracts i.e. less than £100,000) may be signed by the relevant Director or other person duly authorised in this regard (as considered appropriate) of the section.

18. CONTRACT REGISTER AND FORWARD PROCUREMENT PLANS

All Directors shall be responsible for the Contracts Register and Forward Procurement Plans and all prospective contracts entered into by the Council in excess of £5,000 unless the contract is less than three months duration.

Information required for maintaining the Contracts Register and Forward Procurement Plans will be provided in a timely manner to meet quarterly publication requirements.

19. FRAMEWORK AGREEMENTS AND DYNAMIC PURCHASING SYSTEMS

Framework Agreements and Dynamic Purchasing Systems (DPS) will contain instructions for use within its terms, and potentially include a requirement for a further competitive process between those suppliers who are parties to the Framework Agreements and DPS. In these cases, a Framework Agreement and DPS shall be tendered in accordance with these CPR and the Public Contract Regulations. Where the Council has entered into a Framework Agreement and/or through procurement or is able to place orders from existing Framework Agreements and/or procured by central government agencies, other local authorities or other third parties, then the Council may benefit from using those contracts without entering into a separate procurement. Procurement Team advice should be sought in advance before awarding a contract to a supplier using a Framework Agreement or DPS not procured directly by the Council.

If an appropriate Framework Agreement is available, it must be considered.

20. COLLABORATIVE PROCUREMENT

These CPR shall apply to any procurement where tenders are invited by the Council on behalf of any partnership, consortium, association or similar body of which the Council is a member, unless such tenders are invited in accordance with the method prescribed by such consortium, association or body and where necessary with the requirements of the PCR 2015.

21. CONTRACT EXTENSIONS

No contract may be extended except in accordance with its terms (subject to financial resources and satisfactory value for money assessment) and comply with the PCR 2015.

Prior to any contract extensions advice should sought from the Procurement Team.

22. WAIVERS OF CONTRACT PROCEDURE RULES

Waivers of any of these CPR shall only be given in exceptional circumstances provided the value does not exceed the PCR financial thresholds. Waivers may not be made retrospectively.

- 22.1 An Officer empowered to let a contract may seek a waiver from a Director and Section 151 Officer or their deputies and if above £100,000 Cabinet. All waivers shall be recorded on the Waiver Form and saved centrally.

23. BONDS, GUARANTEES AND INSURANCE

The Officer shall consider in all contracts the appropriate type (employee liability, public liability, professional indemnity, etc.) and level of insurance requirements for each contract. The Officer shall consult with Finance when determining the appropriate levels of insurance.

- 23.1 For all contracts over £100,000 (and any other circumstances deemed appropriate by the Officer and the Director of Resources), some form of security may be required from the potential supplier as part of the pre-procurement process,

24. OPERATIONAL EMERGENCY

In the event of circumstances rendering emergency measures necessary which cannot expediently be approved through normal Council procedures, the appropriate Officer(s) in consultation with the Managing Director (or a nominated officer), or not less than two Cabinet Members may, notwithstanding anything contained in the Council's CPR or Financial Procedure Rules, authorise the Officer to enter into a contract on behalf of the Council.

In a continuing emergency any action taken, or contract entered into shall be reported to a special Cabinet meeting as soon as possible which shall take such action as necessary to deal with the situation.

Prior to reference to Cabinet, such process of emergency measures shall be subject to a total limit of expenditure up to PCR 2015 Financial Thresholds.

Any adoption of these powers must be reported to the next Cabinet.

25. DISPOSAL OF ASSETS

Disposal and/or reallocation of assets needs to be managed with the same diligence as the acquisition process. Before any disposal and/or reallocation of assets reference must be made to the Council's Disposal Strategy. The Council has a duty of care regarding the disposal of equipment where environmental issues are appropriate.

- 25.1 Records must be retained for the disposal of assets in a similar way as for procurement decisions.
- 25.2 Any items of stock (other than land) deemed obsolete or surplus to requirements must, where the expected loss on disposal is no more than £20,000, be sold or disposed of only on the authorisation of the Director. Where the expected loss on disposal exceeds £20,000 the approval of the appropriate Director (s) must be obtained.
- 25.3 The method of disposing of surplus or obsolete stocks / stores or assets other than land must be determined as follows:

Total Value	Method
Up to £20,000	By whatever means the relevant Director shall decide consistent with the asset disposal rules
£20,000 and up to £100,000	Tender sought by public advertisement, by public auction, or such other means as the Section 151 Officer shall determine after formal written consultation with the Monitoring Officer
Above £100,000	Cabinet

25.4 Before an item is disposed of, consideration should be given as to whether there is a use for the item elsewhere within the Council. All options must be explored, and a record kept of the decisions made. It is the responsibility of each Director to establish that legal title rests with the Council prior to the disposal of any item. Disposal of land will in all cases require advice and guidance from the appropriate body as set out in the Council's Financial Regulations.

26. CONTRACT MANAGEMENT

Efficiencies secured under competitive processes will only be realised with effective contractual management.

- 26.1 Named Officer(s) within the relevant section will be responsible for the day to day operational management of any new contract in their section.
- 26.2 The Procurement Team will assist in contract management, particularly in cross-functional (or cross-authority) agreements, with roles being established with sections at contract mobilisation.
- 26.3 Requirements for contract management are to include and not limited to: (as a minimum);
- 26.4 An annual review (in consultation with the Finance Team) of the financial status of any supplier in contract with the Council
- 26.5 Annual check for validity of any required certifications and evidence of current insurance cover
- 26.6 Regular review meetings at agreed intervals to discuss:
- 1) Contractual performance (key performance measures)
 - 2) Social value delivery
 - 3) Innovations or other potential savings in areas relating to the contract or opportunities to improve the range of services provided.
 - 4) Risk identification, evaluation and management on subjects relating to the contract
 - 5) Customer complaints and compliments.
 - 6) Any data protection issues.

Intervals for these review meetings will vary depending on the complexity of the contract/commodity and the total value. Generally, the review meetings for any contract with a high-risk element or above the Public Contract Regulations financial threshold should be held at least six monthly and can be more frequent where performance or risk management are identified as an issue.

- 26.7 For all agreements with a total value above the PCR 2015 financial threshold a report must go annually, via the Managing Director, to the relevant Cabinet Member regarding:
- Achievement of contractual objectives within the period
 - Current contractual direction (continue, review, exit, retender)

27. RETENTION OF DOCUMENTS

It is a legal requirement for commercial records to be retained for inspection by various Government authorities including HMRC.

- 27.1 The retention period commences once the Tender, Purchase Order or Contract is closed: all “open” documents are retained indefinitely.
- 27.2 The records to be retained, the retention period and which section retains them are detailed below:

Document	Retained by	Retention Period
Tenders/Quotations	e-procurement system/centrally	7 Years
Purchase Orders	Finance System/Section	7 Years
Contracts	Officer/Deed Room	7 Years
Suppliers Invoices	Finance System/Section	7 Years

The records should be kept in a format that facilitates accessibility for future use.

28. REVIEW AND AMENDMENT OF THE CONTRACT PROCEDURE RULES

The CPR shall be reviewed and updated on an annual basis.

Part 4 Rules Of Procedure

Part 4.5 Standing Orders & Rights of the Public at Meetings

Standing Order No.

A. MEMBERSHIP OF THE COUNCIL AND CONDUCT OF COUNCILLORS

- A1. Acceptance of Office
- A2. Resignation
- A3. Disqualification through lack of attendance
- A4. Limitations of the Power of Individual Councillors
- A5. Declaration of Councillors' Interests
- A6. Registration of Interests in Contracts
- A7. Conflicts of Interest – delegated executive decisions

B. COUNCIL DOCUMENTS

- B1. Signing Documents
- B2. Sealing Documents
- B3. Inspection of Documents

C. COUNCIL AND COMMITTEE MEETINGS

- C1. Meetings of the Council
- C2. Notice of meetings
- C3. Cancellation of meetings
- C4. Chairman and Vice-Chairman of the Council
- C5. Appointment and Constitution of Committees and Standing Sub-Committees
- C6. Delegation to Officers
- C7. Ad Hoc Sub-Committees and Working Groups
- C8. Substitute Membership of Committees, Sub-Committees and Working Groups
- C9. Special Meetings of Committees and Sub-Committees and Working Groups
- C11. Quorum – Council
- C12. Quorum – Committees, Sub-Committees and Working Groups
- C13. Effect of Vacancies on Validity of Proceedings

D. CONDUCT OF MEETINGS

- D1. Order of Business
- D2. Motions and Amendments Without Notice
- D3. Notice of Motion
- D4. Rules of Debate
- D5. Motions Affecting People Employed by the Council
- D6. Motions of Expenditure
- D7. Business of an Objectionable Nature
- D8. Reversing Previous Resolutions
- D9. Attendance by Movers of Motions at Committee or Sub-Committee

- D10. Attendance of Non-Members (other than ex officio members) at Committees, Sub- Committees or Working Groups
- D11. Decisions
- D12. Mode of Voting
- D13. Questions from Members of the Council
- D14. Confidential Proceedings of Committees
- D15. Confidential Proceedings of Policy Committees
- D16. Smoking
- D17. Photographs/relaying of proceedings at meetings
- D18. Disturbance by Members of the Public
- D19. Disorderly Conduct
- D20. Record of Attendance
- D21. Minutes

E. QUESTIONS FROM RESIDENTS TO COUNCIL

F. PETITIONS TO COUNCIL

G. PUBLIC SPEAKING AT COMMITTEES

- G1. General Arrangements
- G2. Scrutiny Committee
- G3. Hearings

H. THE SCOPE AND STATUS OF FINANCIAL REGULATIONS AND STANDING ORDERS

- H1. Financial Regulations
- H2. Interpretation of Standing Orders
- H3. Suspension of Standing Orders
- H4. Variation and Revocation of Standing Orders

I. MEETINGS HELD IN ACCORDANCE WITH SECTION 78 OF THE CORONAVIRUS ACT 2020

- I1. No Requirement to Hold an Annual Meeting
- I2. Access to Information
- I3. Remote Access to Meetings
- I4. Members in Remote Attendance
- I5. Remote Attendance by Members of the Public
- I6. Remote Voting
- I7. Members Excluded from the Meeting
- I8. Exclusion of the Press and Public

Please Note: Reference to Working Groups in this document includes, unless expressly stated to the contrary, panels of members.

A. MEMBERSHIP OF THE COUNCIL AND CONDUCT OF COUNCILLORS**A1. Acceptance of Office**

- A1.1 Before any member can act as a Councillor, or as Chairman or Vice-Chairman of the Council, he/she must sign and give to the Monitoring Officer a 'Declaration of Acceptance of Office'. This must be in the form laid down by the Secretary of State and has to be made within 28 days of the date on which the member is elected to the Council. If this is not done, the office in question becomes vacant as soon as that time has expired.
- A1.2 The declaration must be made in the presence of either the Monitoring Officer, two other members of the Council, a Justice of the Peace or Magistrate, or a person authorised to administer oaths in the Supreme Court.

A2. Resignation

- A2.1 A Councillor may resign at any time by giving notice in writing to the Monitoring Officer. The resignation takes effect immediately the Monitoring Officer receives it.

A3. Disqualification through lack of attendance

- A3.1 If a councillor fails to attend any meeting of the Council over a period of six consecutive months he/she ceases to be a member of the Council unless the reason for absence is approved by the Council before the six months expires.
- A3.2 However, attendance at a meeting of any Committee or Sub-Committee, or of any joint Committee, joint Board or any other body to which the Council's functions have been delegated or transferred, or attendance at meetings of outside organisations as a representative of the Council, counts as attendance at a meeting of the Council for this purpose.
- A3.3 Members of any branch of Her Majesty's Forces are exempt from this requirement (see Section 85(3) of the Local Government Act, 1972).

A4. Limitations of the Power of Individual Councillors

- A4.1 A member of the Council must not give any orders concerning works being done for or by the Council, or claim he/she has the right to inspect or enter any land or premises which the Council has the power or duty to inspect or enter, unless he/she has been specially authorised to do so by the Council or one of its Committees.

A5. Declaration of Councillors' Interests

- A5.1 If any member of the Council has a disclosable pecuniary interest in a matter, they must announce it when requested to do so in the Committee meeting, and at least before the matter is discussed. At the time the item is reviewed on the agenda, the member must then leave the room and has no public speaking rights.

- A5.2 If an issue on a meeting agenda affects, or relates to a pecuniary interest that a member has, they must again declare it when requested to do so in the Committee meeting, and at least before the matter is discussed. At the time the item is reviewed on the agenda, the member will have the same rights as a member of the public in the matter, and therefore will not take part in general discussion or voting on it. A local member may speak as local member if the matter affects or relates to a pecuniary interest they have.
- A5.3 If a member has any other form of interest in a matter, they must declare it when requested to do so within the Committee meeting, however may participate in any discussion and / or vote on the matter. Any member has the right to remove themselves from discussion or vote in any matter if they believe, due the nature of their interest, their participation may prejudice the openness and transparency of the Council's decision making process.
- A5.4 If an executive member, when handling any matters in their executive capacity, becomes aware that they have a disclosable pecuniary interest in a matter, they must immediately remove themselves from involvement with the issue and notify the Monitoring Officer. In general, no member should seek to involve themselves or influence matters where they have a disclosable pecuniary interest.
- A5.5 Should any member become aware, at a meeting, that they have a disclosable pecuniary interest in a matter which has not been included on their declaration of interest form, they must announce it at the meeting and, within 28 days, notify the Monitoring Officer.
- A5.6 Any member may notify the Monitoring Officer that they wish to apply for a dispensation, allowing them to participate or vote on a matter that they would not otherwise be entitled to under A5.1 to A5.4 above. Upon receipt, the Monitoring Officer will refer the dispensation to the Standards Committee, who will determine whether or not to allow the dispensation, and the period when the dispensation may apply (to a maximum of 4 years).

A6. Registration of Interests in Contracts - Officers

- A6.1 Officers of the Council believing themselves to have an interest in any contract which the Council has or is considering entering must give a written notice to the Monitoring Officer who must record it in the appropriate Register.
- A6.2 All employees must comply with the "Code of Conduct for employees" approved from time to time by the Council.

A7. Conflicts of Interest – Delegated Executive Decisions

- A7.1 Part 3 of the Constitution, 1.10.1, requires officers who are delegated to make executive decisions to publish a notice of their decision, which includes a record of any conflicts of interest identified by members consulted during the decision making process, and any dispensations awarded by the Managing Director to the member.

- A7.2 A conflict of interest in this context is defined as either the member's judgement is compromised by an interest they have, or that a reasonable member of the public, with knowledge of all the relevant facts, would believe their judgement to be compromised by an interest they have.
- A7.3 As soon as a member becomes aware they have an interest in an executive matter on which an officer has consulted them, the member must inform the officer and the Managing Director. They must immediately remove themselves from any involvement in the matter.
- A7.4 Within 5 working days, the Managing Director will notify the officer and the member as to whether a dispensation should be given which would allow them to continue to act in the matter. A dispensation will only be given where it is in the public interest to do so.
- A7.5 If the Managing Director awards the dispensation, then the member may immediately continue to act in the matter. Should the Managing Director refuse the dispensation, then the member must not involve themselves in the matter. Any previous advice, guidance or views provided by that member should not be taken into account in making the decision.

B. COUNCIL DOCUMENTS

B1. Signing Documents

Any document which the Council is authorised or required to issue must be signed by either the Managing Director, Directors, Monitoring Officer, Deputy Monitoring Officer or nplaw Team Leaders, unless any Act otherwise requires or the Council has authorised someone else to do so for that purpose.

B2. Sealing Documents

- B2.1 A decision of the Council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents, that, on advice of nplaw, should be sealed.
- B2.2 Otherwise a document can be sealed only if the Council, or a Committee or Sub-Committee, has passed a resolution under statutory or delegated powers authorising the sealing.
- B2.3 The Monitoring Officer, the Managing Director, Deputy Monitoring Officer, Director of Place, Director of Resources, Director of People and Communities, or other officers authorised by a resolution of the Council must witness and certify the sealing of the document, together with an Officer from the relevant service.
- B2.4 The Monitoring Officer must keep the Council's Seal in a safe place. Details of every deed or document to which the Seal is affixed must be recorded, and consecutively numbered, by the Monitoring Officer in a register kept for the purpose.

B3. Inspection of Documents

- B3.1 A member may inspect any document in the Council's possession or control which contains material relating to business which has been or is to be considered at a meeting of the Council, its Committees or Sub-Committees, unless the document discloses information defined as "exempt" under Section 100 F (2) of the Local Government Act, 1972, when the Monitoring Officer may refuse to allow inspection.
- B3.2 However, a member should not ask to inspect or call for a copy of a document about a matter in which she/he has a financial, business or professional interest, and the Monitoring Officer, the Deputy Monitoring Officer or nplaw may refuse inspection of any document which, in the event of legal proceedings, would be protected by privilege arising from the relationship of solicitor and client.
- B3.3 Section 23 of the Access to Information Procedure rules at Section 4 of this Constitution describes additional rights of access to information by members.

C. COUNCIL AND COMMITTEE MEETINGS**C1. Meetings of the Council****C1.1 Annual Meeting**

Every year the Council must hold an Annual Meeting on a date and at a time and place the Council must decide

- (a) *in a year when ordinary District Council elections are being held, not before the 12th day and not later than the 25th day after the election;*
- (b) *in any other year on any day in March, April or May.*

C1.2 Ordinary Meetings

In addition to the Annual Meeting, ordinary meetings of the Council may be held with whatever frequency and whatever date, time and place the Council decides.

C1.3 Extraordinary meetings can be called by:

- (a) The Chairman of the Council
- (b) The Leader of the Council
- (c) Any 5 members

by giving notice to the Monitoring Officer not less than six clear working days before the intended date of the meeting.

C2. Notice of meetings at least five clear days before a meeting of the Council, a Committee or Sub-Committee:

- C2.1 Notice of the time, place and business of the meetings must be published at the Council's offices at least five days before the meeting. If the meeting is called by Members of the Council, the notice must be signed by those members.

- C2.2 A notice and agenda of the meeting must be sent to every member of the body concerned, but if any member does not receive an agenda or notice the validity of the meeting will not be affected. It is assumed that all members have given their consent for the notice of the meeting to be sent in an electronic format unless that member has specifically requested for a printed copy to be sent to their normal place of residence.
- C2.3 The agenda for the meeting should set out the business to be considered and, except on matters of urgency approved by the Chairman at or before the meeting, no other business may be considered at the meeting. (Also see D1.14, D2 and D3.)

C3 CANCELLATION OF MEETINGS

- C3.1 The Managing Director (or either Director, in the Managing Director's absence) is authorised to cancel a meeting where the agenda has already been issued if it is considered expedient to do so. Before exercising this authority, the Managing Director will consult with the Leader of the Council and the appropriate Chair. Any outstanding business will be held over to the next scheduled meeting or on a date to be arranged

C4. Chairman and Vice-Chairman of the Council

- C4.1 The first business of the annual meeting of the Council must be the election, from among its members, of a Chairman and Vice-Chairman. Notwithstanding the provisions of the Local Government Act 1972 concerning the retirement of councillors following ordinary elections, the Chairman and Vice-Chairman continue to hold that office even if they have ceased to be members following those elections, until their successors take office (unless either resigns or becomes disqualified).
- C4.2 The Chairman of the Council, if present, should preside at meetings of the Council. In the absence of the Chairman, the Vice-Chairman should preside. If both Chairman and Vice-Chairman are absent, the Members of the Council present must choose one of their number to preside and all powers and duties of the Chairman relating to the conduct of the meeting may be exercised by the person chosen.

C5. Appointment and Constitution of Committees, Standing Sub-Committees and Working Groups

- C5.1 At any time, the Council can appoint any Committees, Standing Sub-Committees or working groups it considers necessary to carry out its work or as required by statute, but at its annual meeting it must review the range of committees and their membership.
- C5.2 The Council may delegate to any non-executive Committee or Standing Sub-Committee appointed under this Standing Order, with or without restrictions or conditions, any other functions of the Council in respect of all or part of the work of the Council, except the power to levy a council tax and other matters prohibited by Law.

- C5.3 Committees and Standing Sub-Committees appointed under C4.1 above may only carry out the functions and duties set out in the Terms of Reference and Authority of Committees but (subject to the consent of the Leader regarding executive functions) may delegate any or all of these functions to officers.
- C5.4 Except where Statute prevents this, the Council may at any time dissolve a non-executive Committee or Standing Sub-Committee or alter its membership.
- C5.5 It is the responsibility of the Leader of the Council to delegate executive functions. In that regard, he / she may appoint committees necessary to discharge this role, although is required to notify Council of the arrangements that have been made.
- C5.6 Voting membership of all Committees and Standing Sub-Committees appointed under this Standing Order is restricted to members of the Council.
- C5.7 The Chairman and Vice-Chairman of the Council are to be members of all Committees and Sub-Committees appointed under this Standing Order, with a right to speak, but not to vote. They may however propose or second motions or amendments.
- C5.8 If the Chairman and Vice-Chairman are both absent from a Council Committee or Sub-Committee meeting, the members present must appoint a Chairman for that meeting from among those present.
- C5.9 By notifying the Monitoring Officer in writing, the Leader of any Political Group may suspend any member of his/ her group from chairmanship, vice chairmanship or membership of any Committee, Standing Sub-Committee or Working Group and may nominate a replacement in accordance with the rules applicable to that body, subject to confirmation at the next meeting of the full Council
- C5.10 Every member of a Committee or Sub-Committee appointed under this Standing Order who, when appointed was a member of the Council, will cease to be a member of the Committee if they cease to be a member of the Council.
- C5.11 Co-opted members nominated shall remain members only whilst nomination subsists.

C6. Delegation to Officers

- C6.1 Except where prohibited by law, the Council, the Cabinet, and any Committee, Panel or Forum may delegate any part of its functions to officers of the Council either generally or for a particular matter. The terms of general delegations, including the responsible officers and any limiting conditions will be set out in a Scheme of Delegations approved from time to time by the Council and made available for public inspection. (see Part 3.3 to 3.5 of this Constitution)

C7. Ad Hoc Sub-Committees and Working Groups

- C7.1 Every Committee appointed by the Council may appoint Ad Hoc Sub-Committees and Task or Working Groups for specific purposes and duration, but

they cease to exist at the date of the first subsequent meeting of the committee which created them following the next Annual Meeting of the Council unless reappointed.

C8. Substitute Membership of Committees, Sub-Committees and Working Groups

- C8.1 Where a voting member of a Committee, Sub-Committee or Working Group is unable to attend a meeting of that body, a substitute voting member, nominated by the appropriate group leader from amongst members of that group, may attend that meeting in place of the absent member, may participate in the proceedings and vote as if he/she was an appointed voting member of the Committee. Any member attending as a nominated substitute for a voting member is entitled to, travelling and subsistence allowance in accordance with the scheme approved by the Council for voting members. Members of Cabinet shall not substitute for members of Scrutiny Committee and there shall be no Substitution at Cabinet. Members of the Scrutiny Committee may not substitute on a Policy Committee.
- C8.2 At the Annual General Meeting, or at a subsequent meeting, the appropriate Group Leaders must nominate to the Monitoring Officer as part of their proposals for appointment of Committees any or all of the members of their group as substitute voting members on any or all committees, sub-committees and working groups where they are not appointed voting members of that body. In the case of sub-committees and working groups, the individual member to be appointed as substitute voting member on a particular occasion should, wherever possible, be a voting member of the parent committee.
- C8.3 Any appointed substitute voting member must act as such for the whole of that meeting.
- C8.4 Where a voting member is to be absent, that absence and the name of the substitute voting member appointed in his/her stead must be notified by the original member, substitute or Leader of the Group to the Democratic Services Team Leader (or his/her representative at the meeting) as early as possible, and in any event, before the meeting commences.
- C8.5 The agenda for each meeting of a Committee, Sub-Committee or Working Group will have as its first item "To record apologies for absence and identify substitute voting members (if any)".
- C8.6 In the event of a substitute voting member arriving after the commencement of the meeting, so long as he/she has, prior to the commencement of the meeting, been notified to the Democratic Services Team Leader as a substitute voting member, then he/she must identify himself/herself to the Chairman as soon as possible and the Chairman must ensure that the Committee is aware of the substitute member. Once a substitute voting member has taken his/her seat and the meeting has commenced, that arrangement will not be changed during the duration of that meeting. In the event of both the voting member and substitute voting member being present at the commencement of a meeting then the voting member shall take his/her seat. In the event of neither the voting member

nor substitute voting member being present at the commencement of a meeting, the first to arrive shall take the seat for that meeting.

- C8.7 Council may by resolution from time to time allow other substitution arrangements than those set out in this Standing Order. However, no substitution arrangements which would, if implemented, alter the political balance on a body otherwise required by law to be politically balanced may be approved if any member of the Council votes against such an arrangement.

C9. Special Meetings of Committees and Sub-Committees and Working Groups

- C9.1 The Chairman of a Committee or Sub-Committee or Working Group, or the Chairman of the Council, may call a Special Meeting of the Committee or Sub-Committee at any time, (subject to C2 above). The agenda for the Special Meeting must be issued by the Democratic Services Team Leader and set out the business to be considered. Only business set out in the agenda can be considered at the meeting.

C10. Quorum – Council

- C10.1 No decisions may be taken at a meeting of the full Council unless at least one quarter of the members of the Council are present, unless more than one third of the members of the Council are disqualified at the same time, when the quorum of the Council will be a quarter of the number remaining qualified. This applies until at least two thirds of the number of members of the Council are again in office.
- C10.2 If during a meeting of the full Council the Chairman, having established the number of members present, decides that there is not a quorum, the meeting must be adjourned either to a day and hour fixed by the Chairman at the time, or to the next ordinary meeting of the Council, when any business not transacted will be dealt with.

C11. Quorum – Committees, Sub-Committees and Working Groups

- C11.1 Unless especially ordered otherwise by the Council and set out in Part 4 of this Constitution, the quorum of each Committee, Sub-Committee and Working Group shall be one quarter of its voting members (fractions being rounded to the next highest whole number), with a minimum of three.

C12. Effect of Vacancies on Validity of Proceedings

- C12.1 The proceedings of the Council, or any of its Committees, Sub-Committees or Working Groups will not be invalidated by any vacancy, or by any defect in the election or qualification of, any of its members.

D. CONDUCT OF MEETINGS

D1. Order of Business

Before Council meetings commence, The Council's Prayer will be read. Following this, the content of business at any meeting of the Full Council should be as follows (but not necessarily in this order):

- D1.1 To receive apologies for absence.
- D1.2 To choose a person to preside if the Chairman and Vice-Chairman are both absent.
- D1.3 To receive declarations of interest.
- D1.4 To deal with any business required by statute to be done before any other business.
- D1.5 To approve as a correct record and sign the minutes of the previous meeting.
- D1.6 To dispose of any business remaining from the last meeting.
- D1.7 To receive any communications the Chairman may wish to put before the Council.
- D1.8 To receive any notification the Chairman may be required to give to the Council under Article 7 of the Constitution
- D1.9 To answer questions asked by members of the Council and residents under Standing Order D13 and Rights of the Public at Meetings Section E.
- D1.10 To receive petitions from residents of the District.
- D1.11 To receive and consider reports and recommendations of Committees and standing Sub-Committees.
- D1.12 To consider motions in the order in which notice has been received.
- D1.13 To consider correspondence.
- D1.14 To consider other business, if any, specified on the agenda, and to deal with any business required by statute to be done.
- D1.15 Except at the Annual Meeting of the Council, to consider any items of business the Chairman decides should be dealt with as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.
- D1.16 Feedback from strategic outside bodies.

The Council may at any meeting vary the order of its business from that set out on the Agenda, so as to give precedence to any business of special urgency.

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately two hours.

At Committees, Sub-Committees and Working Groups, the names of substitutes should be announced and recorded when apologies are given at D1.2 above.

D2. Motions and Amendments Without Notice

The following motions and amendments may be moved at Meetings without notice:

D2.1 Appointment of a Chairman for the meeting at which the motion is made.

D2.2 Motions relating to the accuracy of the minutes.

D2.3 That an item of business specified on the agenda should have precedence.

D2.4 That an item of business is referred to a Committee, Sub-Committee or Working Party.

D2.5 The appointment of a Committee, Sub-Committee or Working Party or its members, provided it is prompted by an item in the agenda for the meeting.

D2.6 The adoption of reports and recommendations of Committees or Officers.

D2.7 That an item from a committee report, concerning a matter within the executive powers of that Committee, but which have not yet been carried out:

- (a) be referred back to the Committee for further consideration and report*
- (b) be received, but amended for adoption by the Council*

D2.8 That a member be given leave to withdraw a motion.

D2.9 That the time limit for speeches be extended.

D2.10 That the motion now being discussed is amended.

D2.11 That the Council proceeds to the next business.

D2.12 That the question is put immediately.

D2.13 That the debate on the current items is adjourned.

D2.14 That the meeting adjourns.

D2.15 That Standing Orders be suspended in accordance with Standing Order H3.

D2.16 That a member named under Standing Order D.18 to be not further heard now leave the meeting.

D2.17 A motion under Section 100A of the Local Government Act 1972 to exclude the press and public.

A motion by the Chairman under Standing Orders D2.17 to exclude the press and public takes precedence over any other motion, needs no seconder and

must be put to the meeting immediately, without discussion or question. However after the press and public have left as a consequence, a member may move that the public be readmitted. If it is seconded, it may then be discussed and voted upon.

D2.18 Subject to the consent of the meeting, a member may alter a motion which he/she has proposed (or of which notice has been given) provided the effect of the alteration is one which could have been achieved by a member proposing an amendment. (Also see D4.10 and D4.11)

D3. Notice of Motion

D3.1 Apart from those permitted by Standing Orders D1.14 and D2, the only motions permitted are those of which prior notice has been given in writing (signed by the proposer) to the Monitoring Officer 10 clear working days before the meeting at which they are to be considered.

D3.2 The Democratic Services Team Leader must include in the agenda for each meeting of the Council all notices of motion received, unless the member giving such a notice has indicated in writing that he/she proposes to move it at some later meeting or has withdrawn it in writing.

D3.3 If a motion specified in the agenda is not moved by the person who has given it or by some other member, it should, unless postponed by the meeting, be treated as abandoned and not be moved again without fresh notice.

D3.4 At Council, any motion of which notice has been properly given which relates to the work of any Committee or Committees will, after being moved and seconded, be referred without discussion to the Committee or Sub-Committee, or whatever Committee or Sub-Committee the Council decides, for consideration and report. The Chairman may, however, if he/she considers it reasonable and appropriate, allow the motion to be dealt with at the meeting at which it is raised.

D3.5 Every motion must relate to some matter for which the Council is responsible, or which affects the District

D4. Rules of Debate

D4.1 A motion or amendment may not be discussed unless it has been proposed and seconded. If required by the Chairman, it must be put in writing and handed to the Chairman before it is further discussed and put to the meeting (unless it is a notice of motion under Standing Order D2).

D4.2 At Council a member, when speaking, shall, unless infirmity or disability prevents him/her doing so, stand and address the Chairman.

D4.3 At Council if two or more members rise at the same time, the Chairman will call on one to speak; the others must then sit. While a member is speaking the others must remain seated, unless raising a point of order.

- D4.4 Members must keep their speeches to the question under consideration or to a personal explanation or a point of order. (Also see D4.17 and D4.18)
- D4.5 No speech may exceed five minutes except by consent of the meeting.
- D4.6 A member who has spoken on any motion shall not speak again whilst it is the subject of debate except:
- (a) to speak once on an amendment moved by another member
 - (b) if the motion has been amended since he last spoke, to move a further amendment;
 - (c) if his/her first speech was on an amendment moved by another member, to speak on the main topic, whether or not the amendment on which he spoke was carried;
 - (d) in exercise of a right of reply given by Standing Orders D4.12, D4.14, D4.15 or D4.16.
 - (e) on a Point of Order;
 - (f) by way of personal explanation.
- D4.7 An amendment must be relevant to the motion and shall be either:
- (a) *to refer a subject to debate to a committee for consideration or re-consideration;*
 - (b) *to leave out words and/or insert or add others, provided this does not have the effect of negating the original motion.*
- D4.8 Only one amendment may be moved and discussed at a time and no further amendment may be moved until the amendment under discussion has been disposed of, unless the circumstances suggest, and the Chairman agrees, that to discuss (but not vote on) two or more amendments together would facilitate the proper conduct of the Council's business.
- D4.9 If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion, as amended, takes the place of the original motion and becomes the motion on which further amendments may be moved.
- D4.10 A member may, with the consent of the meeting (given without discussion)
- (a) alter a motion of which he/she has given notice; or
 - (b) with the further consent of the seconder, alter a motion which he/she has moved
- if, in either case, the alteration is one which could have been made as an amendment to the motion.
- D4.11 A motion or amendment may be withdrawn by the mover with the consent of his/her seconder and of the Council, which is to be indicated without discussion and no member may speak upon it until after the mover has asked permission for it to be withdrawn, unless this permission is refused.

- D4.12 The mover of a motion has a right to reply at the close of the debate on it, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion also has a right of reply at the close of the debate on the amendment, but cannot otherwise speak on it. The mover of the amendment has no right of reply to the debate on her/his amendment.
- D4.13 When a motion is being debated, no other motion can be moved except in accordance with Standing Order D.2
- D4.14 On a motion to proceed to the next business or to remit or refer back to the committee: unless, in the opinion of the Chairman, the matter before the meeting has been insufficiently discussed, he/she must first give the mover of the original motion a right of reply and then put to the vote the motion to proceed to the next business, to remit the subject of debate to a committee for consideration, or refer the subject of debate back to a committee for further consideration, as the case may be.
- D4.15 On a motion that the question be now put: unless, in the opinion of the Chairman, the matter before the meeting has been insufficiently discussed, he/she must first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion a right of reply before putting it to the vote.
- D4.16 On a motion to postpone consideration of a motion or to adjourn the debate or the meeting: if, in the opinion of the Chairman the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, the Chairman must put the postponement or adjournment motion to the vote without giving the mover of the original motion the right to reply on that occasion.
- D4.17 A member may raise a point of order or personal explanation and is entitled to be heard immediately. A point of order can relate only to an alleged breach of a standing order or statutory provision and the member must indicate the standing order or statutory provision concerned and the way in which he/she feels it has been broken.
- A personal explanation must be confined to some significant part of his/her earlier speech or some other matter personal to the member which may appear to have been misunderstood in the present debate.
- D4.18 The ruling of the Chairman as to whether to allow a point of order or personal explanation is not open to discussion.
- D4.19 Whenever the Chairman rises during a debate any member standing must sit down and the meeting must be quiet.
- D4.20 Every committee or sub-committee or working group should carry out its business in general conformity with these rules of debate, except for Standing Order D4.2 (which refers to standing to speak).

D5. Motions Affecting People Employed by the Council

- D5.1 If any question arising at a meeting of the Council or any Committee or Sub-Committee about the appointment, promotion, dismissal, salary, superannuation or conditions of service, or the conduct of anyone employed by the Council, the question must not be discussed until the Council, Committee or Sub-Committee has decided whether or not to exclude the public under Standing Order D2.17.

D6. Motions of Expenditure

- D6.1 Any motion which, if carried, would materially increase expenditure upon a service under the management, or reduce the revenue under the control of, any Committee, or would involve capital expenditure, shall when proposed and seconded (unless the Council decides otherwise), stand adjourned to the next meeting of the Council. Any Committee affected by such a motion must then consider whether it wishes to report on it. This procedure does not apply, however, to any motions arising from a report or recommendation of a Committee.

D7. Business of an Objectionable Nature

- D7.1 If at any meeting the Chairman feels that a motion, amendment or proposal is of an objectionable or undesirable nature, she/he may, having regard to the interest and duties of the Council, move and put to the vote, that the motion, amendment or business be not entertained or further permitted. No discussion can be allowed and if the motion is carried the matter must be considered at an end for that meeting.

D.8 Reversing Previous Resolutions

- D8.1 No motion to rescind any resolution passed within the preceding six months and no motion or amendment effectively the same as one which has been rejected within the preceding six months can be proposed unless a notice under Standing Order D3.1, bearing the names of at least a quarter of the members of the Council, has been delivered to the Monitoring Officer. When the motion has been disposed of by the Council, no members may propose a similar motion or amendment for a further period of six months.
- D8.2 The Chairman's ruling as to whether the motion or amendment comes within the terms of this Standing Order is final and must be accepted without question.
- D8.3 This Order will not apply to motions
- (a) moved in pursuance of the report or recommendation of a Committee or officer of the Council; or
 - (b) to carry out any statutory duty of the Council, which, in the opinion of the Chairman, is of an urgent nature.

D9. Attendance by Movers of Motions at Committee or Sub-Committee

- D9.1 If a member of the Council has moved a motion which has been referred from the Council to any Committee or Sub-Committee, he/she has the right to attend

the meeting at which it will be considered and if he/she attends, will have the opportunity to explain the motion.

D10. Attendance of Non-Members (other than ex officio members) at Committees, Sub-Committees or Working Groups

D10.1 Any member of the Council may attend any Committee, Sub-Committee or Working Group of which he/she is not a member and may speak with the relevant Chairman's consent. He/she may not, however, move, second or vote on any motion.

D11. Decisions

D11.1 All questions to be settled by the Council or its committees or sub-committees are to be decided by a simple majority vote (one more than half the votes cast) of the members of the Council present and voting unless the terms of reference of the committee or the law specifies otherwise. In the case of an equality of votes, the person presiding may use a second or casting vote.

D11.2 The person presiding at a meeting of the Council, a committee or sub-committee shall have this second or casting vote, regardless of whether or not he/she has cast a vote on the matter.

D12. Mode of Voting

D12.1 Normally voting at meetings is by show of hands but, when five or more Members request it, a recorded vote or a secret ballot must be taken.

D12.2 The Chairman's declaration of the numbers of votes cast for or against a motion, is final.

D12.3 Where immediately after a vote is taken any member so requests, the minutes must record whether that member voted for, voted against or abstained from voting on the motion.

D12.4 Any vote on the annual Budget or Council Tax setting at a meeting of Council, and any amendments thereon, must be subject to a recorded vote.

D13. Questions from Members of the Council

D13.1 There will be a period of question and answer (for a time at the discretion of the chairman) to each portfolio holder, Chairmen of the Scrutiny, Planning and Licensing Committees.

D13.2 Where any information asked for or required by a questioner is contained in a convenient document (which is for the Chairman of the Council to decide) if the questioner is referred to that document, that will be deemed an adequate reply.

D13.3 Where the reply to any question cannot conveniently be given orally, it will be sufficient for the answer to be circulated to the members of the Council with, or in advance of, the minutes of the meeting at which the question is asked.

D14. Confidential Proceedings of Committees

D14.1 When the press and public has been excluded from a meeting of a Committee or Sub-Committee in accordance with Standing Order D2.17 the business dealt with in their absence and the relevant reports and other documents, must be treated as confidential unless the matter becomes public either:

- (a) upon presentation to the Council;
- (b) by the publication of the minutes of the meeting, or a written summary as permitted by Section 100C of the Local Government Act 1972.

D14.2 In no circumstances may the following be disclosed:

- (i) confidential information in breach of the obligation of confidence imposed and defined in Section 100A (3) of the Local Government Act 1972;
- (ii) exempt information as defined in the Local Government Act 1972, so long as it continues to be exempt as defined in paragraph 12A of the Act.

D15 Confidential Proceedings at Policy Committees

D15.1 In addition to the provisions laid out under Standing Order D14, in exceptional circumstances, there may be times during a formal meeting of the Policy Committees when members may wish to discuss an item in private session where the exclusion categories within the Local Government Act 1972 do not apply. In such instances, the Committee may choose to adjourn the meeting and discuss issues in an informal setting (in the first instance, the Committee should consider all the available exclusion paragraphs to determine whether the public and press should be excluded). The procedure to be followed in this instance is as follows:

1. A member of the Committee puts forward a motion to adjourn the meeting, clearly stating reasons why, eg:
 - a. members wish to have a free and frank discussion in private session and do not feel that this could be achieved with the press and public present. This discussion would assist member making a balanced and informed decision.
 - b. member wish to discuss varied and radical options that would not be appropriate to be discussed in a public meeting, but would help inform future decisions regarding the issue being considered.
2. A member of the Committee seconds this motion and a vote is taken. The motion can only be carried on a nem con vote. If any member votes against; the motion cannot be carried and the formal committee meeting should continue.
3. If the motion is carried nem con, the formal Committee meeting is adjourned.
4. The Chairman should request that any press and public leave the meeting room. The Chairman should now declare the start of the Informal meeting and should decide before any discussion takes place whether any members

- present that do not sit on the Committee should be able to stay. This is at the discretion of the Chairman and no vote is required.
5. At the conclusion of the Informal meeting, the formal meeting is reconvened. All interested parties are informed and readmitted to the meeting room.
 6. It is the responsibility of the Chairman to ensure that reasons for decisions made during the formal meeting are disclosed to the public in this session to aid transparency.
 7. Information obtained during the informal session on which any decisions are based should be disclosed at the formal meeting.

D16. Smoking

- D16.1 Smoking is not to be permitted at meetings of the Council, its Committees or Sub-Committees, or anywhere in South Norfolk House.

D17. Photographs/relaying of proceedings at meetings

- D17.1 Members of the public and press are permitted to film or record meetings to which they are permitted access in a non-disruptive manner and only from areas designated for the public. No prior permission is required, however the Chairman at the beginning of the meeting will ask if anyone present wishes to record proceedings. The Council will ensure that reasonable facilities are made available to the public and press to assist filming or recording of meetings.

D18. Disturbance by Members of the Public

- D18.1 If a member of the public interrupts the meeting, the Chairman must warn him/her. If he/she continues the interruption the Chairman can order his/her removal from the meeting room. In the event of a general disturbance in any part of the room open to the public, the Chairman can order that it is cleared.

D19. Disorderly Conduct

- D19.1 If, in the opinion of the Chairman, any member misconducts himself/herself by persistently disregarding the ruling of the Chairman, behaving improperly or effectively obstructing the business of the Council, the Chairman or any other member may move "that nothing further be heard from the member named" and the motion, if seconded, shall be put to the meeting and settled without discussion.

- D19.2 If the member named continues his/her misconduct after the motion referred to in 19.1 has been carried, the Chairman can

Either

(a) move that "the member named leaves the meeting", in which case the motion must be voted on without seconding or discussion;

Or

(b) adjourn the meeting for so long as he/she thinks necessary.

D19.3 If the named member does not then leave the meeting, the Chairman may order his/her removal

D19.4 In case of a general disturbance, the Chairman may adjourn the meeting for so long as he/she thinks necessary.

D20. Record of Attendance

D20.1 The names of the members present at any meeting of the Council, a Committee, Sub-Committee or Working Group must be recorded and it is the duty of each member to enter his/her name on the official attendance sheet circulated by the Democratic Services Team Leader soon after the meeting begins.

D21. Minutes

D21.1 The minutes of a meeting of the Council, its Committees, Sub-Committees and working groups must be prepared and entered in the book kept for the purpose. They should be considered at the next meeting of the body concerned.

D21.2 As soon as the minutes have been read, or taken as read, the Chairman must put to the meeting that they should be signed as a true record. No motion or discussion on the minutes may take place except about their accuracy. Any question of their accuracy must be raised by a motion. If no question is raised, or once the question has been resolved, the Chairman must sign the minutes. A minute duly signed is to be regarded as definitive, without further proof.

D21.3 Unless it is proved otherwise, a meeting of the Council, Committee or Sub-Committee for which minutes have been made and signed will be regarded as properly qualified, properly constituted and having the power to deal with the matters referred to in the minutes.

D21.4 The minutes of the Council, Cabinet and Committees and Standing Sub-Committees must be published on the Council's website and made available to all members of the Council by this means.

D21.5 The signed copies of all such minutes must be entered in a book and retained by the Democratic Services Team Leader.

E QUESTIONS FROM RESIDENTS TO COUNCIL

E1 Councillors and members of the public may put questions to portfolio holders and to other councillors holding positions of responsibility, either under an agenda item for this purpose or, at the discretion of the Chairman, at other points in the order of business. An answer will be given either immediately or as soon as information is available. A representative of a town or parish council or of any member of the South Norfolk Alliance may make a statement on an agenda item, not exceeding a duration determined by the Chairman.

A question may not be asked.

- (a) about any matter where there is a right of appeal to the Courts, a Tribunal or to a Government Minister;
- (b) about any matter which has been the subject of a question to another meeting of a Committee or the Council, or of an issue raised by a petition to the Council within the previous six months;
- (c) which relates to an undetermined planning application;
- (d) which contains any defamatory, confidential or exempt material.

F PETITIONS TO COUNCIL

- F1 A petition may be presented at any ordinary meeting of the Council, provided it is received by the Democratic Services Team Leader by midday one working day before the day of the meeting and it is signed by at least ten people living in the District. The subject of the petition must be entered in a register kept by the Democratic Services Team Leader and open for public inspection. Each petition must be about a matter for which the Council has responsibility or which affects the District.
- F2 The Democratic Services Team Leader must not accept a petition for consideration by the Council:
- (a) about any matter where there is a right of appeal to the Courts, a Tribunal or to a Government Minister;
 - (b) which relates to an undetermined planning application;
 - (c) which contains any defamatory, confidential or exempt material.
- F3 No more than five petitions will be received at a meeting. They will be heard in the order in which they were delivered to the Democratic Services Team Leader. The names of the organisations or people attending and the subject of each petition will be circulated to members, the press and the public present at the meeting.
- F4 Any petitions which are not received because of the limit on numbers will be heard at the next meeting or subsequent meetings in the order in which they were received.
- F5 No more than five people may take their place on the floor of the Council Chamber to present the petition. No more than five people may speak to the meeting and the combined speeches (including reading any written material) must not last longer than five minutes.
- F6 At the meeting, the Chairman will move that the petition is received. After being seconded, the motion will be voted on.

- F7 Up to ten minutes discussion may be permitted by the Chairman on the issue raised by the petition, but any member may move that the petition is referred to the appropriate committee, sub-committee or to another body. Once seconded, the motion will be voted on without further discussion.

G PUBLIC SPEAKING AT COMMITTEES

G1 General Arrangements for Public Speaking

- G1.1 With the exception of any Committee in respect of which the right is from time to time removed by Council and in respect of enforcement matters and confidential or exempt business at any Committee, and generally subject to other paragraphs of this document and of the Council's Standing Orders, the public may speak at Committees of the Council provided they first identify themselves, say where they live and whom they represent.
- G1.2 Early in the meeting or before each item, the Chairman will invite people who wish to speak on any item to identify themselves and indicate whether they wish to support or oppose the officer recommendations. Alternatively anyone wishing to speak should indicate this to the Chairman when the particular item is reached by raising her/his hand and where appropriate saying clearly "I wish to speak for/ against the officer recommendation (or to the application if that is what is being discussed) on this item."
- G1.3 The Chairman will invite those who are to speak to move to a point set aside for public speaking.
- G1.4 Representatives from parish councils will together, be allowed 5 minutes to speak on the item in question.
- G1.5 The objectors to the officer recommendation (or to the application, as the case may be) will, together have 5 minutes to speak on the item. Unless those wishing to speak collectively indicate that they wish otherwise, the person who first indicated her/his wish to speak will be invited to speak first within the 5 minutes allocation.
- G1.6 Supporters of the officer recommendation (or of the application, as the case may be) will be allocated 5 minutes in total. Unless those wishing to speak collectively indicate that they wish otherwise the person who first indicated her/his wish to speak will be invited to speak first within the 5 minute allocation.
- G1.7 Any member or officer of the District Council may ask questions of any speaker but they should be confined to points of clarification or material consideration. No member of the public may question any other speaker.
- G1.8 The Chairman has discretion to increase the time allowed and the number of speakers in cases of exceptional interest.
- G1.9 The failure of any person to attend and exercise the right to speak will not by itself affect the right to speak for any other person.

G1.10 After the item has been resolved, all speakers for that item should leave the public speaking area.

G1.11 The right of the public to speak (or indeed to attend) does not apply to business in respect of which a resolution to exclude the press and public for the consideration of confidential or exempt business has been carried.

G2 Public Speaking at Scrutiny Committee

G2.1 At Scrutiny Committee members of the public may speak in accordance with the procedures, protocol and public speaking provisions for that Committee, which are extracted as follows:

G2.2 Members of the public may attend the Committee, and speak in accordance with sections 3.3 and 3.4 below, unless the press and public have been excluded for consideration of confidential “called in” item(s) under Standing Order D2.17.

G2.3 When carrying out a scrutiny investigation, the order of business shall normally be in accordance with the programme of witness appearances as set out on the Committee’s agenda. The procedure will normally be:

- a) The Chairman will explain the procedure and will ask any person who also wishes to give evidence to identify themselves;
- b) Introduction by Officer(s);
- c) Evidence from witnesses, including the Cabinet member(s) and Director(s) or appropriate officer(s);
- d) Evidence from any other persons who have identified themselves at the start of the proceedings.

G2.3.1 Following the evidence of each witness, members of the Committee may ask questions.

G2.3.2 Following questions from members of the Committee, at the discretion of the Chairman, any other person may put questions to witnesses, except that no member of the public may put questions to another member of the public.

G2.4 When considering a matter which has been “called in” for scrutiny under the Council’s decision-making process, the Committee will normally consider the papers on that matter which were considered by the Cabinet when making its proposed decision. The main witness evidence will normally be given by the Cabinet member(s) and Director or appropriate officer(s).

G2.4.1 The three members of the Council who asked for the item to be “called in” for scrutiny, if not members of the Committee, will be entitled to attend the Committee and to speak and ask questions on that item.

G2.4.2 The procedure for “called in” items will normally be:

- (a) The Chairman will explain the procedure and identify the main witnesses, and will ask any person who also wishes to speak or give evidence to identify themselves;

- (b) The members of the Council who “called in” the item, if not members of the Committee, will be entitled to speak for a maximum of five minutes in total;
- (c) Evidence from witnesses, including the Cabinet member(s) and Director or appropriate officer(s);
- (d) Evidence from any other persons who have identified themselves at the start of the proceedings.

G2.4.3 Following the evidence of each witness, members of the Committee may ask questions, followed by questions from the members of the Council who “called in” the item.

G2.4.4 Following questions from members of the Council, at the discretion of the Chairman, any other person may put questions to witnesses, except that no member of the public may put questions to another member of the public.

G2.5 At the end of witness evidence and questions, the Committee will withdraw to discuss the evidence and decide how to progress the matter, with the assistance of scrutiny support staff. On returning, the Chairman will announce the Committee’s decision.

G3 Hearings

G3.1 The Licensing and Appeals Committee, the Licensing Act 2003 Committee, and the Complaints Panel, the Standards Committee and all other bodies holding hearings settle their own procedures in relation to hearings in accordance with the general law (including the law relating to human rights).

H THE SCOPE AND STATUS OF FINANCIAL REGULATIONS AND STANDING ORDERS

H1. Financial Regulations

In so far as they relate to business in Council, or a Committee or Standing Sub-Committee, the Standing Orders relating to Contracts and Financial Regulations approved from time to time by the Council are to be regarded, and take effect as part of these Standing Orders. (See Part 4.3 and 4.4 of this document)

H2. Interpretation of Standing Orders

The ruling of the Chairman about the interpretation or application of any of these Standing Orders, or any proceedings of the Council, Committees, Sub-Committees or Task Groups are final in so far as that meeting is concerned.

H3. Suspension of Standing Orders

In any case of urgency, or if a motion is passed after notice has been duly given, Standing Orders may be suspended at and in respect of any meeting, provided at least half of the members of the Council are present and two-thirds of those present vote in favour of suspending them (fractions rounded up if necessary).

H4. Variation and Revocation of Standing Orders

Any motion to change or revoke these Standing Orders, once proposed and seconded, must be adjourned without discussion to the next ordinary meeting of the Council, unless it is moved as part of a report of the Cabinet.

For the avoidance of doubt, it is the intention of the Council that Standing Orders should be fully compliant with current Local Authorities (Standing Orders)(England) Regulations and those regulations will always take precedence over the wording above.

I. MEETINGS HELD IN ACCORDANCE WITH SECTION 78 OF THE CORONAVIRUS ACT 2020

These Standing Orders should be read in conjunction with the Authority's Standing Orders and Procedure Rules within the Constitution. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Authority governing meetings and **remain valid until 7th May 2021**. This means that, wherever there is a conflict, these following Orders (I1 – I8) take precedence in relation to any remote meeting.

I1. No Requirement to Hold an Annual Meeting

The requirement to hold an Annual Meeting is to be disregarded and, prior to 7th May 2021, an Annual Meeting of Council may only take place:

- (a) where called by the Chairman of the Council; or
- (b) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council.

I2. Access to Information

For all purposes of the Constitution, the terms "notice", "summons", "agenda", "report", "written record" and "background papers" when referred to as being a document that is:

- (a) "open to inspection" shall include for these and all other purposes as being published on the website of the council; and
- (b) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.

I3. Remote Access to Meetings

- (a) For all purposes of the Constitution, the term "meeting" is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:

- (i) “place” is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers: and
 - (ii) “open to the public” includes access to the meeting being through remote means including (but not limited to): video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person; and
- (b) If the Chairman is made aware that a public meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chairman shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

14. Members in Remote Attendance

- (a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting’s quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:
- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chairman may, as they deem appropriate;
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;
 - (ii) count the number of Members in attendance for the purposes of the quorum; or
 - (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

15. Remote Attendance by Members of the Public

- (a) A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:

- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in Standing Order 5(a) above are not met. In such circumstance the Chairman may, as he or she deems appropriate:
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in Standing Order 5A(a) above to be re-established;
 - (ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or
 - (iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

16. Remote Voting

Unless a recorded vote is demanded, [which may be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chairman,] the Chairman will take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.

17. Members excluded from the meeting

Where a Member is required to leave the meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate.

18. Exclusion of Press and Public

Each Member in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be (either hearing or seeing) and/or recording the proceedings during consideration of items that are "exempt" (as defined in Schedule 12A of the Local Government Act 1972).

Part 4 Rules of Procedure

Part 4.6 Officer Employment Rules

1. Recruitment and appointment

1.1 Declarations

- a. 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, spouse, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor of the Council; or the partner of such persons.
- b. No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him/her.
- c. All decisions relating to the salary or remuneration of Council officers must be made in line with the approved pay policy statement.

1.2 Seeking support for appointment

- a. Subject to 1.2c, 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.
- b. Subject to paragraph 1.2c, no Councillor will seek support for any person for any appointment with the Council.
- c. Nothing in paragraphs 1.2a and 1.2b will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Chief Officers and Deputy Chief Officers

2.1 Where the Council proposes to appoint to posts at this level, and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- a. Draw up a statement specifying:
 - i. The duties of the officer concerned; and
 - ii. Any qualification or qualities to be sought in the person to be appointed.
- b. 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;
- c. And make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. Appointment of Head of Paid Service, Chief Officers and Deputy Chief Officers

3.1 The function for appointment of the Head of Paid Service must be undertaken by the Joint Appointment Panel and that appointment must be approved by Council before an offer of employment can be made.

3.2 The function for appointment of Chief Officers and Deputy Chief Officers must be undertaken by the Joint Appointment Panel, with the Head of Paid Service having a formal vote in the event of a tie of votes. The Chief Officer appointments and the appointments to statutory posts – Monitoring Officer and Section 151 Officer must be approved by Council.

3.3 Confirmation of statutory posts (Monitoring Officer and Section 151 Officer), regardless of level, require approval by Council before an offer of employment can be made.

4. Posts below Deputy Chief Officers

4.1 The function for appointment of a member of staff below Deputy Chief Officer level must be undertaken by the Head of Paid Service or by an officer nominated by him/her and may not be made by Councillors.

4.2 The function for dismissal of, and taking disciplinary action against, a member of staff below Deputy Chief Officer level must be undertaken by the Head of Paid Service or by an officer nominated by him/her and may not be made by Councillors.

4.3 Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

5. Objections to appointments

5.1 In this section appointor means, in relation to the appointment of a person as an officer of the Authority, or where a committee or sub-committee is discharging the function of appointment on behalf of the Authority, that committee or sub-committee, as the case may be.

5.2 An offer of appointment at Head of Paid Service, Chief Officer and Deputy Chief Officer level must not be made by the appointor until:

- a. the appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment.
- b. the Proper Officer has notified every Member of Cabinet of:
 - i. the name of the person to whom the appointor wishes to make the offer;
 - ii. any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
 - iii. the period within which any objection to the making of the offer is to be made by the leader on behalf of the Cabinet to the Proper Officer.
- c. either:
 - i. the Leader has, within the period specified, notified the appointor that no Member of Cabinet has any objection to the making to the offer;
 - ii. the Proper Officer has notified the appointor that no objection was received within that period from the leader;
 - iii. the appointor is satisfied that any objection received from the Leader within that period is not material and is not well-founded.

6. Disciplinary action - Statutory Officers

- 6.1 Disciplinary action for the Head of Paid Service, Monitoring Officer or Section 151 Officer shall take place in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2015.
- 6.2 The Head of Paid Service, Monitoring Officer or Section 151 Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months, unless the investigator recommends the suspension should continue beyond that point.
- 6.3 An investigator shall be appointed by agreement between the Council and the officer and the investigator will be entitled to review all information necessary to enable them to make an informed and reasoned recommendation.
- 6.4 The Joint Statutory Officer Hearing Committee will be convened at least 20 working days before the meeting of Council. The Committee will consider the investigators findings and be entitled to hear from any additional witnesses or parties they consider necessary prior to making a recommendation to Council.

7. Dismissal

- 7.1 The function of the dismissal of the Head of Paid Service, Monitoring Officer or Section 151 Officer must be approved by Council before the dismissal notice is given to that person.
- 7.2 The Council, when making a decision, must take into account the recommendations of the Panel, the conclusions of the investigation into the proposed dismissal and any representations from the relevant officer.

8. Objections to dismissals

- 8.1 In this section dismissor means, in relation to the dismissal of a person as an officer of the Authority, or where a committee or sub-committee is discharging the function of appointment on behalf of the Authority, that committee or sub-committee, as the case may be.
- 8.2 Notice of the dismissal of the Head of Paid Service and Chief Officer level must not be made by the dismissor until:
 - a. the dismissor has notified the Proper Officer of the name of the person to whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal.
 - b. the Proper Officer has notified every Member of Cabinet of:
 - i. the name of the person to whom the dismissor wishes to dismiss;
 - ii. any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - iii. the period within which any objection to the dismissal is to be made by the leader on behalf of the Cabinet to the Proper Officer.
 - c. either:
 - i. the Leader has, within the period specified, notified the dismissor that no Member of Cabinet has any objection to the making to the dismissal;

- ii the Proper Officer has notified the dismissor that no objection was received within that period from the Leader;
- iii the dismissor is satisfied that any objection received from the Leader within that period is not material and is not well-founded.

9. Appeals

- 9.1 Should the officer be dissatisfied with the outcome they are entitled to submit an appeal to the Joint Statutory Officer Appeals Committee.

The Constitution of South Norfolk Council

PART 5: CODES AND PROTOCOLS

Part 5 – Codes and Protocols

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PART 5 CODES AND PROTOCOLS

Part 5.1 Protocol for Member / Staff Relations

1 General Principles

- 1.1 Members and Officers will abide by the provisions of their respective Codes of Conduct. The shared object to these Codes is to ensure that the integrity of local government is (and is seen to be) maintained and enhanced.
- 1.2 This Protocol reflects the principles underlying the respective Codes of Conduct, and good practice. It aims to provide an open and honest working relationship between Officers and Members that ensures the delivery of the Council's statutory and other proper functions in a transparent and accountable fashion.
- 1.3 Mutual respect and high standards of courtesy are essential to this relationship. Neither Members nor Officers should seek to take unfair advantage of their position.
- 1.4 A relevant extract from an earlier National Code of Local Government Conduct Guidance for Members is produced below:
 - 1.4.1. Both Councillors and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, the Committees and Sub-Committees.
 - 1.4.2. Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.
- 1.5 For the avoidance of doubt, unless stated otherwise, any reference in this protocol to a Committee includes the Cabinet and any sub-committee, panel, forum or working party established under the Council's Constitution.
- 1.6 Officers are accountable to their Director and, whilst Officers will seek to assist any Member, they must not be asked by Members to go beyond the bounds of whatever authority they have been given by their Director.
- 1.7 Any dispute over any provision of this protocol should be referred in the first instance to the responsible Director or the Managing Director. If agreement cannot be reached, the Managing Director will seek to resolve the issue in conjunction with the Leader of the Council and/or the leader of the appropriate Party Group. Issues relating to Officer conduct will be dealt with under disciplinary procedures. Any unresolved dispute relating to Member conduct will

be decided by the Standards Committee in accordance with Article 9 of the Council's Constitution.

2 Officer Advice to Party Groups

- 2.1 There is statutory recognition for Party Groups, and Officers must support these groups impartially and equally. (It is recognised that some weighting of demand is likely to reflect the relative group strengths but this must not be to the disadvantage of service to all Members and the electorate that they represent.) Support can range from briefings to presentations at group meetings.
- 2.2 Members will not expect or receive any support on party matters, but only on approved or authorised Council business. If Officers are to be present, Party groups will divide their agenda, so that Officers can leave when the group discusses party business, and will inform the Officers concerned in advance if the meeting will include non-Members who would not be bound by this protocol or any National Codes.
- 2.3 Officers will respect Party confidentiality but will be bound by their statutory obligations and so should not be placed in any position of potential conflict by Party groups.
- 2.4 Support to Party groups is only proper and legal if used on Council matters; use for private or Party benefit is unlawful.
- 2.5 Party group meetings form part of the preliminaries to Council decision making and are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions. Members must not ask Officers to implement a Party Group decision unless and until that decision has been properly taken in accordance with Article 3 of the Council's Constitution.
- 2.6 Where Officers provide information and advice to a Party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant meeting of Cabinet or a Committee when the matter in question is considered.
- 2.7 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Managing Director who will discuss them with the relevant group leader(s).

3 Support Services to Members and Party Groups

- 3.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

4 Members' Access to Information, Council Documents and Officer Advice

- 4.1 Members will need in the discharge of their duties to access information from Officers. This will usually be most efficiently achieved through the Directors who

- are able to provide an overview or direct the Member to the most appropriate Officer. For individual cases, Members may approach case officers, but junior staff are entitled to refer the Member to the responsible Senior Officer(s) or Director.
- 4.2 Members who wish to obtain information from Officers should request it as early as possible, recognising that Officers may require reasonable time to collate or research the information. Members will state any deadline for the provision of information. This also applies where a Member wishes to obtain information to supplement an Officer report after the agenda for a meeting has been issued.
- 4.3 Officers will make every reasonable effort to provide Members with accurate factual information and professional advice in a timely manner, unless this would exceed the Officer's authority or there are lawful reasons to prevent disclosure of the information.
- 4.4 Members have the same statutory right as any member of the public to inspect any Council document, which contains material relating to any business which is to be transacted at a Council or Committee meeting, and any relevant background papers. This right applies irrespective of whether or not the Member is a Member of the Committee concerned, or acting as a substitute. This right does not however apply to documents relating to items containing information which is exempt from publication. Correspondence held by the Monitoring Officer in relation to his duties is similarly exempt, unless released by him in the interests of furthering any enquiry.
- 4.5 The common law right of Members is much broader and is based on the principle that any Member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member to perform properly his/her duties as a Member of the Council. This principle is commonly referred to as the "need to know" principle, and will be determined in the first instance by the particular Director or Managing Director whose department holds the document in question.
- 4.6 A Member who requests to inspect documents which contain personal information about third parties will normally be expected to justify their request in specific terms.
- 4.7 A Member of one party group will not have a "need to know", and therefore does not have a right to inspect, any document which forms part of the internal workings of another party group and is in the possession of the Council or an individual Officer.
- 4.8 More detailed advice regarding Members' rights to inspect Council documents may be obtained from the Monitoring Officer.
- 4.9 Any Council information is provided to a Member on the basis that it must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council. This forms part of the Council's data protection requirements. This point is emphasised in paragraph 26 of the National Code of the earlier Local Government Conduct.

5 Relationships between Officers and Cabinet Members/Chairmen

5.1 It is important to the efficient discharge of the Council's functions that there should be a good working relationship between Cabinet Members and the Corporate Management Leadership Team and between the Chairman of a Committee and the Lead Officer and other Senior Officers who deal with matters within the terms of reference of that Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other party groups.

5.2 The Chairman of a Committee will routinely be consulted as part of the process of drawing up the agenda for business to be transacted at a forthcoming meeting. Pre-agenda meetings will be arranged between the Chairman/Vice-Chairman, Lead Officer(s) and Committee Clerk for all formal meetings of Policy Committees (including Finance, Resources, Audit and Governance) and Scrutiny Committee. These meetings will be held ideally 10 working days before the despatch of the agenda (and no later than 5 working days before).

5.3 Members must accept that in some situations an Officer will be under a duty to submit a report on a particular matter. Similarly, an Officer will always be fully responsible for the contents of any report submitted in his/her name.

5.4 Where an Officer wishes to consult a Cabinet member or Chairman as part of the preparation of a report to a decision-making body within the Council's Constitution, the following principles will apply.

5.5 The Cabinet member or Chairman may ask the report author (subject to the professional opinion of the officer):

- (a) to include particular options;
- (b) to clarify the report by expanding, simplifying or rephrasing any part of the report, or by including particular information;
- (c) to check or correct any error or omission of any matter of fact, including statements or summaries of policy or budget;
- (d) to check or correct any typing errors, omissions or duplications;
- (e) to check any estimate of costs or savings.

5.6 The Cabinet member or Chairman may not ask Officers:

- (a) to exclude any option contained in the draft report;
- (b) to exclude or alter the substance of any statement in the draft report of any Officer's professional opinion;
- (c) to alter the substance of any recommendation;
- (d) to exclude any statement that a course of action would be a "key decision" or would be contrary to policy or budget, or to exclude any statement regarding legality, fairness or financial prudence, made by Officers exercising their designated functions under Article 12 of the Council's Constitution;
- (e) to exclude any reported comments or representations arising from consultations, publicity, or supply of information to the community.

6 Correspondence

- 6.1 Correspondence between an individual Member and an Officer should not normally be copied by the Officer to any other Member. Where it is necessary in the opinion of the Officer, the Member will be informed. In other words, there will not be “silent copies”.
- 6.2 Members are entitled to send out correspondence in their own names, but should check with officers if they are concerned that they may be committing the Council to any form of action, or create obligations or give instructions on behalf of the Council. Officers will mention the involvement of a member if that member has raised the matter (eg as part of their casework) or has asked the officer to write to a constituent.

7 Involvement of Ward Councillors

- 7.1 South Norfolk Council believes that members need to be aware of significant developments in their ward in order for them to be fully effective in representing their electors and acting as community leaders.
- 7.2. It also recognises that in order for officers to give the best possible service to our residents, members need to make officers similarly aware.
- 7.3 Senior Officers as well as the Leader, Cabinet Members, Chairmen and Vice- Chairmen of Committees have a responsibility to **ensure that local members are kept informed** of significant matters that are not the subject of formal committee reports. Significant matters will be those that are likely to be of interest to local residents, the media and to the member concerned. Officers will use their judgement as to what matters should be reported but should consider the “need to know” of the local member concerned. **Local members do not have the right to all information, only that which is reasonably necessary to perform their duties.** Members’ entitlement to information is defined more fully in the Council’s “Access to information Rules, which are set out in section 4.2 of the Constitution. **The Director concerned will determine this initially.** The general presumption is that if Directors are in doubt, then the local member should be informed. But if the Director indicates that the information they pass on is confidential, Members must respect that confidentiality.
- 7.4 Members are in a unique position to act as a link between the Council and its communities and are a very valuable source of local information to the Council as they are closest to their communities. They have a responsibility to ensure that information is passed to relevant officers in order that they can give the best possible service to individuals and communities.
- 7.5 Where the issue concerns a specific ward or wards and is the subject of a committee report, then the author must ensure that the local members are consulted as part of that process. The report preparation template prompts officers to ensure this is undertaken. The Scheme of Delegation in Part 3 of the Constitution (para 1.11.2) makes it clear to officers that in the exercise of their delegated powers, they should carefully consider the

necessity of consulting the local member.

- 7.6 Ward members are routinely made aware of and **given the opportunity to comment** on planning applications, alcohol premises licensing applications and applications for neighbourhood grants relating to their wards. Officers should consider whether they should at least inform ward members about other potentially controversial applications or licence changes.
- 7.7 Whenever a public meeting is organised by the Council to consider a local issue, all Members representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting. This will not apply to circumstances where an officer is simply making administrative arrangements for a public meeting on behalf of another organisation.
- 7.8. When the Council undertakes any form of consultation on a local issue, the Ward Member(s) should be notified. This similarly applies to official events where the Chairman of the Council, the Leader or Managing Director is attending.
- 7.9. Officers should give careful consideration as to whether local members should be invited to other meetings. If, for whatever reasons they decide not to involve the local member, or if the local member having been invited does not wish to attend, then the officer should inform the local member of any significant outcome from the meeting. Likewise, Members who arrange public meetings in their ward should consider whether it would be helpful to invite appropriate officers. If they decide not to, then they should advise relevant officers of any significant outcomes from the meeting.
- 7.10. Ward Members will only kept informed of correspondence between the Council and local MPs that concern their constituents, if it is clear to the officers that the constituent has raised the same issue with both the Ward Member and the MP, or where the constituent has given her/his consent, and then only on a strictly confidential basis.
- 7.11 . It is hoped that by formalising the expectations/responsibilities of officers and members, a more consistent flow of information should be achieved. If Members feel that this protocol has not been abided by, then it should be reported to the relevant Director in the first instance.

8 Publicity

- 8.1 This Council will abide by the provisions of the Local Authority Publicity Code.
- 8.2 Information on council services will be produced in collaboration with the Communications Manager and will be impartial, reflecting council approved policy.
- 8.3 All news releases will be written and issued by the Communications Manager or nominated deputy following approval of the Lead Officer and/or Member where appropriate.
- 8.4 Publicity will not be party political and will report on and reflect Council policy
- 8.5 Media requesting political comments will be referred to the political group leaders.

- 8.6 All news releases are available on the web-site to both the public and Members at the time of issue to the media.
- 8.7 As resources permit we will make public information provided by the Council available on the website accessible to Members and residents.

Part 5.2 Code of Conduct for Employees

- 1.1 The public expects the highest standards of conduct from the employees of South Norfolk Council, and public confidence in the integrity of the Council must not be damaged.
- 1.2 All employees must conduct themselves in a way that ensures high standards of service and protects the good reputation of the Council.
- 1.3 This code sets out principles which will help maintain and improve standards and protect both employees and the Council from misunderstanding or criticism. To maintain public confidence, it refers both to work and private activities in so far as the Council's reputation could be adversely affected and/or such activities could affect an employee's ability to undertake their Council work.
- 1.4 The Code applies to all employees, and also to all Council paid employment. Employees who are members of a professional body will be bound both by their professional codes of conduct and the Council's. If any employee experiences any conflict between the Council's and their profession's codes of conduct, they are to make their Director aware immediately.
- 1.5 In accordance with the Council's disciplinary procedure, any breach of this Code may give rise to disciplinary action. A breach which is so serious as to undermine public confidence in the Council could be held to be gross misconduct (see appendix 1).

Standards

- 2.1 The Council's values are embodied in our Moving Forward Together strategy (MFT). These support employees to deliver our vision, ambition and priorities. Employees should reflect these core values in their behaviours and actions. To be:
 - Customer Focused;
 - Business like, efficient and entrepreneurial;
 - Collaborative;
 - With a 'can-do' approach

Further details on the MFT values can be found on Elink.

Standards of personal behaviour

2.2 Employees are expected to use their knowledge and expertise to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality.

2.3 Although the Nolan Committee on Standards in Public Life established its seven principles primarily with elected members in mind, they apply equally to employees in the public service. All employees are therefore expected to conduct themselves in accordance with those principles, which are:

Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

2.4 The Council is committed to promoting equal opportunities, so employees must treat all members of the local community, suppliers, customers and other employees fairly, and promote a positive working environment where trust and integrity are part of the way we operate.

2.5 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive, within the policies of the Council, to ensure value for money for the local community and to avoid legal challenge to the Council.

- 2.6 All employees must be clear about their contractual obligations to the Council and must not take outside activities, which conflicts with the Council's interests, or which is of such a nature as to raise concerns that the employee's work for the Council, or the Council's reputation may be adversely affected. With regard to unpaid or voluntary activities/work, all employees must accordingly obtain their Director's permission before undertaking any such outside activities which could be considered a conflict with the Council's interests, or which is of such a nature as to raise concerns that the employee's work for the Council, or the Council's reputation may be adversely affected. Details of the activity and the permission will be recorded on the employee's personal file.
- 2.7 Furthermore, all employees will be required to obtain permission from their Director in advance of any paid work being sought externally. For very senior posts, authority or permission may be required from Council rather than the Director. Employees will not be permitted to sell goods or services to the Council.
- 2.8 Employees must take reasonable care for their health and safety and this duty extends to other people who may be affected by their actions or omissions.

Standards of services to the public

- 2.9 Employees must always remember their responsibilities to the community and ensure courteous, knowledgeable, timely and impartial service delivery to all groups and individuals within that community.
- 2.10 Employees should ensure they are familiar with all relevant Council policies and procedures which apply to their role, and act in line with these. This includes the Rules of Financial Governance and Contract Standing Orders.
- 2.11 South Norfolk Council endeavours to deliver public services to a high standard. Employees are therefore expected, without fear of recrimination, to report any deficiency in the provision of services to the public for which they are directly responsible or for those outside their remit where they know there has been a deficiency, in accordance with the Council's Whistleblowing Policy.
- 2.12 The Council's Whistleblowing Policy provides staff with guidance and support as to how concerns can be raised within the organisation (usually through their line manager or the Monitoring Officer), and provides the opportunity to raise concerns outside of the Council where necessary. The policy is aimed to ensure no staff suffer victimisation or harassment as a result of raising their concerns.
- 2.13 In addition, the Council has a Counter-Fraud and Corruption Policy and recognises its employees as an important element in its fight against fraud and corruption. Employees are therefore positively encouraged to raise any concerns that they may have. These may relate to the internal activities of the Council, or to its dealings with suppliers or customers.

3. Disclosure of Information

- 3.1 The law requires that certain types of information must be made available to councillors, auditors, government departments and the public. This is largely governed by the Local Government (Access to Information) Act 1985. The Council itself however, might decide to make available other types of information.
- 3.2 Employees must be aware of the restrictions imposed upon them by the General Data Protection Regulation (GDPR) and Data Protection Act 2018. Each employee is responsible for the security of personal data that they may use in the course of their job. Such data must not be disclosed to any unauthorised person or organisation, even inadvertently, and includes both electronic and hard copy information. Management must therefore keep employees informed as to which information is open and which is not, and be adequately trained in understanding the restrictions of Data Protection legislation. In cases of doubt, employees should withhold information and consult the Data Protection Officer.
- 3.3 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor may they pass it on to others who might use it in such a way. This is especially relevant to employees who are privy to confidential information on tenders or costs for either internal or external contractors.
- 3.4 Any particular information received by an employee from a councillor which is personal to that councillor and is not the property of the Council must not be divulged by the employee without the prior approval of that councillor, except where disclosure is required or sanctioned by the law. If an employee has concerns about the propriety of withholding any such information received, they can discuss the matter in confidence with the Monitoring Officer.
- 3.5 On occasions an elected member could make an enquiry about a specific item of Council business. Elected members are entitled to information which is necessary to enable them to carry out their duties as councillors but a member may not be entitled to confidential information. Advice should be sought from the Monitoring Officer regarding any request from a member, for the disclosure of apparently confidential information. Employees are expected to disclose information already in the public domain.
- 3.6 Only the Managing Director, the Communications Manager, and the Communications Officer are authorised to initiate or respond to enquiries from the media and all such enquiries should be referred to one of them.
- 3.7 Employees must also be very careful about their work or domestic use of websites and social networking technology which could damage their own or the Council's reputation, and they must comply with the Council's current policies on the use of information technology which may be reviewed from time to time.

4. Party Political Impartiality

- 4.1 Employees serve the Council as a whole. They must follow every lawful decision and policy of the Council and must not allow their personal or political opinions to interfere with their work. They must therefore serve and respect the rights of all councillors equally, irrespective of the member's political affiliation.
- 4.2 Employees must declare to the Managing Director or Monitoring Officer, membership of any organisation which is not open to the public without formal membership, has a commitment of allegiance and which has secrecy about its rules, membership or conduct. This information will be recorded in a Register of Interests held by the Managing Director.

Politically restricted posts

- 4.3 Some employees will be in “politically restricted posts”. The restrictions limit their political activity outside of their employment at the Council. These employees must be mindful of the strictures of the Local Government and Housing Act 1989, Local Government Officers (Political Restriction) Regulations 1990 and Local Government (Politically Restricted Posts) (No 2) Regulations 1990.
- 4.4 Directors may, on occasions, be requested to attend political group meetings to give information. Their conduct at such meetings must not compromise their political neutrality. An employee always has the right, without fear of recrimination, to decline to address a political group. There is more guidance on the relationship between councillors and employees in the Protocol for Member/Staff Relations.

5 Relationships

Relationships with councillors

- 5.1 Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can prove embarrassing to other employees and councillors and should be avoided. In general, employees and councillors should always consider the way others may view the potential conflicts arising from social connections, especially concerning confidentiality and bias. Employees and Members must comply with the Protocol on Member / Employee Relations.

Relationships with contractors

- 5.2 Orders and contracts must be awarded on merit, by fair competition in accordance with Contract Standing Orders. Employees must disclose all relationships with current or potential contractors.
- 5.3 Employees involved in the tendering process and dealing with contractors must be clearly aware of the need to separate client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

- 5.4 If there is the slightest possibility of a conflict between an employee's duties to the Council and their relationship with the contractor, lessee, or benefit claimant etc., then the employee must report that relationship to the appropriate Director. In cases where the employee concerned is a Director, then the Managing Director or Monitoring Officer must be informed and arrangements made for the separation of duties.

Relationships with potential employees

- 5.5 Employees involved in appointment of staff must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. Employees making appointments must be aware of equal opportunities legislation.
- 5.6 In order to avoid any possible accusation of bias, employees should not be involved in any appointment where they are related to an applicant, or familiar with him or her outside work. Where this is not possible a declaration to HR should be made. Neither must they be involved in decisions relating to discipline, promotion or pay adjustments for any employee with whom they are related or otherwise closely involved.

Other relationships

- 5.7 No special favour may be shown to friends, partners, relatives or to current or former employees or to job applicants. Employees must therefore disclose to their Director all relevant relationships, whether of a business or private nature, which might have the potential to bring about a conflict with the Council's interests. Such relationships will include those with lessees, benefit claimants and grant applicants for example. If employees have doubts over the relevance of a particular relationship, they are advised to disclose it anyway. This information will be recorded in a Register of Interests held by the Monitoring Officer.
- 5.8 Employees should promote a positive working environment by not discussing their colleagues or personal matters relating to them in a negative way. Where there is a concern, this should be dealt with through the Council's formal policies and procedures.

6. Gifts, Hospitality and Sponsorship

- 6.1 S117(2) of the Local Government act 1972 states that an employee shall not accept any fee or reward whatsoever other than their proper remuneration. The Bribery Act 2010 makes it an offence for employees to receive a bribe to perform their duties improperly, or to attempt to bribe another person to perform their duties improperly.
- 6.2 Employees must be aware that corruption is a serious criminal offence. The law states that if an allegation is made it is for the employee to demonstrate that any gifts have not been corruptly obtained. Corruption is defined by both CIPFA and the Audit Commission as 'the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person'.

Gifts, tips and privileges

Gifts Below £25 – Corporate Gifts

- 6.3 Employees are permitted to accept gifts from suppliers and contractors of a value of below £25 if they can be used in the course of their Council duties - such as pens, diaries, calendars etc.

Gifts Below £25 – Personal Gifts, Tips and Privileges

- 6.4 Employees should try to avoid accepting personal gifts, tips or special privileges for themselves or their families from contractors, customers, Councillors or outside suppliers – e.g., chocolates/sweets, flowers, etc. However, there may be occasions when these cannot be refused without causing offence. In this instance the employee should declare the matter to their Manager as soon as possible who will decide what to do with the gift. The Manager may decide to allow the staff member to keep the gift, or if it is perishable they could be used in civic hospitality or distributed among the staff. If they are not perishables they could be raffled by the Sports & Social Club.

Gifts Above £25

- 6.5 Employees should try to avoid accepting gifts which are of value. If gifts offered are of value and cannot be refused without causing offence, the recipients must hand them over to the Executive Assistant to the Managing Director, after noting them in a Register of Gifts, Hospitality and Sponsorship held by the Managing Director. If they are perishables they will be used in civic hospitality or distributed among the staff. If they are not perishables they will be raffled by the Sports & Social Club.

Hospitality

- 6.6 Employees and their families must only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Invitations to attend purely social or sporting functions on advantageous terms must only be accepted when these are part of the life of the community, or where the Council should be seen to be represented. All such invitations must be reported to the Director who can sanction attendance and, irrespective of whether the invitation is accepted or not, it must be recorded in a Register of Gifts, Hospitality and Sponsorship.
- 6.7 When receiving authorised hospitality, employees shall give only relevant and factual information and must be particularly sensitive as to the timing of the event in relation to decisions which the Council may be taking which could affect those providing the hospitality.
- 6.8 Where visits to inspect equipment etc. are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions. This rule should be applied unless there is a specific decision of the Council to the contrary.
- 6.9 When hospitality has to be declined, the person who made the offer should be courteously, but firmly, informed of the procedures and standards operating within the Council.

Sponsorship

- 6.10 Where an outside organisation offers to sponsor a Council activity, the basic conventions concerning acceptance of gifts or hospitality apply. In the first instance the employee must inform their Director who will give guidance as to whether the Council will accept the offer. However particular care must be taken when dealing with contractors, potential contractors and commercial tenants. Only in very exceptional circumstances should sponsorship be accepted when only one company or organisation has had the opportunity to offer it. Whether the sponsor approaches the employee or the employee approaches potential sponsors, employees must adhere to the Council's protocol on sponsorship. Irrespective of whether the offer of sponsorship is accepted or not, it must be recorded in the Register of Gifts, Hospitality and Sponsorship.
- 6.11 Where the Council wishes to sponsor an event or service or charitable activity, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to their Director and the fact being noted in the Register of Gifts, Hospitality and Sponsorship.
- 6.12 Employees should never seek sponsorship for charitable ventures from suppliers, customers or service users, but sponsorship from these sources up to the value of £25 may be accepted provided it is not solicited and it must be recorded in the Register of Gifts, Hospitality and Sponsorship.
- 6.13 Where the Council gives support in the community, through sponsorship, grant aid, financial or other means, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

APPENDIX 1**Gross Misconduct**

This list is neither exclusive nor exhaustive but it provides some examples of gross misconduct and is lifted from the Disciplinary Policy.

Some actions and behaviour would destroy the relationship of trust and confidence that the Council needs to have in an employee, and someone may face dismissal for gross misconduct if they:

- Acts of violence, e.g. threatened or actual physical assault on any individual, fighting or riotous behaviour at work
- Theft or misappropriation of cash or property belonging to the Council or any individual whilst at work. A similar offence committed outside the course of employment may also be so regarded
- Fraud or intention to defraud, e.g. deliberate falsification of work records, time-sheets (including flex sheets), travelling and subsistence claim forms and other documents connected with claiming salaries, wages and expenses from, or making payments to SNC
- Extreme negligence resulting, for example, in danger to life and limb
- Serious disregard of SNC's health and safety rules
- Serious disregard of SNC's safeguarding policy
- Malicious damage to the property of SNC or of any individual during the course of employment
- Serious professional negligence, misconduct, omission or, in certain situations, failure in performance to a reasonable and acceptable standard
- Serious breach of the Social Media Policy
- Deliberate misuse of Information Technology in contravention of instructions to users (refer to Computer Network, Internet Access and E-Mail Policy)
- Serious cases of being under the influence of drink or (un) prescribed drugs at work (refer to Drug and Alcohol Misuse Policy).
- Serious sexual offences or serious sexual misconduct at work, including cases of harassment (refer to Equal Opportunities Policy)
- In exceptional circumstances, actions taken outside of employment will be investigated. The main consideration will be whether the conduct makes future employment unacceptable or unsuitable e.g. sexual misconduct, violent behaviour conviction when role allows the post holder to come into contact with vulnerable people.

Part 5.3 Code Of Conduct For Members

- 5.3.1 You are a member or co-opted member of South Norfolk District Council and hence you shall have regard to the following principles:
- i. selflessness,
 - i. integrity,
 - ii. objectivity,
 - iv. accountability,
 - v. openness,
 - vi. honesty, and
 - vii. leadership.
- 5.3.2 Accordingly, when acting in your capacity as a member or co-opted member:
- 5.3.3 You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- 5.3.4 You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 5.3.5 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- 5.3.6 You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- 5.3.7 You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- 5.3.8 You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the section below (from paragraph 5.3.11).
- 5.3.9 You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 5.3.10 You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Registering and declaring pecuniary and non-pecuniary interests

- 5.3.11 You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- 5.3.12 In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.
- 5.3.13 If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a *sensitive interest*.
- 5.3.14 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- 5.3.15 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.
- 5.3.16 A *sensitive interest* is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

Part 5.4 Code of Practice on Planning Matters and Judicial Matters

1. PLANNING

1.1 Lobbying

- 1.1.1 In general, lobbyists from outside a member's ward should be encouraged instead to use the public speaking system.
- 1.1.2 If pre-application discussions or post-application lobbying do occur, it is strongly advised that members do not commit themselves to a particular viewpoint before hearing all the evidence, and make it clear that any views they express are provisional pending a fully knowledge of the circumstances, officers' views, consultees' views and policy issues. Members who have taken any position or prejudged the outcome of a planning application or enforcement report should seek advice of the Monitoring Officer, Deputy Monitoring Officer or of any Solicitor in attendance at the relevant Planning Committee because they may need to withdraw from any decision making role on the matter at a planning committee. Whilst, in accordance with s.25 Localism Act 2011, the mere expression of a view by the member might mean that the member can still take part in decision making on the matter, a more emphatic expression of opinion or the existence of a vested interest, such as membership of a support or protest group is more likely to debar a member from such a decision making role. However, even this would not normally debar a local member from speaking in the capacity of local member at the meeting.
- 1.1.3 Where a member has been lobbied and/or has viewed a site in the company of an applicant or objector, he/she is expected to say so before speaking at a planning committee.
- 1.1.4 Members should ensure that written lobby material is seen by officers and placed on file so that the officers, members and the public can respond to any new issues raised. If substantial new evidence is produced at or close to a planning committee meeting, it may be necessary to defer the application.
- 1.1.5 Members should not put undue pressure on junior officers for a particular recommendation, and should themselves exercise care in engaging in lobbying or advocacy activities other than in a planning committee.
- 1.1.6 At any group meetings information publicly available may be shared but the outcome of an application or the ways members may vote should not be discussed. At Committee members should avoid referring to other members of their particular Group collectively, since that may convey the impression that the contrary has occurred.

1.2 Site Inspections

- 1.2.1 Site inspections should be used solely to acquire information about the nature of the application, the nature of the site and the possible impacts.

- 1.2.2 During site inspections, members should endeavour to keep together as a group and not engage in discussion with applicants or objectors.
- 1.2.3 During site inspections, members should endeavour not to express their personal opinions in relation to the application, the contents of the officer's report or the officer recommendation. Where members in attendance at a Site Inspection cannot subsequently attend the Planning Committee, they should ensure that a formal written note setting out their views is submitted to the Chairman of the Committee.
- 1.2.4 The public should not be permitted to speak at site inspections except where invited by the Chairman to clarify points of information. They should not be permitted to promote their opinions since the correct place for this is the public speaking section of the relevant committee meeting. They should, however, always be asked if there are any additional features or geographical viewpoints they wish the panel to see.

1.3 Decisions Contrary to Officer Recommendation or Policy or to Local Responses or Statutory Consultees

- 1.3.1 When making decisions which are:

- (a) Contrary to policy
- (b) Contrary to officer recommendations or
- (c) Contrary to comments from local objectors, Town or Parish Council or to local responses or statutory consultees,

a full, clear and convincing statement of the reasons for these decisions should be recorded in the minutes. Having voted against officer recommendation or policy, it is the responsibility of members to state reasons for the decision for minuting. The personal circumstances of an applicant will rarely provide such grounds.

- 1.3.2 If it is the professional opinion of the officers that the reasons given for a refusal are not capable of being satisfactorily supported by the officers in view of their genuinely held opinions, members should accept the need to employ consultants and/or appear themselves in order to promote the case if subsequently challenged.

1.4 Declarations of Interest and Member Applications

- 1.4.1 Where members of a Planning Committee are also members of the Cabinet of the Council, or of a public body (for example, a Parish, Town or the County Council), responsible for a planning application within the District, either directly or in collaboration with another body, they should declare an interest in the application and leave the room.
- 1.4.2 Where members are themselves submitting planning applications or development plan proposals, this should be reported to the Director. For significant applications (for example, erection of a house or houses, or a prominent extension to a listed building) or situations where a member is a

developer, direct negotiations with officers should be avoided, for example by the appointment of an architect/agent.

- 1.4.3 Members should take great care to refrain from using their position as members to influence officers or other members to support their applications/proposals or those of their family and friends in respect of whom they would have been required to declare an interest at a meeting. Applications by members should always be determined by a Planning Committee and not under delegated powers.
- 1.4.4 Members who are making regular planning applications within the District or promoting Local Plan sites as developers should not serve on the Planning Committee.
- 1.4.5 Members should not act as agents for planning applicants within the District.
- 1.4.6 Whenever a member is required to withdraw from a meeting or leave the room he/she shall not remain or return in any other capacity for that item, and for the avoidance of doubt "room" includes any public gallery or public speaking facility.
- 1.4.7 Whenever a member anticipates that the need to withdraw from a meeting would effectively leave a ward unrepresented, it is good practice for the member debarred to make arrangements for another member to represent the interests of the ward as "honorary local member", where there is time to do so. The member debarred should pass all information in his/her possession to the other member but should not seek to influence the judgment of the other member."
- 1.4.8 Members may always send to the Director written comment on a planning application. Any such comment will be placed on the public file in the usual way. Any letters from Members should contain declaration of all matters, which would be required to be declared at a Committee meeting. Where a member would be debarred as local member from taking part in a meeting, he/she should not as local member purportedly make any written comment nor use Council letterhead for any comment made.

2. CODE OF PRACTICE ON JUDICIAL MATTERS RELATING TO SITTING JUDICIALLY AS COUNCILLORS

2.1 General

- 2.1.1 This Code of Practice on Judicial matters supplements and does not replace the nationally prescribed and adopted Council's Code of Conduct and which applies to all members of the Council.
- 2.1.2 This Code is intended to apply to members appointed by the Council to sit on a Council body where they are required to sit judicially for the full hearing of an application or appeal. Those members who are appointed to serve, for example, on the Licensing, Appeals and Complaints Committee, or disciplinary hearings or appeal hearings fall into this category. However, other such instances may arise from time to time.

- 2.1.3 It is also intended to govern the behaviour of other Council members, including local members, who may be concerned with any cases to be heard, in relation to their own conduct.
- 2.1.4 Members appointed by the Council to a Council body sitting judicially have an important role where objectivity, an understanding of but independent stance from the rest of the Council and freedom from interference are crucial. They are liable to be scrutinised both within and beyond the Council as to their fulfilment of their role.
- 2.1.5 No member should seek or accept appointment to a Council body sitting judicially when it is likely that they will have a conflict of interest with the type of work to be undertaken or where their own background may prove an embarrassment having regard to the type of business to be dealt with.
- 2.1.6 A member who believes he/she may have a conflict of interest arising out of a particular case should always declare that interest and seek the guidance of the Monitoring Officer as to whether he/she should sit. Such guidance should be sought in good time before the hearing in order that a replacement member may be empanelled, if necessary.
- 2.1.7 In particular, no member should sit judicially on any case arising from or relating to a person living in or to premises situated in his/her ward (or division in the case of a member who is also elected to the County Council).
- 2.1.8 Any member not sitting on a particular case must not communicate with any member who is or might sit on that case whether privately or otherwise for the purpose of influencing his/her decision in that particular case or on cases generally. Any such communication which occurs must be reported promptly to the Monitoring Officer.

2.2 Hearings In Private Session And Local Members

- 2.2.1 In all hearings or appeal hearings to be held in private session (homelessness appeals, Members Complaints Panels and most other personal appeal matters) the matters are confidential between the Council and the individual applicant/appellant, unless the applicant/appellant authorises the Council to release information concerning the case to the local member or to anyone else, whether as advisor or "friend at the hearing". Therefore the local member has no automatic right to access to the details of the particular case, nor any other privileges in this respect.
- 2.2.2 However, Council departments will endeavour to alert applicants/appellants to the possibility that they might approach their local member for help. Where consent has been given, the relevant department will release to the local member at the time the Panel receives it, all the evidence which it has prepared for presentation at the hearing.
- 2.2.3 If before the time that the evidence is released or later, the local member feels sufficient concern about the case or about the way it has been conducted that he/she wishes to discuss the matter with the relevant Director (or nominated deputy for that purpose) then that dialogue may take place at a mutually

convenient time. The member may ask for whatever information he/she thinks may be helpful or may express any concerns he/she may have. How much the Director is prepared to release is a matter for their discretion.

- 2.2.4 Members shall not have an automatic right to speak to the case officer, as he/she might be a junior employee. A member shall not be given access to the personal file of the applicant/appellant unless the applicant/appellant has previously given his/her authority in writing.

Part 5.5 Members' Roles and Responsibilities

1 All Members

This section applies to all members of the Council.

1.1 As a member of the Council

Members should:

- a. participate in the governance and management of the Council through attendance at Council meetings
- b. take part in committees, panels and working groups of the Council to which they have been appointed.
- c. become involved in representation on outside bodies as appointed by Council and referring back relevant issues, e.g. via Scrutiny and/or the Cabinet/Council;
- d. act as an ambassador for the Council at all times

1.2 Constituency Role

Members should represent the local community in the District by:

- a. attending meetings of key stakeholders in the District where possible, including meetings of or with town or parish councils, residents' and tenants' associations;
- b. attending appropriate meetings in their Ward, including meetings with local business people and voluntary organisations;
- c. being accessible to members of the community (individually or in groups) and acting as a facilitator to meet local needs;
- d. keeping informed on key issues and promoting their community;
- e. representing the interests of their ward and of individual constituents and responding to enquiries and representations, fairly and impartially.
- f. consulting their community on the development and implementation of policies.

1.3 Key Role

Members should:

- a. maintain the highest standards of conduct and ethics and act within the law (including the Council's Standing Orders and Rules for Financial Governance) at all times.

- b. observe the Member's Code of Conduct and the Protocol on Member/Officer relations and the local code of practice on planning and judicial matters set out in the Constitution at all times, and
- c. accept a personal responsibility to undertake training and development opportunities to enable them to carry out their responsibilities as a member.

2. The Chairman of the Council

The Chairman of the Council should:

- 1.1 Promote South Norfolk as its First Citizen and to act as ambassador for the District
- 1.2 Preside over meetings of the Council
- 1.3 Nominate and campaign for the Chairman's theme for the year.
- 1.4 Act as a host to civic visitors to the District
- 1.5 Represent the Council at events to which s/he is invited throughout the year
- 1.6 Defend the democratic rights of the Council

3. The Vice Chairman of the Council

- 3.1 In the absence of the Chairman, the Vice Chairman should carry out the above roles and responsibilities.

4. The Members on the Scrutiny Committee.

Members should:

- 4.1 carry out their functions in accordance with the constitution and the "working style" of the Committee.
- 4.2 impartially challenge and evaluate the actions of the Cabinet both before and after decisions are taken by:
 - a. questioning the basis for decisions;
 - b. ensuring the policies proposed are consistent with the Council's aims and objectives and the needs of the community;
 - c. ensuring that the views of members who are not on the Cabinet and the wider community are taken into account by the Cabinet;
 - d. making recommendations for further action or amendments to the Cabinet or full Council.
- 4.3 proactively seek information about and be aware of:
 - a. all Council activities, including existing and new policies, procedures and key issues;
 - b. the formulation and management of the Council's budget.

- 4.4 be aware of national developments and best practice relating to scrutiny and to keep the scrutiny process under review.
- 4.5 consider and investigate broad policy issues and make recommendations to the Cabinet or the Council.
- 4.6 review and monitor performance and operational effectiveness in key service areas or themes including their own effectiveness and work schedule.

5. The Members of Licensing, Appeals & Complaints Committee or Development Management Committee

Members of Development Management or Licensing, Appeals and Complaints Committee, should:

- 5.1 carry out their functions in accordance with the Constitution.
- 5.2 consider and determine issues, keeping informed of any changes in law and guidance and Council policy, taking account of the guidance in the Code of Practice on Planning Matters and Judicial Matters, as the case may be.
- 5.3 be sufficiently knowledgeable in these areas to enable them to take proper informed decisions, participating in training organised by the Council.
- 5.4 co-operate fully in any appeals or inspections following decisions.

6. The Members of the Standards Committee

Standards Committee members should:

- 6.1 maintain an independent and unbiased view in assessing matters before the Committee.
- 6.2 ensure they are fully versed in the ethical principles and codes which relate to the Committee's terms of reference.
- 6.3 approach relevant points of the Committee's work in a quasi-judicial capacity.
- 6.4 support the Committee's role in training Parish Councillors in the requirements of the Code of Conduct.

7. The Members of the Cabinet (collectively)

The Leader and the Cabinet Members (Portfolio holders) should, collectively, provide clear leadership for the community and in particular:

- 7.1 lead the Sustainable Community Planning process with input and advice from the Scrutiny Committee and other bodies as appropriate.
- 7.2 lead the preparation of policies and budget and regularly review and monitor performance.
- 7.3 be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs and ensure good links with national, regional and local levels of government.

- 7.4 take decisions on resources and priorities within the policy and budget framework set by Council in order to deliver and implement the budget and the policies decided by full Council.
- 7.5 respond to any recommendations from the Scrutiny Committee and other members who are not on the Cabinet.
- 7.6 respond to the needs of local communities, seeking to resolve conflict through clear leadership.
- 7.7 be collectively accountable for decisions taken by the Cabinet.

8. The Leader

In addition to the above, the Leader should:

- 8.1 chair the Cabinet and ensure that it achieves its objectives in a timely and effective way.
- 8.2 champion and be accountable for the work of the Cabinet to the Council and the community.
- 8.3 ensure the Cabinet fully considers the scrutiny process when taking decisions.
- 8.4 actively communicate with the Cabinet Members and senior management of the Council to secure service delivery, whilst observing and following the protocol for officer member relations.

9. The Members of Cabinet as Portfolio Holders

In addition to their collective Cabinet Roles, the Portfolio Holders should:

- 9.1 co-ordinate activity within their portfolio.
- 9.2 be responsible for the budgets within their Portfolio.
- 9.3 maintain a strategic overview of their Portfolio and suggest strategies to Cabinet to carry out the policy framework.
- 9.4 review policies and suggest changes to Cabinet.
- 9.5 attend any appropriate meetings (internal or external) and/or provide written or verbal information as necessary.
- 9.6 attend Scrutiny Committee meetings as required and assist the Scrutiny process.
- 9.7 assist officers in monitoring performance within the Portfolio and make service improvements as required, whilst observing and following the Officer/Member protocol at all times.
- 9.8 involve themselves in representation of cross-agency boundaries within the remit of their Portfolio and as appointed by Council.
- 9.9 liaise with and attend appropriate Cabinet Policy Committees

The Constitution of South Norfolk Council

PART 6: MEMBERS' ALLOWANCES AND APPROVED DUTIES

PART 6 - Members' Allowances & Approved Duties**1. Basic Allowance**

- 1.1 A basic allowance per annum is automatically paid on a monthly basis to all members, which is £4,963. This is deemed to include incidental expenses such as heating, lighting, telephone, stationery and postage. No form of claim is required from the member.
- 1.2 Instead of claiming the basic allowance, members on income related benefits are entitled to claim such expenses as are wholly, exclusively and necessarily incurred in pursuance of their duties as District Councillors, up to the amount of basic allowance, regardless of excess expenditure nevertheless incurred. Such expense claims must be evidenced

2. Special Responsibility Allowance

- 2.1 In addition to the basic allowance a further payment, a Special Responsibility Allowance (SRA) is paid to members exercising special responsibilities where each payment reflects the level of responsibility. These are paid monthly. No form of claim is required from the member.
- 2.2 Special Responsibility Allowances will be paid as follows:

Tier 1 2.6 x Basic	Leader of the Council	£12,903
Tier 2 1.3 x Basic	Cabinet Members; Chairman of the Council; and Chairman of the Development Management Committee	£6,452
Tier 3 1 x Basic	Chairman of the Scrutiny Committee	£4,962
Tier 4 0.6 x Basic	Chairman of the Cabinet Policy Committees; Leader of the Main Opposition Group; and Chairman of the Electoral Arrangements Review Committee	£2,978
Tier 5 0.3 x Basic	Chairman of the Licensing Committees; Chairman of the Standards Committee; V-Chairman of the Development Management Committee; V-Chairman of the Scrutiny Committee; and V-Chairman of Council	£1,490

- 2.3 Members are permitted to claim all SRA's to which their role(s) are entitled to receive.

3. Carers' Costs

- 3.1 The Council will reimburse the costs of care for young children and other dependents if a councillor has inescapable domestic responsibilities. The period covered will be in line with the total absence for approved duties including travelling time each way. A receipt signed by the carer is required. Members are also entitled to claim in respect of up to a maximum of 8 hours per week or 2 meetings per week, whichever is the lesser for council business that relates to their work as a District councillor both in their parishes or on District Council business. This allowance should not be generally payable to members of the Councillor's family, but in exceptional circumstances there may be no alternative, and in such cases, it is delegated to the Monitoring Officer to decide if it is reasonable or not.
- 3.2 The maximum allowance is the rate of national minimum wage (aged 25 or over)

4. IT Expenses

- 4.1 Members are paid a £10 per month IT allowance, as a contribution towards any IT costs wholly and necessarily incurred to undertake their role.

5. Travelling Allowance

- 5.1 A member may use a car if such use results in substantial saving of time, is in the interests of the Council, or is otherwise reasonable:

Rates applicable	
Motor car	45p per mile - plus 5.0p per mile for any passengers
Motor-cycle	24p per mile
Cycling	20p per mile

- 5.2 Members are advised that, as a general rule, mileage claims should be made on the basis of a 'nearest available route' between start and finish of each journey for attendance at any approved duty. Travel should normally be claimed from the members' home address, and if members are travelling from a different address which is unconnected to Council business, the claim for mileage should not exceed the mileage from their home address.
- 5.3 For travel by public transport, the presumption should be that members will travel standard class. Members may travel by first class where this is the same cost, or cheaper, than standard class travel.

6. Subsistence Allowance

6.1 Day Subsistence Allowance

These allowances are paid at the same rate as for officers. The rates are:

Breakfast (more than 4 hours away from normal place of residence before 11 am.)	£8.00
Lunch (more than 4 hours away from normal place of residence including the lunch–time between 12 noon and 2 pm.)	£8.00
Evening Meal (more than 4 hours away from normal place of residence ending after 7 pm.)	£15.00

6.2 Overnight Subsistence Allowance

Absence overnight	£88
For London and the Conference of the LGA	£110

Notes:

- (a) The overnight subsistence allowance should be seen as an expected maximum allowance claimable and the amount claimed should have actually been spent. In exceptional circumstances where, as a result of the season, timing, location or period of notice it is not possible to obtain accommodation at the overnight subsistence rate, the member shall be allowed to claim the amount incurred on their accommodation. However, members should always seek to obtain the best available rate and be prepared to justify any claims made above the overnight subsistence value.
- (b) Accommodation at conferences etc is often booked by an officer and paid directly by the Council and the above limits are to apply. Officers will consult members before the arrangements are made.
- (c) If you need to book accommodation yourself, the above limits apply and must cover all expenses in any 24-hour period.
- (d) When claiming day and overnight subsistence, members must provide receipts to support the amount claimed.
- (e) In calculating the amount of subsistence the length of all approved duties (including travelling time) will be aggregated together each day and treated as if they were one approved duty.

7. Approved Duties for Payment of Travelling and Subsistence Allowances

7.1 Travelling and subsistence allowances at the levels set out in Sections 5 and 6 from time to time agreed by the authority will, except when a body to which the Council makes appointments or nominations agrees to make its own payment direct to the member, be paid to Councillors undertaking the following appointed duties:

7.1.1 Attending a meeting* of

- (a) the Council;
- (b) the Cabinet*;
- (c) a Committee of the Cabinet*;
- (d) a meeting of a Committee, Sub-Committee, Joint Committee, Panel, Joint Panel or Working Party*

*For this purpose, "meeting" means a formally constituted public meeting of the body concerned.

- (e) a pre-agenda meeting with officers as a Cabinet member, chairman or vice chairman of any committee;
- (f) a meeting of some other body to which the authority makes appointments or nominations;
- (g) local authority association of which the authority is a member;
- (h) committee or sub-committee of a body to which the authority makes appointments or nominations;
- (i) Cabinet as a representative of a minority group;
- (j) Scrutiny Committee as a Cabinet member for items called in from a Cabinet decision;
- (k) Cabinet, a Committee or Sub-Committee to raise any item on the agenda as a non-member.
- (l) which has both been authorised by the authority, a committee, or sub-committee of the authority or a joint committee of the authority and one or more other authorities, or a sub-committee of a joint committee and to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups);

7.1.2 Attendance of any meeting with and or initiated by:

- (a) The Managing Director;
- (b) A Director;
- (c) An Assistant Director
- (d) The Monitoring Officer
- (e) The Head of Internal Audit
- (f) The Senior Governance Officer and Deputy Monitoring Officer;
- (g) The Development Manager; or a Senior Planning Officer
- (h) The Planning Policy Manager

7.1.3 Where members are undertaking duties:

- (a) on behalf of the authority in pursuance of any standing order requiring a member or members to be present while tender documents are opened;

- (b) on behalf of the authority in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (c) approved by a Director in connection with discharging the duties of the authority or its committees or sub-committees.

This will be classified as an approved duty.

- 7.1.4 Attendance at training events for members, convened by the Council, or external training sessions / conferences authorised by the Monitoring Officer will be an approved duty.
- 7.1.5 In addition to the above, members of the Council who are not on the Cabinet can claim up to two visits a month to South Norfolk House to undertake Council business. Cabinet members can claim for all visits to South Norfolk House to undertake Council business.
- 7.1.6 Up to 12 ward-business-related return journeys to meetings to or within their ward each month.
- 7.1.7 Expenses incurred in participating in official duties undertaken by the Chairman or Vice Chairman and reported to Council shall, unless Council specifically disapproves, be reimbursed at the rates set out in Part 6 of this constitution.
- 7.1.8 In exceptional circumstances, other duties not included above can be designated as approved duties for the purposes of travelling and subsistence allowances, with prior approval from the relevant Director or Monitoring Officer.

7.2 Undertaking Duties for the Local Government Association (LGA)

- 7.2.1 The application of the sections on attendance allowance, travelling and subsistence for meetings of the LGA means that any member appointed to an executive panel, or task group of the LGA may claim the allowance fixed by the LGA. The claim for allowance should be made to South Norfolk Council; it will then be reclaimed from the LGA on a quarterly basis. Travelling and subsistence allowances can be claimed from South Norfolk in accordance with the Council's scheme. Any member involved in any of these activities should speak to the Monitoring Officer to ensure the correct allowances are reclaimed;

For the avoidance of doubt, the following are not eligible for reimbursement of travelling, subsistence and carers' allowance:

- Attendance at political group meetings
- Meetings attended by a single group, with no officers present
- Attendance at civic receptions and Chairman's receptions
- Attendance at meetings of outside bodies on which members have not been appointed by the Council
- Visits outside of South Norfolk House that are outside of a member's own ward (e.g. Saffron)
- Any Social Events

8. Renunciation

- 8.1 A Councillor may forego all or any part of his/her allowances under this scheme by giving notice to that effect to the Monitoring Officer.

9. Part year entitlements

- 9.1 On basic or special responsibility allowances where entitlements are affected by changes in membership or changes in responsibilities during the year, the entitlement is calculated by taking the proportion of days entitlement to a full year. In attendance and other allowances the sum payable is that in force on the day the duty was undertaken.

10. General

- 10.1 The basic and special responsibility allowances are paid in the current month. Travelling, conference and other expenses are paid in arrears.
- 10.2 Members are required to submit their claims by the fifth working day each month so that payment can be made to their bank/building society no later than 25th of the month.
- 10.3 Councillors who fail to submit a claim within 3 months of carrying out the duty or incurring the expense, will be deemed, automatically, to have waived their right to claim.
- 10.4 If any member is in doubt about entitlement to any item, the Payroll Manager should be consulted prior to submitting a claim.
- 10.5 Whenever a member appointed to a conference or course or is unable to attend, the Monitoring Officer must be notified of the substitute member before he/she attends the conference or course. Failure to do so will result in no payment being made.
- 10.6 Members must take full responsibility for the accuracy of claims made and sign declarations to that effect.

11. Withholding allowances

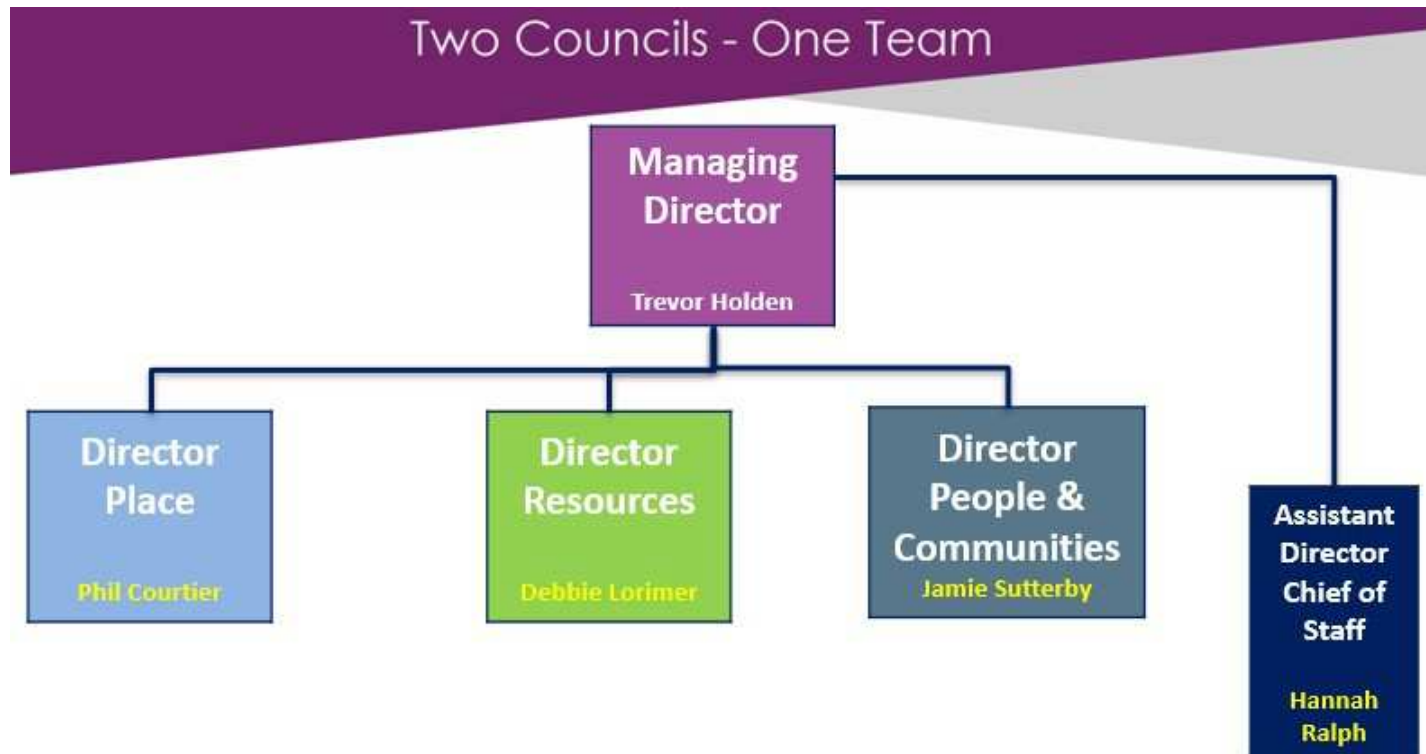
- 11.1. In certain circumstances, the council will use its powers to withhold or recover allowances from members

If you have any queries or questions or want advice on any particular points or issues, please contact the Monitoring Officer.

The Constitution of South Norfolk Council

PART 7: CORPORATE MANAGEMENT LEADERSHIP TEAM STRUCTURE

PART 7 CORPORATE MANAGEMENT LEADERSHIP TEAM STRUCTURE



The Constitution of South Norfolk Council

PART 8: CODE OF CORPORATE GOVERNANCE

Part 8 Code of Corporate Governance

South Norfolk Council

Code of Corporate Governance

South Norfolk Council works to improve the lives of its residents. We aim to retain and improve the quality of life and prosperity of South Norfolk for now and future generations, making it one of the best places to live and work in the Country. We are entrusted with public funds, and aim to spend these wisely to improve outcomes in our District.

Our Code of Corporate Governance is the framework of policies, procedures, behaviours and values which determine how we work to achieve our priorities, and is based upon the 7 principles of the International Framework for Corporate Governance in the Public Sector. The tools that make up the framework provide structures and guidance that Councillors and Officers require in order to ensure effective governance.

Good governance supports the Council through:

- Enabling the Council to achieve its objectives in an open and accountable way
- Ensures decisions are sound and lawful, upholding the Council's reputation and minimising the risk of financial loss
- Ensures decisions take into account local people's needs and priorities
- Giving the public confidence in the work we do

Our Code is underpinned by our three corporate values; to be customer focussed; can do and collaborative; and business-like, efficient and entrepreneurial.

Each year, the Council reviews its governance arrangements through the Annual Governance Statement, ensuring these arrangements are adequate and operating effectively. This statement is authorised by the Leader and Managing Director. Where reviews identify gaps in corporate governance, and action is taken to resolve these.

Our Code

Principle							
	Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of the law	Ensuring openness and comprehensive stakeholder engagement	Defining outcomes in terms of sustainable economic, social and environmental benefits	Determining the interventions necessary to optimise the achievement of intended outcomes	Developing the entity's capacity, including the capability of its leadership and the individuals within it	Managing risks and performance through robust internal control and strong public financial management	Implementing good practices in transparency, reporting and audit, to deliver effective accountability
What we aim to achieve	We are accountable for the money entrusted to us. We can demonstrate the decisions we take are appropriate and there are strong processes in place to encourage and enforce compliance with the Council's values and the law	Local Government is accountable to its public. We use clear channels of communication to engage with our residents and stakeholders, understanding their needs. We manage expectations and model service delivery to respond to demand.	We form clear, long term priorities in line with our long term ambitions. We balance the competing demands and priorities we face and allocate resources accordingly.	We have robust decision making processes to ensure defined outcomes can be achieved given the varying demands we face. We monitor our performance and delivery on an ongoing basis to ensure intended outcomes are achieved	We are a recognised investor in our people and work to develop our talent to maximise the potential of the resources we hold. We remain at the forefront of national developments to support our commitment to retaining viability.	We have robust management information procedures to ensure that outcomes are accurately reported and monitored. We welcome challenge to the way we operate, and actively learn in order to improve the way we deliver	We pro-actively make information available to give stakeholders confidence in our decision making. We have strong systems of oversight, including audit and scrutiny, to maintain accountability for our delivery

The key tools we use to deliver our code

	Principle						
	Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of the law	Ensuring openness and comprehensive stakeholder engagement	Defining outcomes in terms of sustainable economic, social and environmental benefits	Determining the interventions necessary to optimise the achievement of intended outcomes	Developing the entity's capacity, including the capability of its leadership and the individuals within it	Managing risks and performance through robust internal control and strong public financial management	Implementing good practices in transparency, reporting and audit, to deliver effective accountability
The key tools we use to support our compliance	Codes of Conduct Constitution Corporate Values Rules of Financial Governance Contract Standing Orders Staff and member training and development plans Performance Management Framework Counter-Fraud, Corruption and Bribery Policy Whistleblowing Policy	Customer Insight Strategy Statement of Community Involvement Publication of minutes and decision notices Compliments and Complaints systems Consultation Exercises	Corporate Plan Annual Business Planning Budget and Capital Programme Risk Management Strategy Programme Management approaches Equality Assessments	Committee work programmes Consultation exercises Risk Assessments Procurement Strategy Reviews of core services Medium Term Financial Strategy	Digital Transformation Programme Service Reviews Investors in People Scheme of Delegation Performance Management Framework Peer Reviews Future Forum	Risk Management Strategy Business Plans Scrutiny Committee FRAG Committee Internal and External Audit Budget Management procedures Health and Safety Policies Information Sharing Protocols	Internal and External Audit reviews External inspection of internal audit Company Governance Frameworks Annual Governance Statement Frequently Requested Information Publication Scheme Pay Policy Statement

